

**APPENDIX K**  
**PUBLIC COMMENTS ON DSEIS AND NAVY RESPONSES**

---





## Approach to Comment and Response Presentation

Pursuant to guidelines of the Council on Environmental Quality (CEQ) for implementing the National Environmental Policy Act (NEPA), the Navy, as the lead agency of this Supplemental Environmental Impact Statement (SEIS), provides responses to comments received during the public comment period of the Draft SEIS. Also, when appropriate, the Navy has added clarifying information in the main text of the SEIS to further respond to comments. The approach to the presentation of the comments received and responses provided is summarized as follows:

- Appendix K is a separate enclosure of the SEIS where all comments received and Navy responses are located. Appendix K has two attachments that contain information provided by two commenters. These attachments also are referenced with the respective commenter in the main appendix.
- Appendix K begins with a table that lists all commenters by category: Elected Officials (Federal and local); Agencies (Federal, state and local); Organizations; and Individuals. Individuals are further categorized by: traffic-related comments; erosion-related comments; and other comments.
- Comments received are grouped by the respective commenter. When a commenter used more than one method to make comments, all methods (letter, email, or oral comments at the public hearing) are provided and grouped together under the same commenter.
- Grouping the comments together by commenter separates the pages of the public hearing transcripts. This separation sometimes results in the carry-over of other comments on the subject commenter's statements. To clarify this situation, the comment text that is not relevant to the subject commenter or response has been shaded.
- The full (non-separated) transcript from the Draft SEIS public hearing of September 3, 2008 is included in the SEIS as Appendix L.
- Each commenter's written and/or transcribed statement is given a number. The statements are bracketed according to individual topic or point of discussion. These bracketed comments are illustrated on each commenter's statement and are given a letter assigned to the commenter's number (e.g. 01 is commenter; 01-A is that commenter's first comment). Each of the bracketed comments is responded to.
- The intent of the Navy responses is to directly address the comments. Where comments were mostly considered opinions of the commenters, those comments are generally not given a bracket number and letter or the term "comment noted" is provided.
- Responses provided to similar comments are frequently cross-referenced to avoid extensive duplication. In general, the comments that are addressed first (have lower number) have the more extensive responses and similar comments that appear later in the Appendix are referred to the response to another commenter (e.g. see response 08-A for further detail). Also, responses provide the reader with reference to the main text of the SEIS where more detail was written in the Draft SEIS and/or more clarification information has been added in the Final SEIS.

(This Page Intentionally Left Blank)

<b>COMMENTS BY CATEGORY</b> (Note: All Written Comments and Transcript Comments are Grouped by Commenter)	<b>COMMENT NUMBER</b>	<b>PAGE NUMBER</b>
<b>Elected Officials</b>		
<i><b>Federal</b></i>		
Representative Susan A. Davis (CA, 53 <sup>rd</sup> District)	01	K-6
<i><b>Local</b></i>		
Councilmember Al Ovrav, Jr., City of Coronado	02	K-8
Councilmember Casey Tanaka, City of Coronado	03	K-10
<b>Agencies</b>		
<i><b>Federal</b></i>		
U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service	04	K-14
U.S. Department of Interior, Office of the Secretary, Office of Environmental Policy and Compliance	05	K-17
U.S. Environmental Protection Agency	06	K-18
<i><b>State</b></i>		
California Department of Transportation	07	K-21
Native American Heritage Commission	08	K-25
<i><b>Local</b></i>		
City of Coronado, Office of the City Manager	09	K-28
City of Coronado, Engineering and Project Development	10, 11, 12, and 13	K-46
City of Coronado, Restoration Advisory Board	14	K-60
<b>Organizations</b>		
KOA Corporation, Torma (consultant to City of Coronado)	15	K-65
Opper and Varco LLP	16 and 17	K-68
San Diego Regional Chamber of Commerce	18	K-87
<b>Individuals (grouped alphabetically by comment)</b>		
<i><b>Traffic-related Comments</b></i>		
Abe	19	K-90
Crainick	20	K-92
Crenshaw	21	K-93
Friedl	22	K-94

<b>COMMENTS BY CATEGORY</b> (Note: All Written Comments and Transcript Comments are Grouped by Commenter)	<b>COMMENT NUMBER</b>	<b>PAGE NUMBER</b>
Gilby	23	K-105
Harris	24	K-106
Jamison	25	K-107
Kalab	26	K-110
Ledford	27	K-113
McArthur	28	K-117
McSwain	29	K-118
Perkins	30	K-119
Ricks	31	K-120
Scharff	32	K-122
Wynn	33	K-127
<b><i>Erosion-related Comments</i></b>		
Bent	34	K-132
Beus A.	35	K-134
Beus L.	36	K-140
Fisher	37	K-150
Garbutt A.	38	K-152
Garbutt M.	39	K-155
Goodfellow	40	K-158
Harwick	41	K-162
Heap	42	K-166
Knudsen	43	K-168
Mercer Harwick	44	K-169
Sanger	45	K-170
Sewell	46	K-173
<b><i>Other Comments</i></b>		
Callahan	47	K-182
Morgan	48	K-183
Walsh	49	K-184

# Elected Officials

SUSAN A. DAVIS  
53RD DISTRICT, CALIFORNIA  
  
WASHINGTON OFFICE:  
1526 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2060  
  
DISTRICT OFFICE:  
4305 UNIVERSITY AVENUE, SUITE 515  
SAN DIEGO, CA 92105  
(619) 280-5353

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0553**

September 18, 2008

Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136

Dear Naval Facilities Engineering Command Southwest,

I am writing with regard to the Draft Supplemental Environmental Impact Statement (DSEIS) for developing homeport facilities for three Nimitz-Class Aircraft Carriers in support of the U.S. Pacific Fleet at Naval Air Station North Island (NASNI) in Coronado, CA. I commend the Navy for hosting a public hearing on September 3, 2008 and for taking all public comments into consideration throughout the public comment period. The impact that this homeporting will have on the military community and the citizens of Coronado cannot be overlooked.

The City of Coronado is currently conducting a study to evaluate California State Routes 75 and 282 (SR 75/282), which is one of the most heavily traveled residential corridors in San Diego County. As recently as the public hearing, the City of Coronado has requested that the Navy collaborate and provide input on this study. Since these alternatives will have a direct impact on the traffic to and from NASNI, the collaboration between the City of Coronado and the Navy is vital. The SR 75/282 Transportation Corridor Project offers several alternatives for traffic mitigation and these options should be considered before the Record of Decision (ROD) is issued in early 2009.

Additionally, I am concerned about the danger posed to the residents who reside along the First Street shoreline in the vicinity of NASNI. The Army Corps of Engineers (ACOE) issued reports in 2000 and 2005 and concluded that the rapid erosion of the shoreline was a result of a 50-foot turning basin the Navy dredged along the bay to allow aircraft carriers to maneuver. As a result of this dredging, the backyards of my constituents' homes have eroded at a rate as high as 1.7 feet per year, which means that approximately a dozen homes could be lost or become too hazardous for occupancy within 15 years. I understand that the ACOE's conclusions were not evaluated as a possible explanation for the shoreline erosion so I request that you consider the findings when issuing your final report.

Further, I understand that the U.S. Fleet Forces Command in Norfolk, VA has jurisdiction over the DSEIS. Since the local Navy leadership will play a large role in implementing the findings of the ROD, I would recommend that a local point of contact

1  
PRINTED ON RECYCLED PAPER

01

COMMITTEES:  
ARMED SERVICES  
SUBCOMMITTEES:  
MILITARY PERSONNEL  
OVERSIGHT AND INVESTIGATIONS  
  
EDUCATION AND LABOR  
SUBCOMMITTEES:  
EARLY CHILDHOOD, ELEMENTARY AND  
SECONDARY EDUCATION  
HIGHER EDUCATION, LIFELONG LEARNING  
AND COMPETITIVENESS

09-23-08P03:45 RCVD

01-A

01-B

01-C

01-D

## Navy Response

### 01-A

Comment noted.

### 01-B

The Navy is a cooperating agency in the ongoing State Route 75/282 Transportation Corridor Project, Environmental Impact Statement (SR 75/282 TCP EIS), supplying specialized expertise on Anti-Terrorism/Force Protection (AT/FP), security, and Federal (military) land-use policies. The Navy meets regularly with the City of Coronado and the California Department of Transportation District 11 (CALTRANS) on traffic planning efforts. The alternatives being studied in the SR 75/282 TCP EIS are beyond the scope of this Supplemental Environmental Impact Statement (SEIS). Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 Final Environmental Impact Statement (FEIS) by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 Record of Decision (2000 ROD) for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this regional ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any TCP projects.

### 01-C

Section 5 of the SEIS is devoted to the Navy study of erosion concerns expressed by the public during the scoping period of the SEIS. It is recognized the shoreline along First Street is subject to erosion. However, neither the deepening of the turning basin at Naval Air Station North Island (NASNI) nor movements of aircraft carriers contributes to causes of this historic condition of erosion along First Street. The 2000 and 2005 U.S. Army Corps of Engineers (USACE) reports on this erosion issue have been considered in the SEIS. Additional discussion on this topic is included in Section 5 of the SEIS and several subsequent responses to comments in the following pages.

### 01-D

Please be assured that the local Navy is actively engaged with the community on a daily basis and will endeavor to continue our good neighbor practices on these and other important issues. Locally, Commander Navy Region Southwest, who serves as the Regional Environmental Coordinator as well as senior shore installation official, has supported local outreach and public involvement efforts in Coronado on a daily basis and has been directly involved in the preparation of the SEIS since its inception. In addition, the NASNI outreach program has a Community Plans Liaison Officer who is the point of contact for the local communities on land use and other issues of common interest.

be designated to serve as a liaison with the local community during the deliberative process. Even after the time has expired to submit public comments, this relationship is critical to ensure that evolving local issues can be highlighted and addressed in a timely manner.

Finally, it has been brought to my attention by my constituents that local Navy leadership has declined to take part in this process because the DSEIS is being administered by the U.S. Fleet Forces Command in Norfolk, VA. Considering the significant issues involved, I would ask that the local Navy leadership participate in this process.

The substantial changes to Coronado's traffic and shoreline erosion cannot be overlooked. I am concerned that the Navy is not fully considering all possible traffic mitigation improvements, not reviewing all available documents regarding the immediate danger posed to residents along First Street, and that local Navy leadership is not adequately participating during this comment period.

I appreciate the opportunity to share my thoughts during this public comment period. The residents of Coronado are very concerned about the way their community will be impacted by these changes. As their Representative in Congress, I hope you will seriously consider the concerns we have raised.

Sincerely,



SUSAN A. DAVIS  
Member of Congress

01-D

## Navy Response

### 01-D

Response on previous page.

Page 46

1 could have consulted you on, and any of us could have  
2 told you it wouldn't be popular in a local election.

3 So again, I would just stress that if you had  
4 worked better or more closely with the City, as you had  
5 in the past, your work product would have been far  
6 better.

7 COMMANDER KEVIN O'NEIL: That you, Mr. Tanaka.  
8 Mr. Ovrom.

9  
10 AL OVROM, JR. 02

11 AL OVROM, JR.: Al Ovrom, Jr., member of the  
12 City Council, City of Coronado.

13 As you asked early on, my views on the adequacy  
14 or inadequacy of the document, I'm sure within the law  
15 of the document is adequate.

16 However, within the realm of us in Coronado, I  
17 think it's inadequate, because it fails to address the  
18 issues of traffic within the City. And, if anything, it  
19 makes them worse instead of better.

20 Your mitigation measures that you suggested at  
21 those intersections, both at First and Alameda and  
22 Fourth and Alameda, would, in fact, spread traffic back  
23 out over First, Second, Third, Fourth, Fifth and Sixth,  
24 as it used to be before the Third Street gate was open.  
25 And if you don't believe that, you will watch sometime

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eee41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 02-A

The SEIS addresses traffic through the preparation of an updated 2008 Traffic Study that undertook project specific traffic counts during peak hours and assessed numerous roadway segments and intersections in Coronado in the vicinity of NASNI. The SEIS includes recognition that the Navy and traffic related to NASNI contribute to the cumulative conditions of congested traffic conditions in the vicinity of NASNI. The potential internal and external NASNI intersection improvements and other measures (staggering of work hours and encouragement of mass transit) are intended to reduce traffic congestion during the infrequent times when 3 homeported carriers are simultaneously in port. The Navy will continue to work with the community to be good neighbors regarding commuter traffic and to work with the City, its residents and CALTRANS District 11 to best manage traffic conditions near NASNI.

The City of Coronado and CALTRANS have the jurisdiction and responsibility for the roadway network off Department of Defense property near NASNI, not the Navy. The Navy will not implement the potential intersection improvements analyzed that are located off NASNI. However, for those potential traffic improvements located on NASNI that may affect traffic flow off base, the Navy will coordinate with both the City and CALTRANS to balance the effectiveness of reducing traffic congestion on the main routes (Third and Fourth Streets) with the dispersal of traffic off those main through routes.

For example, the potential improvements analyzed for the Fourth Street and Alameda Avenue intersection are intended to reduce intersection delays. The potential improvements consist of a new right turn lane within NASNI that previously exited directly onto Fourth Street funneling right turning traffic onto Alameda Avenue.



Page 47

1 as I've done it, and you'll watch it because they will  
2 come out the shortcut out of Fourth, they'll make a  
3 U-turn on Alameda and go right down Fourth Street.

4 So I think you're-- in regards to your  
5 analysis, it's probably clear that you have done it as  
6 with any traffic engineer; it just doesn't address the  
7 problem. And I think it has very serious shortcomings  
8 in that regard.

9 In addition, I think we all know that there is  
10 really one and only one or two solutions that will get  
11 the traffic in and out of your Base in a logical,  
12 orderly manner. That is with a cut and cover or a  
13 tunnel. That will help you; that will help us. So  
14 we're looking for your support to try to get that taken  
15 care of. We're not looking for your money. We're  
16 looking for your support.

17 Thank you.

18 COMMANDER KEVIN O'NEIL: Thank you, Mr. Ovrom.  
19 Mr. Friedl.

21 PAUL FRIEDL

22 PAUL FRIEDL: My name is Paul Friedl. That's  
23 F-r-i-e-d-l.

24 I'm a retired professional engineer, presently  
25 retired in glorious Coronado.

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 02-A

Response on previous page.

### 02-B

The Navy is a cooperating agency with CALTRANS and the City in the SR 75/282 TCP EIS. Please see response 01-B. The ongoing SR 75/282 TCP EIS is beyond the scope of the SEIS.

871eee41-8778-45d4-bf65-7dbc44f51ea5

Page 44

1                   COMMANDER KEVIN O'NEIL: Thank you, Ms. Cruz.  
2                   Mr. Tanaka.

4                   CASEY TANAKA

5                   CASEY TANAKA: Good evening. My name is  
6 Casey Tanaka. I'm a Coronado City Council member. I am  
7 commenting because it's my feeling that this particular  
8 Draft SEIS fails to adequately address a number of the  
9 traffic concerns in the City of Coronado.

10                  The chief complaint, I would say, is that this  
11 particular Draft SEIS fails to truly understand the big  
12 picture of traffic from the bridge, the Naval Base  
13 Coronado, and back to the bridge.

14                  Your summary of the Draft SEIS findings states  
15 that the SEIS analyzes several traffic improvement  
16 measures, and that if implemented, would potentially  
17 reduce traffic impact substantially. This would include  
18 some takings of properties at various streets or  
19 intersections at its worst. And these streets are  
20 already the ones that are most significantly impacted by  
21 commuter traffic.

22                  From what I can tell, these improvement  
23 measures, as you call them, are impractical and are  
24 unlikely to have local support, and frankly, seem  
25 ill-conceived.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eee41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 03-A

The potential traffic improvements identified in the SEIS include both intersections that would need right-of-way acquisitions and those that would not require any new property acquisitions. The Navy will not implement any of the potential traffic improvements analyzed in the SEIS that are located off NASNI property. The City of Coronado and CALTRANS have the jurisdiction and responsibility to implement any off base potential traffic improvements. The SEIS has been prepared for the focused purpose to supplement the 1999 FEIS, and the broader traffic issues are outside the scope of the document. The Navy continues to coordinate with the City and CALTRANS on traffic related issues in the vicinity of NASNI.

Page 45

1 If the Navy planners that have been working on  
 2 this draft had worked more closely with City officials  
 3 rather than at a distance, a better product might have  
 4 been produced.

03-B

5 The biggest thing that I think is missing from  
 6 what I've been listening to, is the idea of smooth flow  
 7 of traffic from the bridge straight to the Base and back  
 8 from the Base onto the bridge.

9 Everyone has a vested interest in getting to  
 10 work in a safe, expeditious manner, and everyone has a  
 11 vested interest in getting back home in a safe and  
 12 expeditious manner. And I think the studies you've done  
 13 at some of the intersections, frankly, failed to address  
 14 that.

15 One of the earlier speakers also noted that  
 16 many of the things that have been investigated in this  
 17 draft really are more shortcuts, and Coronado is sick of  
 18 traffic shortcuts. We want something that is an  
 19 effective way to get people on and off their Base. We  
 20 don't want something that spreads traffic all over.

03-C

21 The First Street and Alameda gate idea is  
 22 poorly conceived, and we could have helped you with  
 23 that, if we had been consulted.

24 Again, putting traffic down Fifth and Sixth  
 25 Street near schools, those are things that any of us

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 03-B

The Navy and NASNI work closely with the City on traffic and many other community issues. As addressed in the SEIS, the Navy recognizes its contribution to the cumulative peak hour traffic conditions in the vicinity of NASNI. The Navy has studied traffic conditions and has identified potential traffic improvements that with other measures also suggested in the SEIS would reduce traffic congestion during peak traffic periods during the infrequent times when 3 homeported carriers are simultaneously in port. The 2008 Traffic Study (see Appendix C and Chapter 3 of the SEIS) analyzed 25 intersections in the vicinity of NASNI and focused potential improvements on several key intersections of this roadway network. Potential improvements at key intersections would improve the flow of traffic along the main routes of commuter travel (Third and Fourth Streets). Although implementation of potential traffic improvements is the responsibility of the City and CALTRANS, the Navy will continue to coordinate with these parties on important traffic concerns near NASNI.

### 03-C

The potential traffic improvements were developed to improve the level of service for the intersections and main arterial roadway segments. The agency with jurisdiction, City of Coronado or CALTRANS, would need to balance the reduction in delay time against the potential for unintended dispersion of traffic to roads with schools. The Navy will continue to coordinate with these authorities on these and similar traffic issues.

Page 46

1 could have consulted you on, and any of us could have  
2 told you it wouldn't be popular in a local election.

3 So again, I would just stress that if you had  
4 worked better or more closely with the City, as you had  
5 in the past, your work product would have been far  
6 better.

7 COMMANDER KEVIN O'NEIL: That you, Mr. Tanaka.  
8 Mr. Ovrom.

9  
10 AL OVROM, JR.

11 AL OVROM, JR.: Al Ovrom, Jr., member of the  
12 City Council, City of Coronado.

13 As you asked early on, my views on the adequacy  
14 or inadequacy of the document, I'm sure within the law  
15 of the document is adequate.

16 However, within the realm of us in Coronado, I  
17 think it's inadequate, because it fails to address the  
18 issues of traffic within the City. And, if anything, it  
19 makes them worse instead of better.

20 Your mitigation measures that you suggested at  
21 those intersections, both at First and Alameda and  
22 Fourth and Alameda, would, in fact, spread traffic back  
23 out over First, Second, Third, Fourth, Fifth and Sixth,  
24 as it used to be before the Third Street gate was open.  
25 And if you don't believe that, you will watch sometime

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response****03-C**

Response on previous page.

871eee41-8778-45d4-bf65-7dbc44f51ea5

# **Agencies**





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 Southwest Region  
 501 West Ocean Boulevard, Suite 4200  
 Long Beach, California 90802-4213

04

In Response, Refer to:  
 150308SWR2008PRD00351:MLD

SEP 12 2008

Commander, Naval Facilities  
 Engineering Command Southwest  
 Attn: SEIS Project Manager  
 2730 McKean Street  
 Building 291  
 San Diego, California 92136

Dear Commander:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Department of the Navy's (Navy) Draft Supplemental Environmental Impact Statement/Environmental Impact Report (DSEIS/SEIR) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in support of the U.S. Pacific Fleet, dated August 2008 and other information provided to NMFS Southwest Region staff. NMFS has already completed informal consultation under Section 7 of the Endangered Species Act (ESA) and Essential Fish Habitat consultation, in a letter sent to Commander Stathos, dated August 18, 2008. We provide the following comments regarding the construction activities planned for Berth LIMA at the Naval Station North Island (NANSI) in San Diego, CA for those marine mammal species not currently listed as threatened or endangered under the ESA, but that are protected under the Marine Mammal Protection Act (MMPA) and may be potentially impacted by the proposed project. 04-A

#### Proposed Project

The purpose of the proposed project is to modernize and upgrade the existing homeport berth at NASNI, Berth LIMA, to accommodate the arrival of an additional nuclear powered aircraft carrier at this facility, expected in April 2010. The proposed project would include a series of infrastructure improvements including the construction of a new fendering system, mooring bollards, an aircraft carrier security building, installation and improvements to information and electrical systems, mechanical utility upgrades, and other site improvements will also be completed. Construction of the new fendering system will involve the removal of the existing concrete fender panels and its replacement using a concrete fender pile system, similar to the system used at the adjacent berths, JULIET and KILO, and consistent with current aircraft carrier berthing standards. No dredging will be required. Infrastructure improvement construction is scheduled to begin January 30, 2009, and end March 30, 2010. Other construction activities (*i.e.*, the security building), will begin August 25, 2009 and end July 9, 2010.



#### Navy Response

##### 04-A

The referenced August 18, 2008 National Marine Fisheries Service (NMFS) letter to "Commander" Stathos is included in Appendix L of this Final SEIS. Please note that the correct title is Mr. Christopher Stathos.

2

Fendering system construction will involve placing 190 piles to support extra large foam-filled fenders (8 ft-diameter). The piles will be concrete composite, 2 foot square (ft<sup>2</sup>) in width, and will be driven from 10 to 15 feet into the sediment. Piles may be driven by using a jetting and/or hydraulic pile driver. Pile driving activities are expected to be completed in approximately 50 days and all construction will occur during daylight hours.

04-B

#### Marine Mammal Protection Act Comments

California sea lions (*Zalophus californianus*) and Pacific harbor seals (*Phoca vitulina richardii*), are commonly found in San Diego Bay. In addition, bottlenose dolphins (*Tursiops truncatus*) and common dolphins (*Delphinus* spp.) are sometimes observed in the area and from December to May, during its migration, the gray whale (*Eschrichtius robustus*), occasionally enters San Diego Bay.

04-C

Whales, seals, seal lions, and dolphins are protected under the Marine Mammal Protection Act of 1972 (MMPA). The MMPA is the principal Federal legislation that guides marine mammal species protection and conservation. Under the MMPA, "take" of a marine mammal is permitted by NMFS under an Incidental Harassment Authorization (IHA) when the specified activity is incidental, but not intentional, of a small number of marine mammals. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. "Harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

To preclude adverse affects, the Navy will employ avoidance and minimization measures including, the performance of a visual sweep of the project area, or of a 100-foot radius (whichever is greater) prior to commencing pile driving activities, and after a break in pile driving for more than 30 minutes. Pile driving activities would result in underwater noise levels less than that determined to cause harm to pinnipeds by NMFS (190 dB [68 FR 64595]). The DSEIS/SEIR states that marine mammals are highly mobile organisms, and therefore, if disturbed by pile driving or vessel traffic would likely leave the area. To avoid or minimize potential effects to marine mammals, construction staff would be informed in writing, of the possibility of such occurrences and the general appearance of the species. If any marine mammals are seen within this visual range, the Navy will not commence pile driving activities until 15 minutes has passed since the last such sighting, or the animal has moved out of the established range. If a marine mammal moves within this established range while pile driving activities are occurring, such activities can continue without interruption. Prior to the start of pile driving each day, after each break of more than 30 minutes, and if any increase in the intensity is required, the Navy will use a ramp-up procedure. This procedure involves a slow increase in the pile driving to allow any undetected animals in the area to voluntarily depart. Given the anticipated low levels of disturbance, limited abundance of these animals in the project region, and implementation of preventative measures, the Navy has determined that project activities would not adversely affect marine mammals.

Although, the DSEIS/SEIR stated that noise associated with the project will be less than 190 dB, and because the Navy will not have an Incidental Harassment Permit under the MMPA, should project activities cause take, likely in the form of harassment, as defined above, of a marine mammal (*i.e.*, disturbed animals leaving the area as a result of construction activities), officials should stop work and immediately contact Monica DeAngelis at NMFS' Southwest Regional Office at 562-980-3232. In the

#### Navy Response

##### 04-B

Comment noted. Since publication of the Draft SEIS on August 8, 2008, the Navy has altered design plans for the proposed fendering system that reduces the number of needed piles from 190 to 80 and the time of in-water work from 50 to 30 days. All construction is planned occur during daylight hours.

##### 04-C

Comment noted. NMFS Southwest Region has accurately described the Navy's procedures to avoid, minimize and protect marine mammals during construction activities for the proposed improvements at Berth LIMA. The NMFS's Southwest Regional Office and referenced points of contact will be contacted as appropriate and if needed.


3

unlikely event of a collision with a marine mammal, project officials must immediately contact NMFS Stranding Coordinator, Mr. Joseph Cordaro at (562) 980-4017.

NMFS appreciates the Navy's efforts to comply with federal regulations and to conserve protected species. Please contact Monica DeAngelis at 562-980-3232 or [Monica.DeAngelis@noaa.gov](mailto:Monica.DeAngelis@noaa.gov), if you have any questions concerning this letter or if you require additional information.

04-C

Sincerely,



Rodney R. McInnis  
Regional Administrator

**Navy Response****04-C**

Response on previous page.





## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

05

IN REPLY REFER TO  
ER 08/842

*Hard Copy*

17 September 2008

Ms. Ann Rosenberry,  
Naval Facilities Engineering Command Southwest,  
2730 McKean Street,  
Building 291,  
San Diego, CA 92136

Subject: Review of the Draft Supplemental Environmental Impact Statement (DSEIS) for  
Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in  
Support of the U.S. Pacific Fleet

Dear Ms. Rosenberry;

The Department of the Interior has received and reviewed the subject document and has no  
comments to offer.

05-A

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC

**Navy Response**

05-A

Comment noted.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105-3901

06

September 18, 2008

Robert Montana  
 SEIS Project Manager (Code ROPME.RM)  
 Naval Facilities Engineering Command Southwest  
 2730 McKean St., Building 291  
 San Diego, CA 92136

Subject: Draft Supplemental Environmental Impact Statement (DSEIS) for developing homeport facilities for three Nimitz-class aircraft carriers in support of the U.S. Pacific Fleet, Coronado, California (CEQ # 20080303)

Dear Mr. Montana:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA) Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Draft Supplemental Environmental Impact Statement (DSEIS) supplements the 1999 Final EIS with information relevant to environmental conditions that have emerged since the 2000 Record of Decision (ROD). Specifically, the DSEIS focuses on vehicular traffic and traffic-related issues around the Naval Air Station North Island (NASNI) in Coronado, California from an expected increase in the average number of intermittent nonconsecutive days each year (from 13 to 29) that the 3 nuclear powered aircraft carriers (CVNs) would be homeported simultaneously. The DSEIS also addresses impacts from minor CVN berth infrastructure improvements and potential shoreline erosion along First Street in Coronado.

Based on our review, we have rated the DEIS as Lack of Objections (LO) (see enclosed "Summary of Rating Definitions"). The DSEIS acknowledges that NASNI contributes significantly to average traffic volumes in the area; however, monitoring of the mitigation measures implemented from the 2000 ROD shows that these measures have been effective in reducing peak and total traffic on the local and regional road network. These measures include staggering of work schedules, encouraging car- and vanpools, and subsidizing public transit. The Navy's Transportation Incentive Program (TIP) has been utilized by over 1,300 commuters or approximately 6% of Navy and civilian employees and has been recognized with an award by the San Diego Area Association of Governments. EPA encourages the Navy to continue to provide transit incentives and encouragement to further increase TIP users. We also commend the Navy for identifying potential external traffic improvements that could reduce traffic impacts substantially, and its willingness to pursue Department of Defense funding should these

06-A

Printed on Recycled Paper

## Navy Response

### 06-A

Rating of Lack of Objections noted.

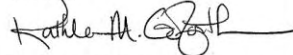
improvements be approved by the City of Coronado and Caltrans.

The proposed minor infrastructure improvements will include removal of the top concrete and asphalt surface of the quaywall for replacement. The Navy should implement mitigation measures to ensure that this material does not enter the marine environment during removal activities. We commend the Navy for proposing drainage improvements, including a below-surface sand filter to remove metals and a wet well and sump pump to allow capture and cleaning of the first quarter inch of rainfall. These improvements will help prevent water quality degradation.

06-B

EPA appreciates the opportunity to review this DSEIS. When the FSEIS is released, please send one hard copy (without appendices) and one CD to this office at the above address (mail code: CED-2). If you have any questions, please contact me at 415-972-3521 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Kathleen M. Goforth, Manager  
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions

## Navy Response

### 06-B

The Navy will ensure Best Management Practices during demolition and construction activities to protect the marine environment in the vicinity of Berth LIMA.

## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

## Navy Response

Response on previous page.

09-25-08A08:39 KCVD

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

District 11  
Planning Division  
4050 Taylor Street, MS 240  
San Diego, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-3338

07



*Flex your power!  
Be energy efficient!*

September 22, 2008

11-SD-75  
Draft SEIS  
Navy Homeport Facilities

Mr. Robert Montana  
SEIS Project Manager  
Naval Facilities Engineering Command Southwest  
2730 McKean Street, Building 291  
San Diego, CA 92136

Dear Mr. Montana:

The California Department of Transportation (Caltrans) has reviewed the Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers. Caltrans has the following comments on the SEIS:

- Please remove all references to Technical Reports that were prepared by Caltrans in association with the SR-75/282 Transportation Corridor Project [e.g. page 3-32, paragraph 2, *Final Traffic Noise Impact Report (Caltrans 2007)*]. These technical reports are in the draft stage, and are associated with a Draft environmental document that is still in the process of being completed, so the information should not be released to the public.

07-A

- The future traffic volumes are significantly less for Years 2015 and 2030 using the "worst case" traffic scenario of 3 CVN (Carrier Vessel Nuclear) than the volumes identified in the Caltrans Draft Project Report (DPR) for the evaluation of potential improvement alternatives for the State Route (SR) 75/282 Transportation Corridor.

07-B

The major discrepancy in volumes are between Orange Avenue and Pomona Avenue on Third Street and Fourth Street. The SEIS TIS 2015 segment volumes on Third Street are in the range of 42,000, while the 75/282 DPR shows 56,000; on Fourth Street the SEIS TIS shows 35,000, while the 75/282 DPR shows 45,000. The discrepancy is about the same for Year 2030. In summary, the future volumes are about 12,000 less than in the SEIS TIS than identified in Caltrans DPR for the segments on Third and Fourth between Orange Avenue and Pomona Avenue in both 2015 and 2030 future year forecasts. Please explain this difference in future volumes.

- Table 2-1 Summary for the methodology consideration is reasonable. However, using the difference in daily trips between one and two carriers (42,692 ADT-37,548 ADT) will result in 5,144 ADT per carrier, which is greater than 4,805 as calculated.

07-C

- On page 3-27, several of the numbers are incorrect. The source of the table is the CARB 2008a (updated 6/26/08). Please reference the table in its exact form. The numbers in the table should not be rounded, so that misrepresentations of the "standards" do not occur. Please see the attached

07-D

*Caltrans improves mobility across California*

**Navy Response****07-A**

References to the Final Traffic Noise Report (CALTRANS 2007) have been removed as suggested.

**07-B**

In preparing the traffic technical studies for this document, careful consideration was given to forecasted horizon year traffic volumes. A new regional traffic model (referred to as the Series 11 model, developed by SANDAG) was available. The Series 11 model was found to have some differences from the previous model (Series 10) which was used for other studies, such as those used to evaluate various alternatives for the SR-75/282 TPC EIS. The differences between the Series 10 and Series 11 models are:

- The Series 10 horizon year model assumed a tunnel that connected the SR-75 from near western base of the San Diego/Coronado Bridge to a location within NASNI. This tunnel was projected to carry 23,400 Average Daily Traffic (ADT). Due to the removal of this traffic from Third and Fourth Streets, the routes were more attractive for other users in Coronado.
- The Series 10 model projects about 117,000 ADT crossing the bridge for the horizon year (Year 2030). This results in a 41 percent increase over the existing volume of 83,000 ADT.
- The Series 11 model does not assume the presence of a tunnel in its future projections. The Series 11 model is based on the existing roadway network and its prediction of existing traffic volumes crossing the San Diego/Coronado Bridge closely matches observed existing traffic volumes and is; therefore, considered to be well calibrated to actual conditions.
- The Series 11 model did not include the tunnel link since this facility is not funded. As a result it shows more realistic volumes based on funded transportation projects.

The Series 10 model was a good tool for use in the SR-75/282 TCP EIS studies. However, the SEIS relied on the most recent travel projections (Series 11 model), which provide a more accurate projection of horizon year traffic conditions in the study area.

(Continued on next page.)



09-25-08A08:39 RCVU

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF TRANSPORTATION  
District 11  
Planning Division  
4050 Taylor Street, MS 240  
San Diego, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-3338

07

**COMMENT LETTER REPEATED FROM PREVIOUS  
PAGE TO CONTINUE RESPONSES.**

ARNOLD SCHWARZENEGGER, Governor

Flex your power!  
Be energy efficient!

September 22, 2008

11-SD-75  
Draft SEIS  
Navy Homeport Facilities

Mr. Robert Montana  
SEIS Project Manager  
Naval Facilities Engineering Command Southwest  
2730 McKean Street, Building 291  
San Diego, CA 92136

Dear Mr. Montana:

The California Department of Transportation (Caltrans) has reviewed the Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers. Caltrans has the following comments on the SEIS:

- Please remove all references to Technical Reports that were prepared by Caltrans in association with the SR-75/282 Transportation Corridor Project [e.g. page 3-32, paragraph 2, *Final Traffic Noise Impact Report (Caltrans 2007)*]. These technical reports are in the draft stage, and are associated with a Draft environmental document that is still in the process of being completed, so the information should not be released to the public. 07-A
  - The future traffic volumes are significantly less for Years 2015 and 2030 using the “worst case” traffic scenario of 3 CVN (Carrier Vessel Nuclear) than the volumes identified in the Caltrans Draft Project Report (DPR) for the evaluation of potential improvement alternatives for the State Route (SR) 75/282 Transportation Corridor. 07-B
- The major discrepancy in volumes are between Orange Avenue and Pomona Avenue on Third Street and Fourth Street. The SEIS TIS 2015 segment volumes on Third Street are in the range of 42,000, while the 75/282 DPR shows 56,000; on Fourth Street the SEIS TIS shows 35,000, while the 75/282 DPR shows 45,000. The discrepancy is about the same for Year 2030. In summary, the future volumes are about 12,000 less than in the SEIS TIS than identified in Caltrans DPR for the segments on Third and Fourth between Orange Avenue and Pomona Avenue in both 2015 and 2030 future year forecasts. Please explain this difference in future volumes.
- Table 2-1 Summary for the methodology consideration is reasonable. However, using the difference in daily trips between one and two carriers (42,692 ADT-37,548 ADT) will result in 5,144 ADT per carrier, which is greater than 4,805 as calculated. 07-C
  - On page 3-27, several of the numbers are incorrect. The source of the table is the CARB 2008a (updated 6/26/08). Please reference the table in its exact form. The numbers in the table should not be rounded, so that misrepresentations of the “standards” do not occur. Please see the attached 07-D

*Caltrans improves mobility across California*

## Navy Response

### 07-A and 07-B

Responses on previous page.

### 07-C

Regarding your reference to Table 2-1 in Appendix C, the daily trips associated with each carrier was computed by using the difference between one carrier (37,548 daily trips) and three carriers (47,158 daily trips).

### 07-D

As mentioned, a couple of the numbers in the California and National Air Quality Standards were inadvertently abbreviated (e.g. .0 instead of .00). The table on page 3-27 of the SEIS and located in the Air Quality Technical Report in the appendix have been changed to the exact form as appears in CARB 2008a (updated 6/26/08).

The correct acronym for the Federal Highway Administration, FHWA, has replaced FHA throughout the SEIS.

Mr. Robert Montana  
September 22, 2008  
Page 2

page with the corrected items. This table should also be updated in the Air Quality Technical Report.

- Throughout the document the acronym for the Federal Highway Administration is referenced incorrectly. It should be FHWA instead of FHA.
- Table 9-3 – Summary of Potential Improvement Packages: Given the recent work on the Caltrans Draft Project Report (DPR) for the State Route (SR) 75/282 Transportation Corridor, it is recommended that mitigation identified in the SEIS be coordinated with Caltrans and further evaluated to determine its adequacy and feasibility.

The following comments are for information purposes pertaining to Caltrans requirements for work done within State right-of-way:

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include, but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER, and the necessary application and supporting documentation are submitted, an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or those considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). The appropriate Caltrans District 11 unit will be notified and a project manager will be assigned to coordinate the project approval.

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended that a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM) by accessing the following websites:

<http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER\\_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State highway R/W. Environmental documentation should include studies

*"Caltrans improves mobility across California"*

## Navy Response

### 07-D

Response on previous page.

### 07-E

The Navy regularly coordinates with the City and CALTRANS on traffic issues, including the potential traffic improvements analyzed in the SEIS. The City of Coronado and CALTRANS will determine which potential traffic improvements, if any, for non-Navy properties are appropriate for implementation.

### 07-F

The Navy regularly coordinates with the City and CALTRANS on traffic issues, including the potential traffic improvements analyzed in the SEIS. The City and CALTRANS will determine which potential traffic improvements, if any, for non-Navy properties are for implementation. The Navy will not implement any potential transportation improvements analyzed in the SEIS that are located off base. The City and CALTRANS have the jurisdiction and responsibility to implement any off base potential transportation improvements.

Mr. Robert Montana  
September 22, 2008  
Page 3

or letters from qualified specialists or personnel that address the potential, or lack of potential, for impacts to the following resources in State right-of-way:

Biological resources  
Archaeological and historic resources  
Visual quality  
Hazardous waste  
Water quality & stormwater  
Pre-historic resources  
Air quality  
Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in the permit approval process. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

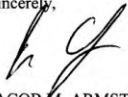
When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

Improvement plans for construction within the State highway R/W must include the appropriate engineering information consistent with the State code and be signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction work must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any general questions, please contact Trent Clark of the Development Review Branch at (619) 688-3140.

Sincerely,



JACOB M. ARMSTRONG, Chief  
Development Review Branch

*"Caltrans improves mobility across California"*

07-F

## Navy Response

### 07-F

Response on previous page.



STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-6360  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [de\\_nahc@pacbell.net](mailto:de_nahc@pacbell.net)

08



September 9, 2008

Mr. Robert Montana

UNITED STATES DEPARTMENT OF THE NAVY

NAVAL BASE - SAN DIEGO

2730 McKean Street, Bldg 291  
San Diego, CA 92136

Re: SCH#1996124006: NEPA Notice of Completion: National Environmental Policy Act (NEPA) for the proposed Developing Homeport Facilities for Three Nimitz-Class Carriers in Support of U.S. Pacific Fleet, San Diego County, California

Dear Mr. Montana:

The Native American Heritage Commission provides a list of Native American Contacts that are culturally-affiliated to the Naval Base - San Diego.

08-A

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes that may have knowledge of cultural resources in the project area. A list of Native American contacts is attached to assist you. It is advisable to contact the persons listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American person may be the only source of information about a cultural resource.

NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any ground-breaking activity; in such cases California Health & Safety Code §7050.5 may apply.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton, Program Analyst

Attachment: Native American Contact List

cc: State Clearinghouse

09-15-08P02:53 R CVD

## Navy Response

## 08-A

The subject NEPA document is a Supplemental EIS. This SEIS updates the analysis contained in the 1999 FEIS where new information and circumstances so warrant. Cultural resources and related impact analyses were adequately covered in the 1999 FEIS and do not need to be re-evaluated in this SEIS. Consultation with appropriate Native American tribes pursuant to Section 106 of the National Historic Preservation Act was done within the context of the 1999 FEIS. This consultation is further covered under the San Diego Metro Area Programmatic Agreement. The minor infrastructure improvements planned at Berth LIMA have no potential to affect archaeological properties.

**Native American Contacts**  
San Diego County  
September 9, 2008

Barona Group of the Capitan Grande  
Rhonda Welch-Scalco, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno  
Boulevard , CA 91905  
(619) 478-2113  
619-478-2125

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center , CA 92082  
(760) 749-3200  
(760) 749-3876 Fax

Santa Ysabel Band of Diegueno Indians  
Johnny Hernandez, Spokesman  
PO Box 130 Diegueno  
Santa Ysabel , CA 92070  
brandietaylor@yahoo.com  
(760) 765-0845  
(760) 765-0320 Fax

Sycuan Band of the Kumeyaay Nation  
Danny Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92021  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

Viejas Band of Mission Indians  
Bobby L. Barrett, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
daguillar@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O Box 270 Diegueno  
Santa Ysabel , CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#1996124008; NEPA Notice of Completion; Homeport Project for three Nimitz-Class Carriers; U.S. Navy; San Diego County, California.

**Navy Response**

Response on previous page.

**Native American Contacts**  
San Diego County  
September 9, 2008

**Kumeyaay Cultural Heritage Preservation**

Paul Cuero

36190 Church Road, Suite 5

Campo, CA 91906

chairman@campo-nsn.gov

(619) 478-9046

(619) 478-9505

(619) 478-5818 Fax

**Kwaaymii Laguna Band of Mission Indians**

Carmen Lucas

P.O. Box 775

Pine Valley, CA 91962

(619) 709-4207

**Inaja Band of Mission Indians**

Rebecca Osuna, Spokesperson

309 S. Maple Street

Escondido, CA 92025

(760) 737-7628

(760) 747-8568 Fax

**Kumeyaay Cultural Repatriation Committee**

Steve Banegas, Spokesperson

1095 Barona Road

Lakeside, CA 92040

(619) 742-5587

(619) 443-0681 FAX

Clint Linton

P.O. Box 507

Santa Ysabel, CA 92070

(760) 803-5694

cjlinton73@aol.com

Diegueno/Kumeyaay

**Navy Response**

Response on previous page.

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCHIP/1995/12/000; NEPA Notice of Completion; Homeport Project for three Nimitz-Class Carriers; U.S. Navy; San Diego County, California.



1825 STRAND WAY  
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER  
(619) 522-7335  
FAX (619) 522-7846

September 22, 2008

Naval Facilities Engineering Command Southwest  
Attention: SEIS Project Manager (Code:ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, California 92136

Re: "Developing Home Port Facilities for the Three NIMITZ Class Aircraft Carriers in Support of the U.S. Pacific Fleet"; Supplemental EIS Input

Dear SEIS Project Manager:

The City of Coronado appreciates this opportunity to comment on the Draft Supplemental Environmental Impact Statement for Developing Home Port Facilities for the Three NIMITZ Class Aircraft Carriers in Support of the U.S. Pacific Fleet. As stated in the Public Review and Comment, "The Draft SEIS is being prepared for the limited purpose of supplementing traffic analysis contained in the FEIS by assessing potential new information, validating impacts to traffic and analyzing the effectiveness of existing traffic mitigation measures implemented after the 2000 Record of Decision. In addition to traffic analysis, newly identified infrastructure, site improvements and alterations should also be addressed."

The City of Coronado would like the Navy to perform additional analysis as requested in the attachments A and B and as summarized below:

- 1) Project the number of days per year all three carriers will be in port. The Navy states an average of 13 days in the FEIS and 29 days in the SEIS. In 2002 the actual count was in excess of 100 consecutive days and on two weekends in July there were four carriers in port. In subsequent years, the counts have been lower, but only two carriers were assigned to NASNI. The projection of 29 days is unrealistically low. 09-A
- 2) Examine the traffic impacts before, during and after all three carriers are in port (frequent and infrequent times). 09-B
- 3) Examine the traffic impacts when transient CVNs are at NASNI and the projected number of days this will occur. 09-C
- 4) Project the total numbers of days in a year when three carriers will be in port or two CVN carriers will be in port with transient aircraft carrier(s) also on scene. 09-D

## Navy Response

### 09-A

The annual estimate of 29 intermittent and non-consecutive days when 3 homeported carriers will be simultaneously in port is a reasonable estimate based upon the Navy current assessment of various maintenance and deployment cycles (See Section 2.6.1.2 of the SEIS). Additionally, in reviewing Navy records, it is noted that during the period 2001 to 2005, the annual in-port carrier days when 3 homeported carriers were simultaneously in port ranged from 0 to 53 days for an average annual amount of 15 intermittent and non-consecutive days per year. The year 2002 did not have 100 consecutive days when 3 carriers were in port, as noted by the commenter. Navy records indicate that there were a total of 53 non-consecutive days when 3 homeported carriers were in port and that was an abnormally high number of days in one year compared with an average of 15 days.

It should also be noted that in accordance with current security requirements, decommissioning of conventional powered carriers, and space limitations, NASNI is not capable of accommodating more than 3 CVNs at any one time.

### 09-B

NASNI has been the homeport to 3 aircraft carriers since 1978. Traffic impacts during the infrequent times when 3 carriers are simultaneously in port have been previously assessed. The traffic analysis done in the 1999 FEIS adequately assessed traffic during the few times when 3 carriers are simultaneously in port, including evaluation of the slight increase in manning from a decommissioned conventionally powered carrier and a CVN. The 2008 Traffic Study undertaken with this SEIS also adequately assesses the impacts of the limited number of days when 3 carriers are simultaneously in port. The methodology that includes conducting traffic counts in the summer and fall of 2007 and projecting traffic conditions for both the near term 2015 and horizon year 2030 is appropriate for traffic planning purposes and has been approved by CALTRANS. Therefore, there is no need for any additional traffic analysis.

### 09-C

Transient carriers are not in port frequently. Moreover, Sailors from transient ships are not homported at NASNI and Sailors would not be commuters during their brief stay in port. In addition, due to adherence to security requirements, there is insufficient space within NASNI to accommodate more than 3 CVNs at the same time. Therefore, the analysis of traffic impacts for the 29 nonconsecutive, intermittent days when 3 carriers are in port simultaneously is a correct assessment.

### 09-D

As mentioned in 08-C, transient carriers are infrequently in port and Sailors do not add to the peak hour commute as their personal vehicles are not located at NASNI. As explained in Section 2.6.1.2 of the SEIS, the Navy indicates that the average number of days per year that 3 CVNs will be in port simultaneously is 29 intermittent, nonconsecutive days.



SEIS Project Manager  
Page 2  
September 22, 2008

- 5) Analyze the impact of traffic for operations and maintenance personnel, including military, civilian contract workers and those supporting all base functions. Also, analyze the 25% growth in the SEALS and the 20% growth in support staff in the next three years to Naval Amphibious Base and overall traffic as stated on page 61 of the *San Diego Military Economic Impact Study*, dated August 2008. 09-E
- 6) Analyze the effect of traffic mitigations executed and supporting data. 09-F
- 7) Re-examine the effect from increasing the capacity of the commissary and exchange and the resulting traffic increase. 09-G
- 8) Examine the effects of future projects including, but not limited to: 09-H
  - Expansion/upgrade of Navy Lodge facilities
  - Proposed new barracks to implement Sailor Ashore Program or equivalent programs
  - Proposed new Navy Exchange Restaurant.

The City of Coronado would also like the Navy to analyze the current sewage system in the areas listed below and provide the supporting data.

- 1) NASNI has an old sewage system that already, in some cases, is failing and in need of upgrading. Added volumes from a third carrier mean the adequacy of the system should be evaluated. 09-I
- 2) The base needs an improved capability to hold sewage/waste on base in the event that Coronado needs to do maintenance on its "down stream" system or if there is an emergency. 09-J
- 3) There have been numerous complaints of odors related to the sewer infrastructure adjacent to carrier wharfage that could be made worse by the addition of another source of flow from the third carrier. This condition should be addressed prior to carrier arrival. 09-K
- 4) The Navy should provide Coronado with a current sewer and storm water master plan that will cover all improvements that are anticipated under this project, the above cited conditions, and future projects. 09-L
- 5) The Navy should develop sewer flow capacity studies which, among other things, project NASNI and NAB's sewage discharge into Coronado's system out to the year 2025, as well as show the impact of expanded and/or changing uses on the bases. This study should also take into consideration the strength of the sewage (TSS, BOD/COD) as well as all industrial waste discharges and the appropriate required pretreatment that is needed prior to discharge into Coronado's and the San Diego Metro System. 09-M

## Navy Response

### 09-E

The traffic associated with each carrier is inclusive of all military personnel, maintenance personnel, civilian contract workers, visitors and deliveries (supplies). These counts are based on actual data and are consistent with other projections that have been made by the City of Coronado and their consultants. The near-term and horizon year traffic analysis does account for growth from other reasonably foreseeable Navy programs.

### 09-F

The SEIS depicts the substantial beneficial impacts of staggering work hours during the 29 nonconsecutive and intermittent days when 3 carriers are simultaneously in port (See Table 3.1-8 of the SEIS). The staggering of work hours during these times is a mitigation measure of the 2000 ROD. In addition, the Navy encouragement and use of various modes of mass transit has been assessed. For example, participation in the NASNI Transportation Incentive Program grew by 33 percent from 2004 to September 2008 (See Table 3.1-10 in Chapter 3 of SEIS).

### 09-G

Traffic from the Commissary and Exchange has been included in the existing traffic counts, since these facilities were open to customers when the counts were done in July and September 2007. In addition, these facilities are among many in the area, most notably the largest is on 32<sup>nd</sup> Street. The facilities on-base mainly serve people on-base and a few active duty/retirees living in Coronado. Other military living in the surrounding area would utilize more convenient locations.

### 09-H

The 2008 Traffic Study accounted for an increase of approximately 4,000 daily trips associated with various reasonably foreseeable future projects including those listed in the comment. In addition, the Navy is examining construction of additional bachelor quarters (barracks) on base that will serve to reduce the need for a number of sailors to commute to and from off base housing to the base. A federal Environmental Assessment is being conducted that will include an assessment of the traffic impacts (likely benefits) of implementing this program at NASNI. This future potential reduction in commuter traffic was not accounted for in the SEIS as this program is still in the planning stages and demonstrates a more conservative approach.

### 09-I

The NASNI sewer system is old, but fully capable, with more than sufficient capacity to handle sewage flows from 3 carriers. The main sewage pump station for sewage leaving NASNI and flowing into the First Street interceptor sewer line in the City of Coronado (and eventually to the Point Loma wastewater treatment plant) was completely upgraded in FY-2006. This pump station (Pump Station 1250) is a state-of-the-art facility. Also associated with this pump station are two 12,000 gallon storage tanks and a 15,000 gallon wet well, all underground, with ample capacity to handle the sewage from a third homeported carrier. Also, the sewer pipeline from Pump Station 1250 to the First Street interceptor (approximately 1,200 linear feet) will be replaced during the construction of P-704 (infrastructure improvements to Berth LIMA).





SEIS Project Manager  
Page 2  
September 22, 2008

**COMMENT LETTER REPEATED FROM PREVIOUS  
PAGE TO CONTINUE RESPONSES.**

- 5) Analyze the impact of traffic for operations and maintenance personnel, including military, civilian contract workers and those supporting all base functions. Also, analyze the 25% growth in the SEALS and the 20% growth in support staff in the next three years to Naval Amphibious Base and overall traffic as stated on page 61 of the *San Diego Military Economic Impact Study*, dated August 2008. 09-E
- 6) Analyze the effect of traffic mitigations executed and supporting data. 09-F
- 7) Re-examine the effect from increasing the capacity of the commissary and exchange and the resulting traffic increase. 09-G
- 8) Examine the effects of future projects including, but not limited to: 09-H
  - Expansion/upgrade of Navy Lodge facilities
  - Proposed new barracks to implement Sailor Ashore Program or equivalent programs
  - Proposed new Navy Exchange Restaurant.

The City of Coronado would also like the Navy to analyze the current sewage system in the areas listed below and provide the supporting data.

- 1) NASNI has an old sewage system that already, in some cases, is failing and in need of upgrading. Added volumes from a third carrier mean the adequacy of the system should be evaluated. 09-I
- 2) The base needs an improved capability to hold sewage/waste on base in the event that Coronado needs to do maintenance on its "down stream" system or if there is an emergency. 09-J
- 3) There have been numerous complaints of odors related to the sewer infrastructure adjacent to carrier wharfage that could be made worse by the addition of another source of flow from the third carrier. This condition should be addressed prior to carrier arrival. 09-K
- 4) The Navy should provide Coronado with a current sewer and storm water master plan that will cover all improvements that are anticipated under this project, the above cited conditions, and future projects. 09-L
- 5) The Navy should develop sewer flow capacity studies which, among other things, project NASNI and NAB's sewage discharge into Coronado's system out to the year 2025, as well as show the impact of expanded and/or changing uses on the bases. This study should also take into consideration the strength of the sewage (TSS, BOD/COD) as well as all industrial waste discharges and the appropriate required pretreatment that is needed prior to discharge into Coronado's and the San Diego Metro System. 09-M

## Navy Response

### 09-J

In case of an emergency or during times in which the City of Coronado needs to do maintenance on downstream systems, NASNI has capacity to temporarily hold sewage in wet wells and on-board ships. NASNI also has the capability to contract with sewage pumping companies to deal with excess sewage/waste, as the need arises. The Navy will continue to coordinate and work with the City on requests to hold sewage for maintenance.

### 09-K

NASNI has replaced the last three manhole covers before the sewage leaves the base and enters the first Street manhole owned by the City of Coronado. These replacement covers are sealed manhole covers to address the odor issue. In addition, Navy will be replacing the sewer line along Quay Road and consolidating from five manholes down to one manhole, as part of this project, to better manage seals and reduce sources of odor.

Odors in the First Street and Alameda Boulevard intersection area also emanate from the sewer system when the City of San Diego samples the First Street manhole (owned by the City of Coronado). This sampling occurs every three months. The First Street manhole needs to be sealed after each sampling event and there may be a small delay between when the City of San Diego finishes its sampling and when the City of Coronado Public Works is able to reseal the manhole after the sampling, resulting in temporary emission of odor in the general vicinity on NASNI. The Navy has no control over the efforts of either city.

### 09-L

An updated Sewer Master Plan is being planned.

### 09-M

When the NASNI Sewer Master Plan is developed, any concerns about flow capacity and sewer strength will be addressed and the new plan made available to the City of Coronado. There has been no change in the need for sewer capacity related to 3 homported carriers since this issue was studied in the 1999 FEIS. In addition, NASNI has increased sewage capacity since the last time NASNI had 3 carriers in 2005. Sewer capacity agreements with the City of Coronado are still valid and are not being exceeded.



SEIS Project Manager  
Page 3  
September 22, 2008

Residents have also expressed concern that the addition of the third carrier not create a situation where ships will extend across civilian property thereby blocking bay views. 09-N

This additional analysis is necessary to produce a Supplemental EIS that will meet its obligations to the citizens of Coronado and the general public under the National Environmental Policy Act (NEPA). We are convinced that a thorough analysis of the traffic impact for the proposed project will demonstrate significant adverse impacts to the community of Coronado and the thousands of regional residents that commute to and from NASNI. The Navy, through the SEIS, needs to continue to work with the City of Coronado and this region to alleviate its traffic impacts. It is imperative for the Navy to consider reasonable alternatives and feasible mitigation measures. The City is concerned with incremental and phased additions to base operations, which result in increased capacity and increased trips to the base and yet are not reflected in environmental documents. 09-O

We welcome the Navy's commitment to continue participating with the City to achieve a mutually advantageous solution to the real environmental problems we jointly face. A complete SEIS should recognize the growing impact that traffic will continue to have on NASNI and the community.

Sincerely,

Mark J. Ochendusko  
City Manager

MJO/rrc

attachs.

A: Oppen & Varco LLP

B: KOA Corporation

cc:

City Council

Jim Benson, Assistant City Manager

## Navy Response

### 09-N

The third carrier will be homeported at Berth LIMA at NASNI which is distant from and does not block the view of neighboring residents. In addition, due to security requirements, NASNI is limited to a maximum of three CVNs at any one time. This situation eliminates the possibility of berthing a fourth CVN that could block bay views by neighboring residents.

### 09-O

Comment noted. The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen.

ATTORNEYS AT LAW  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (619) 231-5888  
FACSIMILE: (619) 231-5853

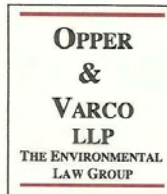
SUZANNE R. VARCO  
svarco@envirolawyer.com

RICHARD G. OPPER  
ropper@envirolawyer.com

LINDA C. BERESFORD  
lindab@envirolawyer.com

www.envirolawyer.com

September 22, 2008



The City of Coronado  
Engineering and Project Development  
Attn: Mr. Jim Benson  
1825 Strand Way  
Coronado, CA 92118-3005

Re: Draft SEIS for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet

Dear Mr. Benson:

Opper & Varco LLP has completed its review of the Draft Supplemental Environmental Impact Statement for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet ("Draft SEIS") on behalf of the City of Coronado. Our review has revealed that the Draft SEIS is inadequate and fails to comply with the National Environmental Policy Act in several respects.

This letter shall document the deficiencies identified in the Draft SEIS. We believe that the draft SEIS should be revised to correct the deficiencies raised in this letter, and that a new Draft SEIS should be recirculated for further public comment. This request for recirculation is supported by 40 C.F.R. §1502.9(a) which states: "If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion."

The Draft SEIS is inadequate, in that it fails to:

- *Comply with requirements of NEPA;*
- *Clarify the Project Description;*
- *Recognize and acknowledge direct impacts on existing conditions;*
- *Recognize and acknowledge cumulative impacts;*
- *Acknowledge and analyze future conditions and impacts;*
- *Identify realistic mitigation measures for community impacts; and*
- *Acknowledge and respond to the requirements of CEQA.*

Through the years, NASNI has incrementally expanded its functions and complement of personnel, slowly increasing the scope and intensity of the negative impacts on Coronado. This is especially evident in the list of 17 present and foreseeable

## Navy Response

### 09-P

NASNI has been the homeport for 3 carriers since 1978. The analysis of homeporting 3 CVNs and the infrequent number of days when the 3 carriers are simultaneously in port was assessed in the 1999 FEIS. The SEIS includes an updated assessment that supplements the 1999 FEIS. The SEIS includes a 2008 traffic impact study. Included in the SEIS is recognition that NASNI traffic contributes to the overall traffic conditions in the City of Coronado. Therefore, as a consequence of cumulative impacts, potential traffic improvements have been analyzed and developed for intersections within the vicinity of NASNI. The Navy will not implement any potential traffic improvements located off base. The City of Coronado and CALTRANS have the jurisdiction and responsibility to implement any potential traffic improvements located off base.

The present and reasonably foreseeable future Navy projects were accounted for in the Cumulative Impact section of the SEIS (see Chapter 6). The 2008 Traffic Study accounted for an increase of approximately 4,000 daily trips associated with these future projects, including the Navy Lodge and helicopter squadron Rotary Wing Hangar projects. In addition, the planned new bachelor quarters on base that was not included in the traffic analysis would actually reduce the need for daily trips as a number of Sailors would live on base and not need to commute to and from the base.



City of Coronado  
September 22, 2008  
Page 2

future Navy projects identified in Chapter 6. Of these 17 projects, 14 are anticipated to be completed by way of a Categorical Exemption or a Finding of No Significant Impact. Coronado is already severely impacted by traffic congestion, as well as noise and air pollution impacts resulting from the base's operations. Therefore, the homeporting of three CVN ships needs to be analyzed in terms of whether this activity exceeds the ability of Coronado to assume additional traffic burdens without severely degrading the quality of life of its residents.

09-P

The NEPA and its requisite EIS analysis require full unbiased disclosure of the likely effects of Federal projects. This analysis must include examining both direct and cumulative impacts, as well as identifying feasible mitigation measures. The Draft SEIS fails to disclose direct impacts to the community caused by increased traffic, fails to adequately analyze the cumulative effects of this project, and supplies mitigation measures that are not feasible, and in fact create impacts as significant as the ones the Navy is attempting to mitigate. The Draft SEIS circumvents the fundamental objective of NEPA of guarding the environment through full disclosure.

09-Q

The following is a summary of the deficiencies identified in the Draft SEIS, along with general suggestions for supplementing the Draft SEIS to correct the identified inadequacies.

#### Inadequacy of Historic Mitigation Measures

The Draft SEIS purports to analyze the effectiveness of mitigation measures implemented as part of the 2000 Record of Decision, including staggering work shifts, encouraging carpools and vanpools, and subsidizing the use of public transportation. The Draft SEIS asserts that the prior mitigation measures have been successful in mitigating impacts from Navy traffic. What the Draft SEIS does not reveal is that the parking mitigation (use of the parking lots at First and Alameda and at Third and Alameda) did not occur until the City of Coronado pressed for that mitigation measure to be implemented. Additionally, the barging of construction materials, while proposed by the Navy as a mitigation measure, also did not occur until the City of Coronado demanded that the Navy implement this mitigation measure.

09-R

The success of staggered work hours as a mitigation measure is unsupported by actual data. The staggering of work hours by the Navy is a recent phenomenon. The resulting effect of the staggered work hours is to lengthen the duration of the a.m. and p.m. peak hours. Figure 3.1-8 clearly shows this extended peak hour effect. An extended peak hour results in an extended period of impacts for residents attempting to cross Third and Fourth Streets. Consequently, not enough data has been collected or presented to suggest that this mitigation measure is effective as a long-term solution to mitigate traffic impacts.

09-S

## Navy Response

### 09-P

Response on previous page.

### 09-Q

Evaluations of direct impacts and conclusions are disclosed in Chapters 3, 4, and 5. Cumulative impacts are addressed in Chapter 6. Based on these evaluations, reasonable and feasible mitigation measures have been proposed. Thus, the SEIS fulfills the fundamental objective of NEPA through disclosure and mitigation of environmental impacts. This SEIS supplements the 1999 FEIS where other impacts from homeporting 3 CVNs are adequately addressed and disclosed.

### 09-R

Comments noted.

### 09-S

There was no set numerical goal or criteria for which the staggering of work hours was required to attain. The 2000 ROD stipulated that the base implement staggering of work times for carriers only when three carriers are simultaneously in port. As suggested, Figure 3.1-8 clearly shows a reduction of peak hour trips as well as a spreading of trips. Staggering of work hours during the few and intermittent days when three carriers are in port at the same time will reduce the amount of vehicles within the typical commuter peak hour in the vicinity of NASNI substantially reducing the impact of carrier related commuter traffic. The work hours of the Navy in both the morning and afternoon occur before the normal commuter peak hour. Given the effectiveness of staggering carrier work times, the SEIS includes additional mitigation that will require similar staggering of work hours when only 2 carriers are simultaneously in port.

City of Coronado  
September 22, 2008  
Page 3

Similarly, the success reported for the ride sharing and mass transit use is unsupported by actual data showing an increase in use of those methods of transportation. The Navy should include in a revised Draft SEIS a table showing the actual ridership participants for the Navy from NASNI for the last five years to support any claim that the encouragement of ridesharing and mass transit use has been an effective mitigation measure. The fact that ferry ridership alone has decreased by 3,150 riders from fiscal year 2003-2004 to fiscal year 2006-2007 (Appendix C) suggests otherwise.

09-T

#### Inadequacy and Incompleteness of Data Presented in Draft EIR

The Draft SEIS focuses primarily on impacts from vehicular traffic specifically resulting from new circumstances which were not analyzed in the 1999 FEIS. One of the new circumstances is the increase in the number of intermittent, nonconsecutive days each year when three CVNs are homeported at NASNI, from 13 to 29 days. The Draft SEIS provides no data to support the calculation of intermittent, nonconsecutive days that all three CVNs will be in port. The table provided in Chapter 2, which lists, by year, the number of CVs or CVNs in port does not include any data with respect to the number of days that two or three CVs or CVNs were simultaneously in port. By its own count, the City of Coronado is aware that in 2002, three CVNs were in port simultaneously for over 100 consecutive days. Table 2.1-1 in the Draft SEIS should document the actual number of days two or more CVs or CVNs were simultaneously in port. The Draft SEIS also acknowledges an increase in the number of maintenance days for three CVNs has increased from 24 to 32 months. Impacts from this extended maintenance schedule, and the increase in personnel, should be evaluated.

09-U

The Draft SEIS examines general traffic conditions, including the increase in Coronado Bridge traffic between 2000 and 2006. The daily trip counts presented in the Draft SEIS apply Annual Average Daily Traffic numbers which understate daily trips; the City's work day trip counts over the last five years reflect peak month daily trip ranges from 82,000 to 90,000 and weekend trips are approximately 20-25% lower. The Draft SEIS should have utilized current daily trip counts in its analysis of traffic condition changes and impacts.

09-V

The Draft SEIS attributes increases in traffic impacts in part to "continuing growth in population" in Coronado, specifically citing a 1% per year population growth. This assertion is incorrect. Population growth in the City of Coronado over the last five years has totaled 1%, amounting to a de minimus annual population growth of approximately one fifth of 1%. The Draft SEIS conclusions which are based upon this faulty population growth statistic should be reanalyzed using the accurate population growth percentages. Additionally, any conclusions which attribute changes in traffic impacts to "continuing growth in population" are incorrect and must be reanalyzed.

09-W

## Navy Response

### 09-T

As the commenter points out, and as depicted in Appendix C of the SEIS, average daily ferry ridership to NASNI decreased from 250 in 2004 to 212 in 2006. However, this level is higher than the 125 riders reported in 1999. Moreover, the total enrolled number of participants in the Transportation Incentive Program (TIP) at NASNI has grown from 1,135 in 2004 to 1,513 in September 2008. A table illustrating the participants in this program over the last 5 years has been added as Table 3.1-10 in the Final SEIS. The Navy continues to encourage NASNI employees to use mass transit for work commutes. Additionally, the Navy and SANDAG are engaged in an ongoing effort to increase ridership on mass transit.

### 09-U

See response to 09-A. As discussed in SEIS Section 2.6.1.2, the average 29 intermittent, nonconsecutive days per year that 3 carriers would be in port simultaneously include consideration of the increase in maintenance days from 24 to 32 months.

### 09-V

The Annual Average Daily Traffic counts for roadways was referenced because that data is typically used by CALTRANS when evaluating their facilities (such as the San Diego-Coronado Bridge (SR-75). Figure 3-3 of the traffic technical report (Appendix C) shows the monthly variation in traffic for the bridge. To account for seasonal traffic, all intersection counts used in this analysis are from the peak traffic month of the year, which is July.

### 09-W

The population growth rate, 1 percent per year, was based on an average of U.S. Census data from the past 40 years and SANDAG growth projections through 2030. The historical population increases were not used in the establishment of the traffic baseline for the SEIS; therefore, the reference to this information has been removed from pages ES-5 and 3-1 of the SEIS. The traffic baseline was established for the traffic analysis by project-specific traffic counts taken in July and September 2007. Traffic projections were made using the regional traffic model. Since the traffic analysis was not based on this historic population growth, reanalysis is not required.



City of Coronado  
September 22, 2008  
Page 4

Appendix C to the Draft SEIS notes that NASNI ridership on Transit Route 901 dropped approximately 350 roundtrip passengers after the San Diego-Coronado Bridge toll was removed in 2002, acknowledging that NASNI personnel elected to drive to/from NASNI rather than use mass transit. This fact indicates an increase of traffic on Third and Fourth Streets due to NASNI generated traffic, contradicting statements in the Draft SEIS that there was no increase in traffic between Orange Avenue and NASNI on Third and Fourth Streets between the 1999 FEIS and this Draft SEIS.

09-X

Appendix C presents vehicle occupancy counts for July 26, 2007. Neither the traffic study, nor the Draft SEIS indicate how many CVs or CVNs were in port when this count was taken. Additionally, a single day count is an inaccurate representation of ridesharing vs. individual vehicles. At least a week or more of vehicle occupancy counts would be required to gauge the distribution of ridesharing vs. individual commuters.

09-Y

Trip generations were calculated for foreseeable future projects in Coronado such as the Hotel del Coronado Condominium project, the Regatta Bay Condominium project, and Coronado City Views Condominium project. No trip generation calculations are presented in the Draft SEIS for any of the listed present or foreseeable future NASNI projects. It is expected that projects such as the NASNI Bachelor Quarters, the Navy Lodge expansion, and the Navy Exchange Restaurant, and the NASNI Rotary Wing Hangar will generate additional trips for which trip general calculations should have been performed and analyzed.

09-Z

The Navy is a Cooperating Agency on the City of Coronado's SR 75/282 Transportation Corridor Project (TCP) for which an Environmental Impact Statement is currently being prepared. However, the Draft SEIS includes inadequate reference to this pending project and fails to analyze the City of Coronado's project in the Navy's assessment of all alternatives. The Draft SEIS states that the "City of Coronado has been advocating further studies of improvements that involve grade separation options." This statement is factually inaccurate; the City of Coronado has been advocating long term solutions, including the possible construction of a tunnel, to the continuing traffic impacts on the community. The Draft SEIS should include a thorough description of all alternatives under consideration in the TCP, including TDM/TSM, Grade Separations, Cut and Cover Tunnels, and Twin Bore Tunnels. These are viable mitigation alternatives which the Navy cannot ignore.

09-AA

#### Inadequate Study of Traffic Impacts

The Draft SEIS provides a list of "Study Intersections." This list fails to include, and the Draft SEIS failed to analyze, impacts on Ocean Boulevard at NASNI. The Draft SEIS lists potential traffic improvement measures for five intersections which the Navy acknowledges are impacted by traffic commuting to and from NASNI. However,

09-BB

## Navy Response

### 09-X

While it is acknowledged that bus ridership to the base has decreased, the overall traffic entering and exiting the base was determined based on traffic counts at the entrance and exit gates. While there may be fewer bus riders, the data suggests that there are also fewer total vehicles entering and exiting the base. The Navy's TIP has been effective in promoting mass transit use and rideshare. Additional information on mass transit usage has been included in the SEIS, see Table 3.1-10.

### 09-Y

Vehicle occupancy data was reported to provide additional information, but not used directly in the analysis. The mode split for NASNI was assumed to be similar to current trend or as stated in the trip generation tables. Given the use of this data as informational in nature as opposed to required input for an impact analysis, 1 day of data is sufficient. As described in Section 3.1.4.4 and Appendix C of the SEIS, traffic counts were done in July and September 2007 when one carrier was in port. Baseline traffic conditions for when 2 and when 3 carriers were simultaneously in port were developed based upon extrapolating the collected data to reflect the 2 and 3 carrier in port scenarios.

### 09-Z

Cumulative projects on NASNI and within the City of Coronado were taken into account and added to the unadjusted future year traffic volumes. At the time of the 2008 traffic study, two projects have been identified on NASNI, which include the expansion of the Navy Lodge to include 220 additional rooms and the addition of a helicopter squadron to include an additional 200 personnel. The total daily traffic estimated to be generated by these projects is 2,700 ADT. Because of the uncertainty of other potential projects on NASNI and as a conservative estimate, an additional 1,300 ADT was assumed to be included as cumulative traffic for a total of 4,000 ADT. The Bachelor Quarters are anticipated to reduce peak directional traffic by placing housing for sailors on base therefore reducing commutes through the city. Traffic from the Exchange has been included in the existing traffic counts, since this facility was open to customers when the counts were done in July and September 2007.

### 09-AA

The Final SEIS includes a more thorough description of the SR 75/282 TCP EIS and alternative transportation improvement options being studied. Please see Sections 1.7.2 and 6.1.24. The Navy is a cooperating agency in the ongoing SR 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS on traffic planning efforts. The alternatives being studied in the TCP EIS are beyond the scope of this SEIS. Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 FEIS by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 ROD for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this regional ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any TCP projects.

### 09-BB

The intersection of Ocean Boulevard at Alameda Boulevard was included in the analysis. The project's trip distribution indicates that only 2 percent of carrier generated traffic uses Ocean Boulevard south/east of Alameda Boulevard, which is fewer than 100 trips per day for a typical carrier. Analysis of Ocean Boulevard was not necessary.

City of Coronado  
September 22, 2008  
Page 5

Table 3.1-7 identifies fourteen intersections with LOS F during peak hour commutes even with the staggering of work hours. The Draft SEIS further acknowledges that "NASNI contributes significantly to average traffic volumes in the area." Given NASNI's contribution to "failed traffic operating conditions within the local road network," traffic improvement measures which will reduce traffic congestion on the local road network should have been considered. In addition to the five intersections for which traffic improvement measures were proposed, additional intersections, including the following, should have been included in the consideration of traffic improvement measures:

- Alameda Boulevard/Third Street
- Orange Avenue/Fifth Street
- D Avenue/Third Street
- D Avenue/Fourth Street
- Pomona Avenue/Fourth Street
- Orange Avenue/R.H. Dana Place

Figure 3.1-3 in the Draft SEIS reportedly shows daily traffic volumes on Third and Fourth Streets from 1992 through 2006. The Draft SEIS acknowledges that 75% of the NASNI traffic enters through the Main Gate, while the remaining 25% enters through the First Street Gate and Ocean Boulevard. The traffic counts for the First Street Gate and Ocean Boulevard should be added to Figure 3.1-3 to show total volume analysis of inbound traffic onto NASNI.

Appendix C, Figure 3-10 and Figure 3-11 measure travel time during peak periods from the west end of the San Diego-Coronado Bridge to NASNI. Figure 2-10 demonstrates the time savings with the new gate on Third Street but the distance measured did not incorporate the traffic backups on the bridge when three carriers are in port. Measuring from the west end of the San Diego-Coronado Bridge does not account for backups on the bridge and on the north and southbound entrances of Interstate 5 which often occur when two or three carriers are in port. Measuring from the entrances onto the San Diego-Coronado Bridge provides an accurate and complete picture of commuter traffic. Similarly, the delays to afternoon commuters should include the delays experienced getting off the base before the delays on City streets.

The Draft SEIS considers only impacts to intersections, neglecting any analysis or discussion of impact to roadway segments.

#### Inadequacy of Proposed Mitigation Measures

The cumulative impact analysis correctly acknowledges that the cumulative effects of traffic on the Coronado community would be significant. The significant adverse impacts caused by the increase in traffic resulting from the project require incorporation

## Navy Response

### 09-CC

The five suggested improvements were at two gates (Fourth Street and First Street), as well as signalized intersections along Orange Avenue at Fourth, Third and First Streets. The other ten locations identified as having a poor LOS are mostly side street stop controlled intersections where base traffic does not add traffic to the stopped movement. In addition, the City and CALTRANS have the jurisdiction and responsibility to implement any potential traffic improvements that are located off base in the vicinity of NASNI. The Navy will not implement any potential traffic improvements located off base.

### 09-DD

See response 09-BB.

### 09-EE

These figures, along with the collected data, are intended to show the difference in travel times between the bridge and the base before and after the gate improvements were made. The gate improvements increased capacity and allowed entering traffic on Third Street to proceed straight into the base at Stockdale Boulevard. Previously, entering traffic had to turn onto Alameda Boulevard and then enter the base at McCain Boulevard. This gate improvement had no affect on travel patterns on the other side of the bridge; therefore, travel time across the bridge was not measured. Both the before and after travel times were taken with 1 carrier in port. As pointed out in Chapter 3 of the SEIS, the staggering of work hours when 3 carriers are simultaneously in port results in peak hour traffic that approximates the number of commuter trips associated with carriers as occurs when one carrier is in port. The Navy has also undertaken an operational measure called "stacking" of exiting traffic during the afternoon peak period of travel. Personnel assigned to traffic control at the Stockdale Boulevard/Alameda Avenue intersection observe traffic leaving the base on Fourth Street. They hold traffic on the base until there is sufficient storage on Fourth Street, then they release vehicles from the base. This places traffic queues on Stockdale Boulevard (on base), instead of Fourth Street. This allows for non-Navy traffic to cross the street with more ease.

### 09-FF

Roadway segments have been evaluated in the SEIS in Sections 3.1.4.4 and 6.2.3.2. The performance of roadway segments in the SEIS study area is heavily influenced by the performance of intersections; therefore, potential improvements focus on these intersections. In addition, potential traffic calming and pedestrian safety measures have been added to address concerns expressed by Coronado residents. These potential measures could include curb bulb-outs and pedestrian activated crosswalks (see Section 6.2.5). The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies.



City of Coronado  
September 22, 2008  
Page 6

of mitigation measures into the project. The mitigation measures proposed in the Draft SEIS are termed "potential" traffic improvements. The Draft SEIS at no point commits the Navy to any course of action which would result in the implementation of any of these mitigation measures. In fact, several of the mitigation measures proposed in the Draft SEIS require the approval of Caltrans or the City of Coronado, or the acquisition of rights of way, which consequently prevent implementation by the Navy of the "potential traffic improvements."

09-GG

The potential traffic improvement proposed for First Street/Alameda Boulevard would provide four lanes of inbound traffic during the a.m. peak hour. This proposed measure may improve the LOS at the intersection; however, the Draft SEIS provides no evidence that this proposed improvement will actually improve traffic conditions on surrounding streets. In fact, by providing four open lanes from First Street to Alameda Boulevard would encourage commuters to bypass Third Street, increasing traffic on First Street and approaching streets. This potential improvement defeats the purpose behind building the Third Street Gate, which was to handle the majority of traffic into the base. The number of cars commuting to NASNI will not change. The proposed "improvement" will merely move congestion from a street designed to accommodate significant levels of traffic to a street not designed for heavy traffic volumes.

09-HH

The potential traffic improvement proposed for Fourth Street/Alameda Boulevard would add an exclusive eastbound right-turn lane to direct traffic to Fifth and Sixth Streets. The flaw in this concept has been previously discussed between the City of Coronado and NBC personnel. This proposed intersection modification would encourage p.m. commuters to utilize the exclusive right-turn lane to bypass congested traffic on McCain Boulevard and Fourth Street, using Fifth and Sixth Streets for eastbound travel. This proposed improvement violates policy of the City of Coronado to keep commuter traffic off Fifth and Sixth Streets for two reasons: (1) To avoid safety issues associated with commuter traffic bypassing local schools on those streets; and (2) To avoid conflicting traffic-related issues generated by school dismissal occurring during the p.m. peak NASNI commuting hour.

09-II

The potential traffic improvement proposed for First Street/Orange Avenue (Option 1) would remove afternoon parking availability to allow for an exclusive right-turn lane onto Orange Avenue from First Street. While this intersection change may improve LOS at this particular intersection, it will create even more significant impacts on Orange Avenue and would further degrade the LOS at Third Street/Orange Avenue and Fourth Street/Orange Avenue. The already troubled intersections at Third Street/Orange Avenue and Fourth Street/Orange Avenue will not be able to accommodate the greater influx of traffic from First Street. Additionally, this proposal eliminates commercial parking in an area where parking is in high demand and does not accommodate the current Class II bike lane. This change also allows more through

09-JJ

## Navy Response

### 09-GG

The SEIS analyzed potential traffic improvements that are located on base and off base at NASNI. The potential traffic improvements located on base can be implemented by the Navy. The potential traffic improvements (that have expanded to included potential traffic calming measures) that are located off base; will not be implemented by the Navy; and must be approved and implemented by the City and CALTRANS who have jurisdiction for these city streets.

### 09-HH

Inbound traffic could still use Third Street, turn right on Alameda Boulevard and then left into the base at First Street during the AM peak hour. The agency with jurisdiction, City of Coronado or CALTRANS, would need to balance the reduction in delay time against the potential for unintended dispersion of traffic. The Navy will coordinate with the City and CALTRANS before any on base potential traffic improvements are implemented that may affect off base traffic.

### 09-II

Potential improvements that are off base are within the jurisdiction of the City and CALTRANS, not the Navy. NASNI employs many people who reside and have children in local schools and use the referenced streets for school related travel.

### 09-JJ

The referenced potential off-base traffic improvements are not within Navy jurisdiction. This improvement was suggested as a reasonable improvement to address cumulative impacts. While the Navy analyzed this potential improvement in the SEIS, the decision to implement this improvement is within the City's control. In addition, under this potential improvement, the treatment of the bike lane would change at the intersection, but would not result in the loss of a Class II bike lane. Class II bike lane standards allow for the striped lane to be dropped at an intersection when turn lanes are needed.

City of Coronado  
September 22, 2008  
Page 7

traffic on First Street to move to B and C Avenues, leading to traffic on these streets trying to cross Third Street and merge onto Fourth Street leaving the City. 09-JJ

The proposed Option 2 for First Street/Orange Avenue would encourage large truck traffic along First Street. The Third Street Gate was designed to handle the majority of traffic to and from NASNI, specifically keeping the traffic on the State Highway, especially large trucks. This proposed "improvement" encourages large truck traffic to move from Third Street onto First Street, which is not designed to accommodate large truck traffic. Additionally, this proposed "improvement" would result in the loss of a designated bike lane and street parking. These proposed changes may not be acceptable to the City of Coronado. 09-KK

The potential traffic improvement proposed for Third Street/Orange Avenue would add a second westbound left-turn lane from Third Street to Orange Avenue. Third Street currently has one designated left-turn lane and one combination left-turn and through lane. The through lane rarely blocks turn movements onto Orange Avenue. Even with an additional left-turn lane onto Orange Avenue, traffic on Orange Avenue is often congested from Fourth Street to the signal at Third Street and Orange Avenue, controlling the amount of traffic that can make the left turn. Consequently, no cars will be able to turn from Third Street to Orange Avenue regardless of the number of available left-turn lanes. 09-LL

The potential traffic improvement proposed for Fourth Street/Orange Avenue (Option 2) would channelize northbound right-turn movement from Orange Avenue to Fourth Street. This option would require the City to utilize its eminent domain powers to acquire property at the corner of Orange Avenue and Fourth Street to allow for the realignment of the roadways. Allowing movement of vehicles "through the intersection without stopping" would significantly impede the ability of pedestrians to cross Fourth Street. Allowing pedestrians to stop traffic by signalized walk periods would defeat any LOS improvement that the channelizing was intended to provide. For these reasons, this option is neither feasible, nor acceptable. 09-MM

Several of the potential traffic improvements at listed intersections require right-of-way acquisitions which may be unacceptable to Caltrans or the City of Coronado. Additionally, the Draft SEIS acknowledges that even with implementation of the proposed traffic improvements, these intersections remain at an LOS F, even with the staggered work schedules. The proposed traffic improvements, even if they were feasible to implement, would not mitigate the traffic impacts caused by the NASNI generated traffic. A long term solution is necessary. None of the mitigation measures proposed in the Draft SEIS provide a feasible means of mitigating the traffic impacts generated by NASNI personnel. 09-NN

## Navy Response

### 09-KK

See comment 09-AA. The Third Street gate improvements moved truck access and inspection to Third Street. Designated truck route enters Third Street and exits on Fourth Street. Trucks are inspected on Third Street. The treatment of the bike lane would change at the intersection, but would not result in the loss of a Class II bike lane. Class II bike lane standards allow for the striped lane to be dropped at an intersection when turn lanes are needed.

### 09-LL

While backups from Orange Avenue at Fourth Street could reduce the efficiency of the two left turn lanes, it is an improvement to the thru lanes. Vehicles in the shared left/thru lane wishing to turn left would, in fact, block thru traffic. With the potential improvement, thru vehicles would be in their own lane and not be blocked by left-turn back-ups. The Navy will not implement any potential traffic improvements that are located off base.

### 09-MM

The Navy will not implement any potential traffic improvements that are off base. The City and CALTRANS have the jurisdiction and responsibility to implement any potential traffic improvements located off base in the City. It is acknowledged that the referenced Option 2 would need the City and/or CALTRANS to acquire property to be implemented. Should the City opt to implement Option 2 and acquire property, there are feasible design measures that would allow for safe pedestrian flow and increased vehicular throughput. For instance, a pedestrian activated crossing of the right turn lane, to a channelize island would have a small decrease in capacity of the right turn lane.

### 09-NN

The intent in identifying these potential improvements was to identify feasible improvements that would lessen the affects of cumulative traffic. While it is acknowledged that not all of these potential improvements would result in an level of service (LOS) better than F, time delays would substantially be reduced (by more than 60 seconds in the afternoon peak hour). The Navy notes that NASNI contributes to average cumulative traffic volumes in the area. However, local and regional traffic improvements would be necessary even without Navy carriers to accommodate the expected growth in non-Navy traffic. Longer term improvements, such as those being studied by the City and CALTRANS, are outside the scope of this SEIS; have yet to fully defined and, therefore, cannot be readily considered in this analysis.



City of Coronado  
September 22, 2008  
Page 8

As you are aware, in order to address the existing negative impacts of NASNI traffic on the community, the City of Coronado is in the process of preparing an environmental impact report for the SR 75/282 TCP aimed at constructing new facilities to accommodate regional and community traffic congestion. The Navy is a Cooperating Agency in the City of Coronado's project, which explores various options to address the existing negative impacts of NASNI traffic on the community. In view of the additional burden that would be imposed on the Coronado community due to the currently proposed project, it is imperative that the Navy consider all options in the TCP, including the tunnels, as reasonable and feasible mitigation measures.

09-00

#### Inadequate Study of Erosion Effects

The Draft SEIS fails to provide any explanation for the contradiction between the Navy conclusion that erosion is not attributable to Naval activities and the 2001 and 2005 Army Corps of Engineers reports which indicate that Navy dredging is a contributing factor to erosion issues.

09-PP

Specifically, in preparing the Draft SEIS, the Navy should have considered the following:

- Rather than primarily qualitative discussions, the Navy should have reviewed available information to provide quantitative analysis, such as bathymetry changes and wave energy.
- Rather than relying on aerial photographs to conclude that the shoreline has been built bay-ward along First Street, the Navy should review more reliable maps of the mean high tide line (the shoreline by definition).
- The Navy should have reviewed and analyzed changes in historical near shore gradients using existing survey data (NOAA Charts and Navy bathymetric data) to determine the nature and extent, and movement over time of the deep water sinks and over steepened submerged slopes in the First Street area.
- The Navy should have analyzed the potential for sediment transport at the shoreline due to wakes/waves that impact the First Street shoreline.
- The Navy should have determined the characteristics and frequency of wakes/waves in order to determine potential erosion quantity/rate at the First Street shoreline.
- The Navy should have determined the potential for sediment transport due to tug activity while docking Navy vessels.
- The Navy should have analyzed the stability of dredged slopes under static, pseudo static, and wave action conditions to determine why the steep slopes are moving towards the First Street shoreline.

## Navy Response

### 09-00

The Navy is a cooperating agency in the ongoing SR 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS on traffic planning efforts. The alternatives being studied in the TCP are beyond the scope of this SEIS. Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any TCP projects.

### 09-PP

The Navy considered both USACE reports in their entirety as part of the 2008 Erosion Study as discussed in the SEIS, Section 5.2 and 5.3. The purpose of the 2008 Erosion Study was to address comments received during the scoping period of the SEIS by studying the potential for dredging of the turning basin or waves from aircraft carriers to be the cause of erosion along First Street. The USACE reports do not identify dredging or Navy aircraft carriers as causing or contributing to erosion along First Street. Therefore, the conclusions of the SEIS do not contradict the USACE studies. Please refer to Sections 5.2 and 5.3 of the SEIS for details, including additional information that has been included in the Final SEIS. Specific considerations are addressed as follows:

- The Navy performed quantitative analysis for the study of currents (Appendix H, SPAWAR Study) as related to the scope of the SEIS. The SEIS provides quantitative descriptions of measured water current energy and sediment reduction (refer to SEIS Section 5.2 *Currents*). These findings substantiated the quantitative discussions provided in the 1995 EIS.
- According to USACE 2000 and 2005 reports and other credible evidence, there has been substantial shoreline movement since 1931. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis.
- Gradients were considered to the extent relevant. The 1999 dredging did not increase gradients. The Navy did use NOAA charts and bathymetric data. Steeper slopes naturally form from erosion in a negative sediment environment. Further analysis of changes in historical near shore gradients is beyond the scope of this SEIS.
- The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

(Continued on next page.)

City of Coronado  
September 22, 2008  
Page 9

- The Navy should have compared the shoreline erosion rates with the infilling rates of the NASNI turning basin and navigation channel in the vicinity of First Street.

09-PP

The Navy should re-evaluate the erosion issue considering the above relevant factors, and recirculate a revised Draft SEIS.

#### Failure to Consider Impacts on Current Sewage System

On November 19, 2007, the City of Coronado submitted comments to the Navy in response to the Notice of Intent for the preparation of the Draft SEIS. In its comment letter, the City of Coronado specifically expressed concern about the aging sewage system currently being utilized by the Navy, and the potential for failure of the system due to increased volumes attributable to increases in personnel. The Draft SEIS does not consider any of the sewer system related issues raised in the City's November 19, 2007 letter, including:

09-QQ

- Evaluation of the adequacy of the sewage system and its ability to handle increased volumes;
- Evaluation of the need for sewer infrastructure improvements;
- Evaluation of the adequacy of a sewer and stormwater master plan prepared by the Navy; and
- Development of sewer flow capacity studies addressing expanded and/or changing uses, strength of sewage (TSS, BOD/COD), industrial waste discharges, and appropriate pretreatment.

#### Consistency with the California Environmental Quality Act

09-RR

While the Draft SEIS includes a section which addresses consistency with state and federal statutes, regulations, and executive orders, this discussion makes no reference to compliance with the California Environmental Quality Act (CEQA). Federal agencies are subject to the mandates of CEQA. (see California Public Resources Code §§ 21066, 21066). CEQA, unlike NEPA requires that mitigation measures be introduced, funded and performed as required when significant environmental impacts are identified. This is not inconsistent with Federal Regulations that implement NEPA, in that the regulatory guidelines promulgated by the Council on Environmental Quality also require the Navy to comply with state environmental impact statement laws, even if they impose additional requirements to those of NEPA (see 40 C.F.R. §1506.2(c)). It is clear from the consistency discussion in Chapter 7 that the Navy did not consider the implications of CEQA, nor did the Navy comply with the mitigation requirements under CEQA in its Draft SEIS.

## Navy Response

### 09-PP (Continued from previous page)

- Analyzing the details of wakes/waves was not within the scope of this SEIS because carriers only represent 0.02 percent of ship traffic in San Diego Bay and do not generate wakes in the vicinity of the First Street shoreline.
- Tug boats assisting the carriers have been considered. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS. Therefore, tug boats do not contribute to negative sediment transport along First Street.
- The net increase in eelgrass beds located in the bay along the First Street shoreline from Orange Avenue to Alameda Blvd. show that the sediment is moving from the toe of the riprap bayward to create an offshore berm which is then stabilized by colonizing eelgrass (eelgrass rhizomes creep laterally rooting into the sediment and stabilizing as they go). Bathymetry contour lines in Figure 5.2-5 of the SEIS show the southern margin of the turning basin clearly defined as straight lines outward in the bay from the southern NASNI margin.
- The lack of a need for maintenance dredging in the turning basin indicates that infilling is not occurring.

### 09-QQ

The Navy responses to comments from the City concerning the NASNI sewer system are addressed in responses 09-I to 09-M.

### 09-RR

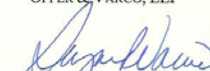
The California Environmental Quality Act (CEQA) is not applicable to the Navy's preparation of the SEIS. The federal regulation cited in the comment is not applicable in these circumstances. No CEQA analysis is required as no state or local agency is serving as an action proponent nor is there any other triggering circumstance for a joint document.



City of Coronado  
September 22, 2008  
Page 10

Following consideration of these comments, the Navy should reconsider the project and the proposed mitigation measures, and revise and recirculate the Draft SEIS for further public review and comment.

Yours very truly,  
OPPER & VARCO, LLP



Suzanne R. Varco

SRV/ssr

### Navy Response

Responses on previous page.



5095 Murphy Canyon Road, Suite 330  
San Diego, CA 92123  
t: 619.683.2933 f: 619.683.7982  
www.koacorporation.com

September 22, 2008  
A82133

The City of Coronado  
Engineering and Project Development  
Attn: Jim Benson  
1825 Strand Way  
Coronado, CA 92118-3005

**SUBJECT: Draft SEIS for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet**

Dear Mr. Benson:

KOA Corporation has finalized the peer review of the Kimley-Horn traffic study for the above project dated May 2008 and we have the following comments:

#### General

1. The traffic study analyzes the effects of two additional nuclear carriers (CVNs) at NASNI. The project identifies approximately 10,000 new daily trips to NASNI due to the addition of two carriers. These 10,000 new daily trips would directly and significantly impact thirteen and fifteen intersections for the non-staggered, or eight and eleven intersections for the staggered, condition for the AM and PM peak hour conditions, respectively. Seven road segments are significantly impacted due to the two additional carriers. These increases would be deemed significant under the most lenient significance standards used in the San Diego region. For these impacts the project only evaluates improvements at five intersection locations. Despite presenting these five "potential" improvements, the Navy commits to the implementation of none. Additionally, most of these proposed improvements are not designed to engineering standards that would be acceptable for construction. In summary, the project proposes approximately 10,000 additional daily trips to Coronado that would impact 15 intersection locations, but it makes no commitment to make any improvements to mitigate any of its impacts. 09-SS

#### Trip Generation

2. The proposed 1.49 trip generation rate used in this study is reasonable, as indicated in the text, is consistent with the approved 1.47 trip generation rate implemented in the traffic study contained in the 1999 Final Environmental Impact Study (1999 FIS). Additionally, the trip generation of approximately 5,000 daily trips per carrier is consistent with estimates used in other recent Coronado studies including the SR 75/282 Transportation Corridor Project (TCP). 09-TT

#### Trip Distribution and Assignment

3. The overall trip distribution used in this analysis is acceptable and consistent with the San Diego Association of Governments (SANDAG) series 10 model. 09-UU



LOS ANGELES OAKLAND ONTARIO ORANGE COUNTY SAN DIEGO

## Navy Response

### 09-SS

The Navy does not intend to add two additional CVNs at NASNI. The commenter's assertion that approximately 10,000 new daily trips will be added is incorrect.

NASNI has been homeport to 3 aircraft carriers since 1978. The 1999 FEIS assessed the impacts of a proposed action of adding to 2 CVNs and decommissioning one conventionally powered carrier (CV) continuing the three homeported carriers at NASNI. The 1999 FEIS traffic analysis included an assessment of the difference in personnel between a CVN and CV (A CVN has a personnel complement of approximately 102 personnel more than a CV). The 1999 FEIS indicated that there were no direct traffics of the proposed action.

The SEIS supplements the 1999 FEIS by considering changed conditions, such as increased traffic in the surrounding area, other changes in military operations on Naval Base Coronado, removal of tolls on the San Diego-Coronado Bridge, and the effects of the new access/egress gates serving NASNI. The SEIS studies the conditions that would occur with three carriers in port with a staggering of work times. The SEIS assesses this new information and circumstances and concludes that there are no direct traffic impacts as indicated in the 1999 FEIS.

### 09-TT

Comment noted.

### 09-UU

As described on Section 3.1.4.3, the regional traffic model used for the 2008 Traffic Study was the 2030 SANDAG Series 11.



#### Growth Methodology

4. There are three cumulative projects listed in the near-term scenario; however, on page 2-15 the study mentions other military projects (the Navy lodge, , NASNI Bachelor Quarters, the three additional Helicopter squadron, and other projects) that would add an additional 4,000 daily trips to the background traffic. These additional trips should be included in both the near-term and the long-term scenarios. It should also be clear from the study that additional trips generated from all foreseeable future projects, both Navy and civilian, should be included in the calculation of daily trips and the resulting direct and cumulative impacts. 09-VV
5. It does not appear that the Navy projects with 4,000 additional daily trips were ever analyzed for their own potential traffic impacts to the surrounding circulation system. 09-WW

#### Study Area

6. The study area should be developed based on the "50 trip rule" defined by the SANTEC Guidelines used locally and publicly by SANDAG. It should include all major intersections that would experience a 50 peak hour direction volume increase due to the project. 09-XX
7. The study area failed to include several potentially impacted intersections. The intersections along H Avenue at First, Third, Fourth and Sixth Streets, and the intersection at Alameda Boulevard and Fifth Street should be analyzed, which would be consistent with previous studies (SR 75/282 Major Investment Study and the SR 75/282 TCP). 09-YY

#### Significance Criteria

8. The report states that no direct impacts would be caused; however, the traffic study analyzes two additional carriers with the potential to increase traffic to the base by approximately 10,000 daily trips. These additional trips (which are equivalent to the addition of 1,000 new houses) would cause direct impacts. 09-ZZ
9. No direct impact significance criteria are identified in the study. Even under the most lenient significance criteria, the NASNI generated traffic would have a direct impact on the local community. 09-AAA
10. On pages 2-28, 5-30 and 6-25, the study states that any locations operating at a deficient level of service where the project adds traffic are considered cumulatively impacted. The study does not provide a specific list of these impacted locations anywhere in the traffic report. This issue should be clearly addressed in the environmental documents and the traffic report. 09-BBB
11. All intersection and segment analysis tables included in the study should provide "Delta" and "Significant" columns that indicate that the additional delay is due to the project and whether the impact (if any) is direct or cumulative. 09-CCC

#### Mitigation

12. Improvements are proposed for only five of the 15 intersection impacts. 09-DDD

- 2 -

## Navy Response

### 09-VV

Cumulative projects on NASNI and within the City of Coronado were taken into account and added to the unadjusted future year traffic volumes. At the time of the 2008 traffic study, two projects were identified on NASNI, which include the expansion of the Navy Lodge to include 220 additional rooms and the addition of a helicopter squadron to include an additional 200 personnel. The total daily traffic estimated to be generated by these projects is 2,700 ADT. Because of the uncertainty of other potential projects on NASNI and as a conservative estimate, an additional 1,300 ADT was assumed to be included as cumulative traffic for a total of 4,000 ADT.

The new bachelor quarters would likely reduce peak directional traffic by placing housing for Sailors on base where they could walk to work and not be required to commute to work.

### 09-WW

As stated in response 09-VV, the additional 4,000 additional trip were added to the base future year conditions for assessing traffic impacts in 2015 and 2030. These other Navy projects are also subject to NEPA and traffic impacts of these individual projects are included in those other environmental documents.

### 09-XX

The Proposed Action does not add a second and third CVN (and removal of one CV), that action was completed through the 1999 FEIS and the 2000 ROD. As such, the project's impact is not the addition of approximately 10,000 additional trips. The project does not add an additional aircraft carrier or trips associated with a carrier. For this reason, any typical rules-of-thumb for determining a study area would not be useful. Instead, the Navy re-evaluated the study area used in the 1999 FEIS. Some additional locations were identified, primarily locations with signal controlled intersections.

### 09-YY

It is acknowledged that the City and CALTRANS are evaluating other intersections and roadway segments along SR-75/282; it was not the intent to replicate those studies in this SEIS.

### 09-ZZ

See response to 09-SS, the commenter is incorrect. The Navy is not adding 2 CVNs to NASNI. NASNI has been homeport to 3 carriers since 1978. The 1999 FEIS determined that there will no direct traffic impacts of adding 2 CVNs and removing one CV, maintaining 3 homeported carriers at NASNI. The SEIS has also determined that there are no direct traffic impacts as concluded in Section 3.1.6. Cumulative traffic impacts and several potential traffic improvements are assessed in Chapter 6.

(Continued on next page.)



**COMMENT LETTER REPEATED FROM PREVIOUS  
PAGE TO CONTINUE RESPONSES.**

**Growth Methodology**

4. There are three cumulative projects listed in the near-term scenario; however, on page 2-15 the study mentions other military projects (the Navy lodge, , NASNI Bachelor Quarters, the three additional Helicopter squadron, and other projects) that would add an additional 4,000 daily trips to the background traffic. These additional trips should be included in both the near-term and the long-term scenarios. It should also be clear from the study that additional trips generated from all foreseeable future projects, both Navy and civilian, should be included in the calculation of daily trips and the resulting direct and cumulative impacts. 09-VV
5. It does not appear that the Navy projects with 4,000 additional daily trips were ever analyzed for their own potential traffic impacts to the surrounding circulation system. 09-WVV

**Study Area**

6. The study area should be developed based on the "50 trip rule" defined by the SANTEC Guidelines used locally and publicly by SANDAG. It should include all major intersections that would experience a 50 peak hour direction volume increase due to the project. 09-XX
7. The study area failed to include several potentially impacted intersections. The intersections along H Avenue at First, Third, Fourth and Sixth Streets, and the intersection at Alameda Boulevard and Fifth Street should be analyzed, which would be consistent with previous studies (SR 75/282 Major Investment Study and the SR 75/282 TCP). 09-YY

**Significance Criteria**

8. The report states that no direct impacts would be caused; however, the traffic study analyzes two additional carriers with the potential to increase traffic to the base by approximately 10,000 daily trips. These additional trips (which are equivalent to the addition of 1,000 new houses) would cause direct impacts. 09-ZZ
9. No direct impact significance criteria are identified in the study. Even under the most lenient significance criteria, the NASNI generated traffic would have a direct impact on the local community. 09-AAA
10. On pages 2-28, 5-30 and 6-25, the study states that any locations operating at a deficient level of service where the project adds traffic are considered cumulatively impacted. The study does not provide a specific list of these impacted locations anywhere in the traffic report. This issue should be clearly addressed in the environmental documents and the traffic report. 09-BBB
11. All intersection and segment analysis tables included in the study should provide "Delta" and "Significant" columns that indicate that the additional delay is due to the project and whether the impact (if any) is direct or cumulative. 09-CCC

**Mitigation**

12. Improvements are proposed for only five of the 15 intersection impacts. 09-DDD

- 2 -

**Navy Response**

**09-AAA**

There are no direct impacts of traffic as identified in Chapter 3 of the SEIS that presents traffic when 3 carriers are in port simultaneously. The analysis presents traffic impacts when work hours are staggered which is a mitigation measure from the 2000 ROD during the infrequent times when 3 carriers are in port.

**09-BBB**

Table 6.2.1 presents the calculated "Cumulative Conditions (2015) Peak Hour Intersection LOS Summary" for 25 intersections. This table identifies each intersection, type of traffic control, peak hour (AM/PM) and delay in seconds and level of service (LOS) for cumulative traffic conditions during the infrequent times when 3 carriers (with staggered work hours) are simultaneously in port. Analysis of this cumulative traffic and studies of several intersections in the vicinity of NASNI are provided with several potential traffic improvements that would reduce traffic congestion.

**09-CCC**

The SEIS, as did the 1999 FEIS, has determined that there are no direct traffic impacts. The SEIS does not assess an additional carrier at NASNI, therefore traffic "significance" or increases ("deltas") would be meaningless. The Navy acknowledges that base traffic, when combined with other Coronado traffic does cumulatively impact several intersections within Coronado. For these reasons, the Navy has analyzed and presented in the SEIS potential improvements at failing signalized intersections along primary NASNI access routes (Fourth, Third and First Streets).

**09-DDD**

The five potential improvements were at two gates (Fourth Street and First Street), as well as signalized intersections along Orange Avenue at Fourth, Third and First Streets. The other ten locations identified as having a poor LOS are mostly side street stop controlled intersections where base traffic does not add traffic to the stopped movement. The Navy will not implement any potential traffic improvements that are located off base. The City and CALTRANS have the jurisdiction and responsibility to implement any potential off base traffic improvements.





13. While these five proposed improvements are recommended by the Navy, the Navy has not committed to any of the improvements, nor is the timing of the construction of these improvements outlined. 09-EEE
14. No mitigation measures are proposed to address project direct/cumulative impacts to roadway segments along Third and Fourth Streets. 09-FFF
15. All roadway segment and intersection improvements should be consistent with the City of Coronado and Caltrans design requirements. From the information provided, it is apparent that the proposed improvements do not meet Caltrans design requirements. Potential transportation improvements should be discussed with Caltrans/City staff prior to being considered a feasible improvement. 09-GGG
16. The proposed improvement to mitigate impacts at the intersection of First Street/Orange Avenue (option one and option two) is not feasible. The improvement proposes a 12 foot wide right turn lane that does not accommodate the City's designated bike route. 09-HHH
17. The proposed improvements to mitigate impacts at the intersection of Fourth Street/Orange Avenue (option one and option two) is not feasible. 09-III
- a. Option one proposes triple southbound left-turn lanes, which typically require four receiving lanes for Caltrans approval. Fourth Street only has three receiving lanes.
- b. Option two proposes a northbound free right-turn lane. Free right turn lanes are no longer accepted by Caltrans due to pedestrian safety conflicts.
18. Signal warrant analysis should be included to address several locations where unsignalized intersections are failing. 09-JJJ

Sincerely,

**KOA Corporation**

Seth Torma

Senior Transportation Planner

- 3 -

## Navy Response

### 09-EEE

As the commenter has noted, the Navy will not implement any potential off base traffic improvements. The Navy has analyzed these potential improvements and has identified the potential benefits in reducing traffic congestion if the City and/or CALTRANS were to implement them. However, the Navy is committed to seek funding to pay its fair share of cumulative impacts and assist in implementation of potential traffic improvement measures should the City and/or CALTRANS choose to implement any of the identified potential traffic improvements.

### 09-FFF

There are no direct traffic impacts. Cumulative effects are analyzed for several potential traffic improvements at key intersections. Intersections generally control the functioning of roadway segments. Also, see response 09-FF.

### 09-GGG

The Navy will not implement any of the off base potential traffic improvements. The potential traffic improvements for off base locations are in the jurisdiction of the City and CALTRANS. Implementation of any of these potential improvements would be the responsibility of the City and CALTRANS, not the Navy. The Navy will coordinate with the City and CALTRANS on any of the potential traffic improvements on base that may affect off base traffic operations.

### 09-HHH

Potential improvements at First Street and Orange Avenue fall within the jurisdiction of the City and CALTRANS. See response 09-JJ for effects on bike lanes.

### 09-III

The Navy will not implement any off base potential traffic improvements. Any potential improvement made to intersections within CALTRANS or City of Coronado's jurisdiction would need to be approved by the appropriate lead agency prior to implementing the improvement. The Navy has provided two options for increasing intersection capacity at the intersection of Fourth Street and Orange Avenue. CALTRANS has reviewed the document and has not indicated objections to these improvements. in their comment letter to this SEIS.

### 09-JJJ

The Navy is not responsible for any signal warrants.

**Navy Response**

Response on following page.

Page 27

1 official.

2 So we don't waste any additional time, I'll go  
3 ahead let you...

4 UNKNOWN SPEAKER: Commander, I'm one of those  
5 too, and I would prefer to come last.

6 COMMANDER KEVIN O'NEIL: Mr. Benson, do you  
7 wish to go now?

8 JAMES BENSON: That's fine.

9 COMMANDER KEVIN O'NEIL: That's the order in  
10 which the people take your cards. They may have  
11 misunderstood that. But rather than waste time, why  
12 don't you go ahead and start.

13  
14 PUBLIC COMMENT

15  
16 JAMES BENSON 10

17 JAMES BENSON: Good evening. My name is  
18 Jim Benson. I'm the Assistant City Manager and the  
19 Director of Project Engineering and Projects for the  
20 City of Coronado.

21 I am going to start off with some things, that  
22 with which we concur.

23 The conclusion that each carrier generates  
24 around 5,000 additional trips a day, we agree with that.  
25 In fact, we've been talking about that for quite some

10-A

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5



Page 28

1 time and have had some disagreements over that.

2 We acknowledge the 1400 peak-hour trip day  
3 estimate. We think that's probably low, but we're not  
4 going to argue about that right now.

5 We do have a number of concerns, however, with  
6 the SEIS. The report mentions that the SR 75/282  
7 transportation corridor project, or TCP, but the  
8 description leaves the impression that only underpasses  
9 are being considered, does not even mention tunnels.

10 This is a totally inadequate description for a  
11 project where the Navy is supposed to be a cooperating  
12 agency. The TCP studies truly long-range options for  
13 dealing with the entire traffic, rather than piecemeal  
14 mitigations proposed in the SEIS.

15 The Navy lists a multitude of its own projects  
16 but acknowledges only minimal traffic generation from  
17 two of them, the Navy Lodge and the new Helios project.  
18 This is an all too familiar pattern of minimizing or  
19 understanding the actual impacts of Navy projects.

20 Mitigating carrier traffic by staggered start  
21 times does, in fact, result with spreading the traffic  
22 out, but the result of that is an expanded time length,  
23 the impact of which is other commuters and the  
24 residential community, by the traffic basically starting  
25 at 4:30 in the morning. And for those that were around

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 10-A

The actual number of daily vehicle trips generated by each CVN is actually 4,793 and not 5,000.

Changes have been made to the text in Sections 1.7.2 and 6.1.2.4 to revise this description of the SR 75/282 TCP EIS and the Navy's role as cooperating agency. That 1999 traffic analysis focused on the trips generated by 3 homeported CVNs. Therefore, the supplement also focuses on trips generated by the 3 CVNs. To the extent that this SEIS looks at traffic improvements, it looks to solving the problems linked most closely to the traffic generated by the CVNs. In other words, it looks to minimizing the CVN contribution to a cumulative traffic problem that has many other sources.

### 10-B

Cumulative projects on NASNI and within the City of Coronado were also taken into account and added to the unadjusted future year traffic volumes. At the time of this study, two projects have been identified on NASNI, which include the expansion of the Navy Lodge to include 220 additional rooms and the addition of a helicopter squadron to include an additional 200 personnel. The total daily traffic estimated to be generated by these projects is 2,700 ADT. Because of the uncertainty of other potential projects on NASNI and as a conservative estimate, an additional 1,300 ADT was assumed to be included as cumulative traffic for a total of 4,000 ADT.

The new bachelor quarters would likely reduce peak directional traffic by placing housing for Sailors on base where they could walk to work and not be required to commute to work.

### 10-C

The existing morning peak period typically occurs between 5:00 a.m. and 8:00 a.m., with the NASNI peak hour occurring from 6:15 a.m. to 7:15 a.m. and the community peak hour occurring from 7:30 a.m. to 8:30 a.m. With staggering occurring on the estimated 29 intermittent and nonconsecutive days per year when 3 carriers are in port simultaneously, peak hours would occur between 5:30 a.m. and 7:30 a.m. in the morning and from 2:30 p.m. and 4:30 in the afternoon (see Figure 3.1-8 in the SEIS), and would not occur during the community peak hour that begins at 7:30 a.m. in the morning or 4:30 p.m. in the afternoon.

Page 29

1 in 2002 when we had the worst of the traffic, it was  
 2 driven home all too frequently that that was  
 3 unacceptable.

4 The report proposes inadequate mitigations, and  
 5 then even makes no commitment to implement them, and  
 6 this will be covered further by other speakers.

7 The Navy concludes it has no responsibility for  
 8 First Street erosion, despite the Army Corps of  
 9 Engineers Reports in 2000 and 2005 that say otherwise.  
 10 While the City isn't directly involved in this, we are  
 11 seriously concerned about it, because it is our citizens  
 12 that are impacted by this.

13 The summary report also does not acknowledge  
 14 that work on the K-wall will be complete before this EIS  
 15 is even certified.

16 But let's talk about some big-picture issues.  
 17 Last month the Navy in San Diego released a very  
 18 well-done, very informative major study citing a  
 19 \$26 billion economic impact of the San Diego region of  
 20 Navy and Marine Corps expenditures. What it did not  
 21 acknowledge is the impacts on the quality of life for  
 22 communities of those expenditures.

23 The general approach of the community is to  
 24 minimize the impact of any given project and a net  
 25 result of not dealing with those impacts on a

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 10-C

Response on previous page.

### 10-D

See responses 09-CC and 09-EE. The Navy will not implement any of the off base potential traffic improvements. However, the Navy is committed to pay its fair share of its contribution to cumulative impacts and to seek funding to assist the City and/or CALTRANS should they choose to implement any of the potential traffic improvements that are within their jurisdiction.

### 10-E

The Navy considered both the 2000 and 2005 USACE reports in their entirety as part of the 2008 Erosion Study, as discussed in the SEIS Section 5.2 and 5.3. The USACE reports do not identify the Navy's turning basin channel or dredging as causing or contributing to erosion along First Street.

### 10-F

The Navy has recently obtained permits and begun construction on repairs to the quaywall located adjacent to the proposed carrier berth (Berth LIMA). These quaywall upgrades were needed to repair conditions that have deteriorated over time. These quaywall repairs are a separate and distinct project from the infrastructure improvements envisioned for Berth LIMA. These quaywall repairs have independent utility and are needed whether Berth LIMA is upgraded or not.

### 10-G

Comment noted. The Navy and NASNI work closely with the City on traffic and many other community issues. The Navy recognizes its contribution to the cumulative traffic conditions in the vicinity of NASNI. The Navy has studied traffic conditions and has identified potential traffic improvements in the SEIS that with other measures also suggested will reduce traffic congestion during peak traffic periods.

Page 30

1 comprehensive basis, and this EIS is another example of  
2 that.

3 The Navy should step up and take a leadership  
4 role in working on or supporting meaningful solutions to  
5 the impacts brought about by its projects. This would  
6 entail looking further into the future and stop  
7 approaching traffic at NASNI and NAV on a piecemeal or  
8 project-by-project basis. Such an action would put  
9 substance behind the SEI statement on Page ES7, where  
10 the Navy admits to being a significant contributor to  
11 the average traffic volumes, but then blames other  
12 factors and identifies no role in -- being played in  
13 those big traffic solutions.

14 Thank you.

16 NANCY REYNOLDS

17 NANCY REYNOLDS: Good afternoon. I'm  
18 Nancy Reynolds, R-e-y-n-o-l-d-s. I work for the City of  
19 Coronado, and I'd like to comment on the Navy's  
20 mitigations and the Navy's constraints on the public  
21 hearing process.

22 Mitigations in the 2000 Record of Decision  
23 included encouragement of ridesharing and use of mass  
24 transit. The SEIS, however, only provides some  
25 documentation of ridesharing, but nothing for other

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****10-G**

Response on previous page.

Page 41

1 In addition to these three, Mr. Paul Friedl and  
2 Mr. Richard Scharff would also come to the staging area,  
3 and you will speak in that order.

4 Thank you.

5 Ms. Cruz, you may begin your time. Thank you.

6  
7 RHONDA CRUZ 11

8 RHONDA CRUZ: Hi. My name is Rhonda Cruz. I  
9 work for the City of Coronado, and I'm going to speak  
10 about the history of the Navy's actions and the efforts  
11 to work together in regards to this document.

12 The Navy acknowledges in the Draft SEIS, NASNI  
13 contributes significantly to average traffic volume from  
14 the area. The City is in agreement. But the Navy  
15 failed to comply with the fiscal year 2005 military  
16 construction appropriation bill directing the Navy to  
17 build a Third Street gate compatible with the SR 75/282  
18 project.

19 The Navy didn't allow discussions with the City  
20 regarding the designs flaws of the Third Street gate,  
21 and they constructed the facilities in the direct  
22 conflict of the (unintelligible) West Portal tunnel  
23 design.

24 The Navy also built the Third Street gate to  
25 handle all NASNI traffic flow, but then introduces a

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 11-A

Comment noted. The Third Street Gate improvements have improved traffic flow in the area. The potential improvement at the First Street gate involves 4 inbound lanes on base only on the limited days when 3 carriers are in port, or at the discretion of the base commander. This action would not affect two-way traffic off base on First Street.

11-A

871eeed41-8778-45d4-bf65-7dbc44f51ea5



Page 42

1 mitigation in SEIS to push more traffic down First  
2 Street gate in AM peak hours, creating a four-lane  
3 inbound.

4 Since the beginning of the document, the SR  
5 75/282 project, the Navy has been a cooperating agency.  
6 What amazes me, is the Navy only devotes half a page to  
7 access only one of the five alternatives, which is the  
8 gray separation. There is no mention of the TDM, TSM  
9 improvements, and no analysis of their effectiveness.  
10 The Navy also fails to mention the two other  
11 alternatives, which is the Alternative 4, cut and  
12 covered tunnel, and Alternative 5, (unintelligible)  
13 Tunnel.

14 In fact, the City added Alternative 5E per  
15 Admiral (unintelligible) request, which delayed the  
16 project a year. And now we are adding Alternative 4B,  
17 Option 2 for Navy's comments on the Draft EIS EIR.

18 The Navy proposes in this document, traffic  
19 mitigations which have major adverse impacts on the  
20 community. The Navy fails to share information on trips  
21 generated for each carrier in port until this SEIS.  
22 This information could have been helpful to conduct a  
23 reasonable analysis of the data.

24 The Navy actions contradict the numerous  
25 letters from the previous and current Assistant

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 11-A

Response on previous page.

### 11-B

The Navy is a cooperating agency in the ongoing SR 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS on traffic planning efforts. The alternatives being studied in the TCP are beyond the scope of this SEIS. Additionally, the alternatives under study in the SR 75/282 TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 FEIS by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 ROD for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any TCP projects.

### 11-C

The SR75/282 alternatives are beyond the scope of this document, and they are not currently ripe for analysis. This SEIS is supplemental to the 1999 FEIS that analyzed establishment of the homeport for three CVNs at NASNI. That 1999 traffic analysis focused on the trips generated by three homeported CVNs. Therefore, the supplement also focuses on trips generated by the three CVNs. To the extent that this SEIS looks at traffic improvements, it looks to solving the problems linked most closely to the traffic generated by the CVNs. In other words, it looks to minimizing the CVN contribution to a cumulative traffic problem that has many other sources. The SR75/282 TCP EIS has a much broader scope. It is intended to look at solutions to the broader traffic problems on Coronado.

The Navy participates in broader traffic planning efforts in a number of ways, among them participation in the team that is preparing the SR75/282 TCP EIS and is a cooperating agency in that effort. That EIS is not yet ready to go out for public review and is in draft form. Therefore, it would be premature to analyze or comment on the proposals being considered therein at the present time.

(Continued on next page.)

Page 43

1 Secretary to the Navy, saying they are committed to  
 2 finding a long-term solution to traffic congestion. And  
 3 this document is another example of the Navy not working  
 4 with the City of Coronado, not sharing information, not  
 5 acknowledging all the alternatives of the SR 75/282, but  
 6 the City of Coronado willingly continues to assist the  
 7 Navy whenever requested.

8 The Navy dismisses segment analysis, because it  
 9 is too difficult to develop mitigations that only impact  
 10 the community, rather than share responsibility of  
 11 finding a solution -- finding a long-term solution.

12 There is no consideration of likely future  
 13 changing levels of service personnel. There is no  
 14 consideration of capacity changing as personnel overseas  
 15 return. And the Navy does not acknowledge or care about  
 16 the reduced quality of life for Coronado residents due  
 17 to traffic congestion, noise and air pollution.

18 In conclusion, the Navy continues to change.  
 19 Their (unintelligible) no progress to impacts. The  
 20 Draft SEIS recognizes only part of the problem, and Navy  
 21 makes no serious effort to mitigate. The Navy needs to  
 22 work with the City of Coronado and to demonstrate their  
 23 commitment to creating a long-term solution to a  
 24 foreseeable long-term problem.

25 Thank you.

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 11-C (Continued from previous page)

Roadway segments have been evaluated in the SEIS in Sections 3.1.4.4 and 6.2.3.2. The performance of roadway segments in the study area is heavily influenced by the performance of intersections; therefore, improvements have been suggested at intersections. In addition, potential traffic calming and pedestrian safety measures have been evaluated to address concerns expressed by Coronado residents. These potential measures could include curb bulb-outs and pedestrian activated crosswalks (see SEIS Section 6.2.5 for more information). These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies.

The SEIS analysis accounted for manning levels at NASNI through 2015. The SEIS also analyzed traffic-related air and noise in Sections 3.2 and 3.3.

The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen.



Page 30

comprehensive basis, and this EIS is another example of that.

The Navy should step up and take a leadership role in working on or supporting meaningful solutions to the impacts brought about by its projects. This would entail looking further into the future and stop approaching traffic at NASNI and NAV on a piecemeal or project-by-project basis. Such an action would put substance behind the SEI statement on Page ES7, where the Navy admits to being a significant contributor to the average traffic volumes, but then blames other factors and identifies no role in -- being played in those big traffic solutions.

Thank you.

NANCY REYNOLDS

12

NANCY REYNOLDS: Good afternoon. I'm Nancy Reynolds, R-e-y-n-o-l-d-s. I work for the City of Coronado, and I'd like to comment on the Navy's mitigations and the Navy's constraints on the public hearing process.

Mitigations in the 2000 Record of Decision included encouragement of ridesharing and use of mass transit. The SEIS, however, only provides some documentation of ridesharing, but nothing for other

12-A

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 12-A

The total enrolled number of participants in this program has grown from 1,135 in 2004 to 1,513 in September 2008. The Navy continues to encourage NASNI employees to use mass transit in work commutes. A table illustrating the participants in the Transportation Incentive Program at NASNI has been added as Table 3.1-10.

Page 31

1 types of transit to show any contribution to traffic  
2 reduction.

3 The Navy's cancellation of the on-base shuttle  
4 severely hampered bus and ferry ridership. The Navy  
5 took five years to reestablish the bus stop close to the  
6 Base entrance.

7 The SEIS states in the trend analysis, that  
8 NASNI ridesharing dropped from approximately 400 round  
9 trips per day to 40 when the tolls were removed. Why  
10 was nothing done to raise this number? The Third Street  
11 gate improved Base access, but its construction did not  
12 adhere to congressional direction to build the gate to  
13 be compatible with preliminary Title (unintelligible).

14 The Navy also mentions barging of equipment and  
15 materials. This would not have occurred without  
16 insistence from the public and the City. The Navy takes  
17 credit for the parking lot at Third and Alameda being  
18 used for non-decal parking. This wouldn't have occurred  
19 without pressure by the City. The Navy's first plan was  
20 for this lot to be used for weekend MWR use only.

21 Other mitigations: No attempts were made to  
22 stagger work start times when three carriers were in  
23 port for over 100 days in 2002. Until this SEIS  
24 document, the Navy failed to implement the EIS  
25 mitigation of staggering NASNI start times. Staggering

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****12-A**

Response on previous page.

**12-B**

Comment noted.

**12-C**

The SEIS evaluates the effectiveness of staggering of work hours when 3 homeported carriers are simultaneously in port (average 29 intermittent nonconsecutive days per year). Staggering of work hours substantially reduces the impact of commuter traffic related to the 3 homeported carriers during peak hours. In reviewing Navy records, it is noted that during the period 2001 to 2005, the annual in-port carrier days when 3 homeported carriers were simultaneously in port ranged from 0 to 53 days for an average annual amount of 15 intermittent and non-consecutive days per year. Navy records show that there were 53 days in 2002, not 100 consecutive days, when 3 carriers were at NASNI.

The existing morning peak period typically occurs between 5:00 a.m. and 8:00 a.m., with the NASNI peak hour occurring from 6:15 a.m. to 7:15 a.m. and the community peak hour occurring from 7:30 a.m. to 8:30 a.m. With staggering occurring on the estimated 29 intermittent and nonconsecutive days per year when 3 carriers are in port simultaneously, peak hours would occur between 5:30 a.m. and 7:30 a.m. in the morning and from 2:30 p.m. and 4:30 p.m. in the afternoon (see Section 3.1.3.2 and Figure 3.1-8 in the SEIS), and would end as the community peak hour begins at 7:30 a.m. in the morning or 4:30 p.m. in the afternoon.

Page 32

1 does improve traffic during peak hours, but the  
 2 community experience is three steady hours of peak  
 3 traffic in both the AM and PM hours, versus one to  
 4 two hours.

5 Now I'd like to comment on the Navy's  
 6 constraints on the public hearing process.

7 The Navy only allows three minutes per speaker.  
 8 The Navy doesn't allow time donations. The Navy has  
 9 further constrained the public hearing by not allowing  
 10 PowerPoint presentations. All of these constraints do  
 11 not allow an agency, which has worked closely with the  
 12 Navy, the opportunity to fully express its concerns and  
 13 comments on a 1200-page document in a public hearing.

14 Thank you.

15 COMMANDER KEVIN O'NEIL: Mr. Ledford.

16  
 17 RICHARD LEDFORD

18 RICHARD LEDFORD: Thank you.

19 My name is Richard Ledford, L-e-d-f-o-r-d, and  
 20 I'm a consultant for the City of Coronado. I'm going to  
 21 spend some time talking about traffic in my three  
 22 minutes here, and the lack of accuracy within the SEIS  
 23 right now.

24 In fact, one of the things we saw up on the  
 25 board spoke to the increase in the number of

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 12-C

Response on previous page.

### 12-D

The public hearing judge advised at the start of the public hearing, and several times during the hearing, that speakers wishing to continue their comments could do so after all speakers had a chance to give their comments. This opportunity was provided prior to the closing of the hearing and there was ample time provided. One speaker took advantage of the opportunity provided. (See complete public hearing transcript in Appendix L). In addition, the opportunity to provide complete written comments (including copies of PowerPoint presentations) was provided during the 45-day comment period. The Navy also provided the City of Coronado an opportunity to receive a briefing on the SEIS prior to the day of the public hearing.

Page 37

1 improvements.

2 Thank you.

3 COMMANDER KEVIN O'NEIL: Thank you, Mr. Torma.

4 Mr. Walton.

5

6 ED WALTON 13

7 ED WALTON: Good evening. I'm Ed Walton, City

8 Engineer with the City of Coronado. I have been

9 directly involved with traffic engineering with the City

10 for most of my 20 years with the City here, and I'd like

11 to talk briefly on mitigation measures identified in the

12 SEIS.

13 The SEIS looked at 25 intersections and found

14 that six of those would be deficient according to the

15 2015 traffic forecast. Only five of the 16 failing

16 intersections were found to have feasible improvements

17 which could be undertaken to improve the level of

18 service.

19 The City is currently working on the SR 75/282

20 transportation corridor project that is examining

21 alternatives that will significantly improve many

22 intersections that are failing. The SEIS fails to

23 mention any of the various tunnel alternatives that the

24 City is working on for long-term traffic solutions.

25 And right now I'd like to note the shortcomings

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 13-A

The five suggested improvements were at two gates (Fourth Street and First Street), as well as signalized intersections along Orange Avenue at Fourth, Third and First Streets. The other 11 locations identified as having a poor LOS are mostly side street stop controlled intersections where base traffic does not add traffic to the stopped movement. In addition, the City and CALTRANS have the jurisdiction and responsibility to implement any potential traffic improvements that are located off base in the vicinity of NASNI. The Navy will not implement any potential traffic improvements located off base.

The Navy is a cooperating agency in the ongoing SR 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS District 11 on traffic planning efforts. The alternatives being studied in the SR 75/282 TCP EIS are beyond the scope of this SEIS. Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 FEIS by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 ROD for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any SR 75/282 TCP EIS projects.



Page 38

1 that I see with the traffic mitigation measures that are  
2 proposed in the SEIS, and I'll start first in Alameda.

3 The proposed mitigation is to increase the  
4 number of processing lanes on the First Street gate.  
5 Granted, this will improve the capacity of the  
6 intersection; however, this violates the spirit of the  
7 Third Street gate, which is built with the City's  
8 support, to handle the majority of traffic on and off  
9 the Base. Increasing the processing rate will only add  
10 traffic to First and Alameda Boulevard.

11 Fourth and Alameda. The proposed improvement  
12 calls for an exclusive right turn onto (unintelligible)  
13 Boulevard onto Alameda. Again, this will improve the  
14 capacity through the intersection; however, what it  
15 really will do is give commuters an opportunity to jump  
16 the queue as they're heading towards the bridge and take  
17 an alternate route bypassing the state highway.

18 Fifth and Sixth streets are the next available  
19 streets that they could take. These streets go past an  
20 elementary school, junior high school, and a high  
21 school. Obviously not the streets that we'd like to see  
22 the commuter traffic traveling on.

23 First and Orange, their identified improvement  
24 would add an exclusive right-turn lane on First Street  
25 onto Orange Avenue. And on paper, this would improve

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 13-B

Inbound traffic could still use Third Street, turn right on Alameda Boulevard and then left into the base at First Street during the AM peak hour. The agency with jurisdiction, City of Coronado or CALTRANS, would need to balance the reduction in delay time against the potential for unintended dispersion of traffic to roads. The Navy will coordinate with the City and CALTRANS before any on base potential traffic improvements are implemented that may affect off base traffic.

### 13-C

As mentioned in prior responses, the Navy has not made the decision to implement the analyzed potential improvements. The Navy will coordinate with the City and CALTRANS on all on base traffic improvement measures that have the potential to affect off base traffic. Potential improvements that are off base are within the jurisdiction of the City and CALTRANS, not the Navy. The agency with jurisdiction, City of Coronado or CALTRANS, would need to balance the reduction in delay time against the potential for unintended dispersion of traffic to roads with schools. NASNI employs many people who reside and have children in local schools and use the referenced streets for school related travel.

### 13-D

The Navy does not have jurisdiction over the referenced potential improvement. Implementation would be at this intersection would be the responsibility of the City and CALTRANS.

Page 39

1 the capacity of this intersection. In reality, the  
 2 right-turn movement in the afternoon peak hours is  
 3 really controlled by the traffic signals at Third and  
 4 Fourth Street. During the heavy PM traffic hours,  
 5 traffic is often backed up from the signal of Third and  
 6 Fourth Street down to First Street and several blocks  
 7 onto First Street in some instances. So really, the  
 8 mitigation doesn't increase capacity of this  
 9 intersection that much because of the signals.

10 The SEIS also suggests increasing the radius of  
 11 the turn to allow for large trucks. And this, again,  
 12 violates the spirit of the Third Street gate. The Third  
 13 Street gate was designed for ingress and egress of  
 14 trucks, keeping them on the state highway. Based on  
 15 this, the City has de-designated First Street as a truck  
 16 route.

17 In conclusion, I'd like to say there's been a  
 18 lot of work done on SEIS, but I'm somewhat disappointed  
 19 that the City was not consulted during the formulation  
 20 of the traffic mitigation measure, particularly since  
 21 most of the measures are within the City on a State  
 22 right of way.

23 I'm also concerned that SEIS suggests  
 24 mitigation measures, but there's no commitment in the  
 25 SEIS on the Navy working with the City to implement

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****13-D**

Response on previous page.

**13-E**

The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen. The SEIS, on page ES-12 and Sections 2.8.1 and 6.2.4 notes that the Department of Defense does not provide funding or management of road improvements outside its property, except as may be authorized by law under the Defense Access Road (DAR) Program, or special legislation. The Navy will submit requests for certification under the DAR Program to determine whether DOD can legally pay its fair share of the referenced potential traffic improvements. There is no guarantee that certification from this program will be obtained. In the event certification by the DAR Program is not obtained, the Navy may seek other funding sources from special legislation.



Page 40

13-E

1 them, nor is there any suggestions on how these measures  
2 should be funded.

3 With that, I'd like to thank you for the  
4 opportunity to speak.

5 COMMANDER KEVIN O'NEIL: And thank you,  
6 Mr. Walton.

7 And I thank the first five speakers for your  
8 courtesy in adhering to the time limits. You can return  
9 to your seats to free up the area for additional  
10 speakers.

11 The Navy staff has indicated to me that with  
12 respect to elected officials and representatives of  
13 government organizations, that there are only two  
14 remaining, Mrs. Rhonda Cruz and Mr. Casey Tanaka.

15 Are there any other elected officials or  
16 representatives of organizations who registered to be a  
17 speaker who I have not identified? And if so, please  
18 raise your hand and a member of the Navy staff will have  
19 you fill out a card.

20 AL OVROM, JR.: I have filled out a card, sir.

21 COMMANDER KEVIN O'NEIL: I'm sorry?

22 AL OVROM, JR.: I have filled out a card, sir.

23 COMMANDER KEVIN O'NEIL: And you are?

24 AL OVROM, JR.: Al Ovrom, Jr.

25 COMMANDER KEVIN O'NEIL: I apologize for that.

MERRILL LEGAL SOLUTIONS  
800-544-3656

**13-E**

Response on previous page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

**United States Navy**  
**Public Hearing Comment Form**  
**Draft Supplemental Environmental Impact Statement for**  
**Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers**  
**in Support of the U.S. Pacific Fleet**



The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:  
 Naval Facilities Engineering Command Southwest  
 Attn: SEIS Project Manager (Code: ROPME.RM)  
 2730 McKean Street, Building 291  
 San Diego, CA 92136
- 4 Emailing comments to robert.montana@navy.mil
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

☒ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

*provide a paper copy*

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: Bob Geilenfeldt Date: 9-3-08

Organization/Affiliation: Coronado Restoration Advisory Board

Address: Mailing: 1213 First Box 108

City, State, Zip Code: Coronado CA. 92118

Comments: A) During Major Construction Activities  
on NAS - Navy allows contractors  
with non insured employees to park on the  
already congested Glorietta/Tidelands Park  
Area. Result: No parking is available for  
Residents and Hospital Employees.  
Navy must provide other parking  
and Busing services for these uninsured  
employees which does not

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****14-A**

For employees who do not have a permit to bring their vehicles onto NASNI, the Navy has established a parking lot near the Third Street/Alameda Boulevard intersection and the First Street/ Alameda Boulevard intersection. The Navy has not found this parking lot to be inadequate. Recent monitoring has revealed that the lot is typically only 60 percent full. With regard to off-base parking, the Navy does not have the authority to enforce local parking regulations, but it is Navy policy for all employees to comply with all regulations.

impact our Residential Parking  
and Privacy.

14-A

2) CORONADANS ARE proud of our  
Orange Ave Landscaped MEDIANs

14-B

Attempts to ALTER or Destroy  
these Beautiful MedianS will be  
strongly Resisted.

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

### Navy Response

#### 14-A

Response on previous page.

#### 14-B

These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies. The Navy will not implement any potential traffic improvements that are located off base.

**Navy Response**

Comment begins on following page.

Page 75

1 deep dredged basins in the bay. The erosion under the  
2 riprap is causing the rocks to fall into the bay,  
3 particularly at that the park area. This erosion  
4 is happening rapidly, too rapidly. The dredge basins  
5 and channels are providing a sink for sediment washed  
6 from the shoreline.

7 I ask you to recognize the Army Corps of  
8 Engineers' 2001 and 2005 reports, that explain clearly  
9 that the Navy actions have contributed to this problem.  
10 I ask you to be a good neighbor and quickly address and  
11 fix the problem. Time is of the essence to protect our  
12 First Street Coronado shoreline, and thus the homes and  
13 parks that reside there.

14 I thank you very much.

15 COMMANDER KEVIN O'NEIL: Thank you, Ms. Heap.

16 The Navy staff has indicated -- pardon.

17 We have one more registered speaker, Mr. Geilenfeldt.

18 And, Ms. Sewall, if you would like to return to  
19 finish your comments, I would invite you to do so if you  
20 desire at this time.  
21

22 BOB GEILENFELDT 14

23 BOB GEILENFELDT: Bob Geilenfeldt,  
24 354 Glorietta. My problem is miniscule compared to what  
25 our Coronadans are facing here on First Street, but we

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 76

1 do have an issue that needs to be addressed.

2 We know the Navy's not going for this project.

3 In the past when we had major buildups or major  
4 construction activities on Coronado, the contractors  
5 doing these projects for you allow their uninsured  
6 employees to park in our area around Tidelands Park,  
7 Sharp Hospital and then in that neighborhood. It  
8 exacerbates our incredibly difficult parking problem  
9 there. And I know you have to do this.

10 All I'm asking you is, when you address these  
11 contractors for this parking where you have you them  
12 park their vehicles at 6:00 in the morning and that you  
13 pick them up, the Navy buses, and transport them over to  
14 Base, that's understandable because you can't let these  
15 vehicles on the Base that are uninsured. But don't let  
16 them park in that area where we have -- where we need  
17 this parking for the hospital and for our neighborhoods.  
18 Have them park in the Tidelands Park complex area, which  
19 is down by the bridge by the skatepark. Then we won't  
20 have a problem.

21 That's my only concern. Other than that, we  
22 Coronadans love our Orange Street medians, and we would  
23 be totally devastated if you attempted to alter or  
24 destroy these.

25 Thank you.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed1-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****14-C**

See response 14-A.

**14-D**

See response 14-B.



# Organizations

Page 35

1 more appropriate to measure from the entrance of the  
2 bridge to NASNI's gate.

3 And finally, the issue of census. We had on  
4 the board here -- I think it showed 1 percent growth per  
5 year in the City of Coronado, when in truth, if you look  
6 at the last five years, the cumulative average every  
7 year is no more than 2/10ths of 1 percent growth. So  
8 the suggestions somehow that the City is contributing  
9 largely to the traffic problem also needs to be  
10 addressed more accurately.

11 Thank you.

12 COMMANDER KEVIN O'NEIL: Thank you.

13 Mr. Torma.

14  
15 SETH TORMA 15

16 SETH TORMA: Seth Torma, KOA Corporation, a  
17 consultant to the City. We prepared the Coronado tunnel  
18 traffic study, which is why we were hired to evaluate  
19 the SEIS traffic study.

20 The purpose of the carrier traffic study is to  
21 identify traffic impacts. And after our review,  
22 generally we believe it doesn't do a good job of  
23 addressing and identifying those impacts.

24 The purpose of the larger document that the  
25 traffic study is a part of, the SEIS, those are prepared

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 15-A

NASNI has been homeport to 3 aircraft carriers since 1978. The 1999 FEIS assessed the impacts of a Proposed Action of adding to 2 CVNs and decommissioning 1 conventionally powered carrier (CV) continuing the three homeported carriers at NASNI. The 1999 FEIS traffic analysis included an assessment the difference in personnel between a CVN and CV (A CVN has a personnel complement of approximately 102 personnel more than a CV). The 1999 FEIS indicated that there were no direct traffic impacts from the Proposed Action.

This SEIS supplements the 1999 FEIS by considering changed conditions, such as increased traffic in the surrounding area, other changes in military operations on Naval Base Coronado, removal of tolls on the San Diego-Coronado Bridge, and the effects of the new access/egress gates serving NASNI. The SEIS studies the conditions that would occur with 3 carriers in port with a staggering of work times. The SEIS assesses this new information and circumstances and concludes that there are no direct traffic impacts, as indicated in the 1999 FEIS.

Page 36

1 when there are impacts that will be adverse effects, as  
 2 the language goes, that will not be mitigated. And so  
 3 the document itself is set up to allow for impacts that  
 4 will never be mitigated. That will come up in a second.

5 As discussed, there are -- the project as  
 6 proposed is approximately 15,000 new trips to Coronado.  
 7 These 15,000 new trips, as identified in the traffic  
 8 study, would increase -- substantially increase traffic  
 9 at 16 of the 25 or so deficient locations. So 16 of the  
 10 25 deficient locations or study locations, this project  
 11 would substantially increase traffic at. These  
 12 increases would be deemed significant under even the  
 13 most lenient standards used in the San Diego region.

14 And then for these 16 potential impacts, the  
 15 document evaluates actual improvements at five  
 16 locations. And this is all under the staggered work  
 17 hours and all assuming staggered work hours.

18 And then finally, the study does not actually  
 19 commit to constructing any of those five potential  
 20 improvements. And so to review that, the project itself  
 21 is 15,000 new trips to Coronado. It has 16 potential  
 22 traffic impacts, for which there is zero commitment to  
 23 actually improve any of those locations. And the  
 24 document itself, the EIS, allows them -- allows this  
 25 study to move forward and not make any of those

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 15-A

Response on previous page.

### 15-B

The 5 potential improvements were at two gates (Fourth Street and First Street), as well as signalized intersections along Orange Avenue at Fourth, Third and First Streets. The other 11 locations identified as having a poor LOS are mostly side street stop controlled intersections where base traffic does not add traffic to the stopped movement. The Navy will not implement any potential traffic improvements that are located off base. The City and CALTRANS have the jurisdiction and responsibility to implement any potential off base traffic improvements. The Navy will coordinate with the City and CALTRANS before any on base potential traffic improvements are implemented that may affect off base traffic.

0037

1 improvements.

2 Thank you.

3 COMMANDER KEVIN O'NEIL: Thank you, Mr. Torma.  
4 Mr. Walton.

5  
6 ED WALTON

7 ED WALTON: Good evening. I'm Ed Walton, City  
8 Engineer with the City of Coronado. I have been  
9 directly involved with traffic engineering with the City  
10 for most of my 20 years with the City here, and I'd like  
11 to talk briefly on mitigation measures identified in the  
12 SEIS.

13 The SEIS looked at 25 intersections and found  
14 that six of those would be deficient according to the  
15 2015 traffic forecast. Only five of the 16 failing  
16 intersections were found to have feasible improvements  
17 which could be undertaken to improve the level of  
18 service.

19 The City is currently working on the SR 75/282  
20 transportation corridor project that is examining  
21 alternatives that will significantly improve many  
22 intersections that are failing. The SEIS fails to  
23 mention any of the various tunnel alternatives that the  
24 City is working on for long-term traffic solutions.

25 And right now I'd like to note the shortcomings

**Navy Response**

Response on previous page.

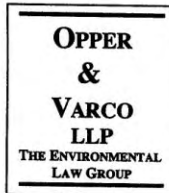
ATTORNEYS AT LAW  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (619) 231-5858  
FACSIMILE: (619) 231-5853

SUZANNE R. VARCO  
svarco@envirolawyer.com

RICHARD G. OPPER  
ropper@envirolawyer.com

LINDA C. BERESFORD  
lindab@envirolawyer.com  
www.envirolawyer.com

September 22, 2008



Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager, Robert Montana  
Code: ROPME.RM  
2730 McKean Street, Building 291  
San Diego, CA 92136

Re: Comments on the Draft Supplemental Environmental Impact Statement for  
Development Home Port Facilities for the three NIMITZ-class Aircraft  
Carriers in Support of the U.S. Pacific Fleet, issued August 8, 2008

Dear Mr. Montana:

Opper & Varco, LLP is submitting these comments on behalf of three property owners who reside on First Street in Coronado: Mrs. Barbara Sewall, Mrs. Ann Goodfellow and SLPR, LLC. Their properties are adjacent to San Diego Bay and are suffering erosion from waves and wakes generated by ship traffic and the transport of sediment to steep off-shore gradients. The Navy's Draft SEIS fails to objectively study the effect of the Navy's turning basin on the shoreline. It ignores substantial bodies of evidence while basing conclusions on unreliable studies, reports selected to support a foregone conclusion, and by drawing inferences that cannot rationally be supported.

According to the Draft SEIS, it was meant to analyze information not available when the 1999 FEIS (Final Environmental Impact Statement) was prepared and to focus on new circumstances or information. During the Draft SEIS public scoping process, on behalf of Mrs. Sewall, Mrs. Goodfellow and SLPR, LLC, Ms. Beresford of Opper & Varco identified such new circumstances and information and wrote:

Since the FEIS was completed, new information has become available which identified additional impacts related to home porting three carriers at Naval Air Station North Island (NASNI). Specifically, in December 2000, the U.S. Army Corps of Engineers issued a report finding that dredging in San Diego Bay has had and will have a significant impact on erosion of the Coronado shoreline. I request that the Navy evaluate the impact of this dredging on the shoreline as part of the scope of the SEIS.

...

## Navy Response

### 16-A

Erosion problems along First Street have been known for many years. For example, the USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The Navy studied this report and all other relevant reports including submissions by agencies, citizens and others. For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix B). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport. The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). Erosion described in the 2000 report occurred before the channel and turning basin were deepened in 1999/2000. The 2000 USACE report was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10). The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10).



Naval Facilities Engineering Command Southwest  
September 22, 2008  
Page 2

The December 2000 Army Corps report also determined that ship wake in San Diego Bay is predicted to have an average range of 2 to 3 feet in height. The report stated, "These waves are large enough in magnitude, and occur frequently enough, to have an affect on the shoreline." Therefore, I also request that the Navy evaluate the wave energy created by boat and ship traffic from the carriers home-ported at North Island, and also evaluate the cumulative effect any additional carriers will have on wave energy and its impact on the surrounding area.

16-A

The Draft SEIS claims to respond to these comments, but it doesn't. Rather than reviewing all the relevant evidence and objectively evaluating the impact of dredging on the Coronado First Street shoreline, the Draft SEIS attempts to persuade readers that erosion occurs naturally, and not because of the Navy's turning basin – a deep off-shore sink – and ship wakes and waves.

16-B

#### **The Navy Fails to Evaluate Deep Water Sinks And Steep Off-Shore Slopes Caused By Dredging**

The Draft SEIS fails to evaluate the impact of deep underwater sinks and steep underwater slopes caused by dredging. Instead of evaluating the impacts of dredging, the Navy asserts that historical deep water sinks of six feet affects the shoreline just like the much deeper sinks, created by dredging, that exist today.

16-C

Mr. David Skelly, a professional engineer, prepared detailed comments to the Draft SEIS. (See Exhibit A to this letter.) As Mr. Skelly's comments explain, the depths offshore of First Street quickly drop to thirty feet and this deep sink moves closer to the First Street shoreline over time, towards Mrs. Sewall's, Mrs. Goodfellow's, and SLPR's backyards. As each wave crashes into the shore, sand and sediments move down the steep slopes and fall into the deep sinks from where they cannot return. (Ex. A., p. 6.) The U.S. Army Corps of Engineers ("ACOE") reached the same conclusion in 2000<sup>1</sup>, 2001<sup>2</sup> and again in 2005.<sup>3</sup> "[T]he mechanism by which erosion occurs along the shore is offshore transport of sediments due primarily to wave energy created by boat and ship traffic ... [t]his erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks."<sup>4</sup>

16-D

<sup>1</sup> UNITED STATES ARMY CORPS OF ENGINEERS, CORONADO SHORELINE SAN DIEGO COUNTY, CALIFORNIA RECONNAISSANCE STUDY INITIAL APPRAISAL REPORT (Dec. 7, 2000) (provided as Exhibit B to this letter).

<sup>2</sup> UNITED STATES ARMY CORPS OF ENGINEERS, CORONADO SHORELINE SAN DIEGO COUNTY, CALIFORNIA RECONNAISSANCE STUDY INITIAL APPRAISAL REPORT (Jan. 29, 2001) (provided as Exhibit C to this letter).

<sup>3</sup> UNITED STATES ARMY CORPS OF ENGINEERS, CORONADO SHORELINE SAN DIEGO COUNTY, CALIFORNIA RECONNAISSANCE STUDY INITIAL APPRAISAL REPORT (Sept. 2005) (hereafter 2005 ACOE Report) (provided as Exhibit D to this letter).

<sup>4</sup> 2005 ACOE Report at 3-4.

## **Navy Response**

### **16-A**

Response on previous page.

### **16-B**

The Navy studied all relevant reports including submissions by agencies, citizens and others (also see response to 16-A).

### **16-C**

As stated in Section 5.2 of the SEIS, the turning basin is a natural depression that has geologically and historically been lower in relative bathymetry to the surrounding bay floor, except for the main channel. Because this area is deeper relative to the surrounding bathymetry, it functions in the same manner it historically has, as a confluence for sediments placed in suspension by other forces to reach the main navigation channel. This process and function is affected less by depth or slope than by sediment availability. If sufficient sediment were available, there could be sediment accumulation along the shoreline and in the area of deeper bathymetry that would require regular maintenance dredging. However, no maintenance dredging has been required in the turning basin. The 1902 nautical map shows the turning basin and the main channel. Fathoms taken at mean lower low water does not refer to feet. A fathom is a nautical unit of measurement that equals 6 feet; therefore, depth is 36 feet and not 6 feet.

### **16-D**

The slope and depths are not as critical to the initiation of erosion as the loss of sediment input to the subject area. The effect of gravity is substantially reduced in the denser underwater atmosphere. The denser atmosphere also increases external pressure on the sediment grains, and coupled with the reduced effect of gravity, allows for submarine accumulation of sediments at nearly vertical slope angles. Sediments will remain at extreme angles until a force is applied that exceeds the internal friction of the accumulated sediments. Therefore, it is not the slope but a force acting upon the sediment that initiates sediment movement.

Naval Facilities Engineering Command Southwest  
September 22, 2008  
Page 3

The Navy apparently seeks to discredit this body of evidence and concludes that the turning basin's deep water sink does not change historical conditions. According to the Draft SEIS, "[s]ince the turning basin and the main channel have both been deepened together by dredging, they continue to function as sediment sinks in the same manner that they have historically." Historically (as figures in the Draft SEIS clearly show), the turning basin only reached six feet and the shoreline profile, rather than being steep, was shallow for hundreds of feet before very gently sloping towards the six feet depths. (Ex. A, p. 3.) Today, the Navy has dredged the Turning Basin to over 50 feet. Rather than functioning in the "same manner," the Navy's turning basin shatters the historic repose of the sediments, causing the shore to literally slide into the Navy's hole. (Ex. A, pp. 3-6.)

16-E

Rather than likening shallow six foot depths to much deeper dredged depths, the Navy should have measured and evaluated the underwater sinks and steep slopes caused by their dredging. The Draft SEIS failed to evaluate and discuss the dredged area, its proximity to the shoreline, and its movement towards the shoreline over time. The Draft SEIS also failed to measure and evaluate the impact of the sinks and steep slopes, it failed to discuss the shoreline processes related to these steep slopes and it generally ignored the impact of the deep sinks and steep slopes caused by the dredging.

16-F

#### **The Draft SEIS Misses the Cause of Erosion By Studying Currents But Ignoring Boat Waves**

The Navy's Draft SEIS fails to evaluate the impact of boat and ship waves. The Draft SEIS spent significant efforts to conclude that dredging does not speed up tidal currents and, therefore, dredging does not contribute to sediment transport and erosion. This analysis misses the point. Rather than tidal currents, the waves that constantly hit the shore generate more than sufficient energy needed for moving sand, and thus easily carry it into the water and down the Navy's steep underwater slopes. (Ex. A, p. 4.) Indeed, the ACOE in 2005 had already concluded that "long-shore sediment transport is not expected along the study area."<sup>5</sup> Rather, the ACOE concluded (as has Mr. Skelly) waves from ships and boats cause erosion. (See Mr. Skelly's Comments, pp. 4-5.) Even though waves cause the shore to slide into the Navy's hole and even though Ms. Beresford's letter asked the Navy to "evaluate the wave energy created by boat and ship traffic ...", the Navy chose to study tidal influenced currents instead.

16-G

Rather than the involved study of tidal currents, the Draft SEIS should have measured, evaluated, and discussed the size and frequency of boat waves, and the velocity and force with which such boat waves cause the suspension and movement of sand and sediment offshore. Further, the Draft SEIS should have compared the energy of waves flowing over the deep dredged area near First Street to waves that move

<sup>5</sup> 2005 ACOE Report at 3.

## **Navy Response**

### **16-E**

The 6 refers to fathoms taken at mean lower low water, and does not refer to feet. Because this area is deeper relative to the surrounding bathymetry, it functions in the same manner it historically has as a confluence, for sediments placed in suspension by other forces, to reach the main navigation channel.

### **16-F**

As outlined in 16-C and 16-D, the 6 refers to fathoms taken at mean lower low water, and does not refer to feet. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis. Under natural sediment delivery conditions, there is ample sediment to provide a gently sloping beach which extends down into the intertidal, and subtidal regions. As sediment sources are removed, the run-up slope (i.e. the area where waves rush up) of sediment leading to the beach gets steeper. This is further compounded by the build-out of land into deeper waters further increasing the slope of the sediment run-up area. Gentle slopes translate into large horizontal movement of the waterline during tidal ranges. As a result, under normal, ample sediment, gentle slope conditions, the mean lower low water line is going to be relatively far away from the mean higher high water line. Conversely, when sediment is removed from the system, the angle of run-up is steepened, which translates into significant reductions in horizontal movement of the waterline. This is what would be expected when the angle of run-up is steepened by reduction of sediment and build-out into deeper waters, vividly illustrating the problems created by unprotected build-out into a negative sediment environment.

### **16-G**

A general study of boat wakes is outside the scope of this SEIS. Carriers are not responsible for the boat wakes of concern referred to in the 2000 or 2005 USACE report. The Navy conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion, and concluded:

- Location – carriers do not travel south of the turning basin near First Street and could not cause wave action that area.
- Frequency - the amount of ship movements in San Diego Bay attributed to aircraft carriers amounts to less than 0.02 percent of all ship traffic in the bay.
- Speed – carriers tend to travel slowly through the middle of the bay, limiting the potential for generating large wakes that would impact the shoreline.

In addition, tug boats assisting the carriers are not a substantial source of wakes. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS.

The study of size, frequency, and velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

Naval Facilities Engineering Command Southwest  
September 22, 2008  
Page 4

towards the shore over natural, shallower, non-dredged areas. By failing to evaluate boat waves as they travel over deep water and crash upon the First Street shoreline, the Draft SEIS fails to consider a significant force of erosion related to its dredging.

16-G

**By Failing to Rely on Proper Methods, the Navy Incorrectly Concludes that Shoreline Filling Occurred at First Street**

The Navy failed to use survey techniques or to review survey maps when evaluating historical shoreline locations. The Draft SEIS claims that the First Street shoreline was built bay-ward from the 1930s until 1985. Figure 5.2-4 of the Draft SEIS suggests that the 1985 shoreline lied thousands of feet bayward from the 1929 shoreline. Based on this, the Draft SEIS summarily concludes that the built out shoreline erodes more easily than natural material and that this, therefore, was the cause of the dramatic and unprecedented erosion that has been observed in the past seven years. No reliable basis for the this conclusion exists. First, the aerial photography introduces significant error and cannot be relied on for locating the shoreline. (Ex. A, p. 2.) Second, the Draft SEIS intermixes the location of the bluff line with the location of the shoreline, further introducing large error. (Ex. A, p. 2.) Finally, the Draft SEIS relies on a 1902 nautical map (see figure 10 of the Draft SEIS) to conclude that land did not exist bayward of First Street in 1902, and from this it infers that filling must have occurred. However, nautical maps do not accurately locate property lines, survey maps do.

16-H

16-I

Reliable evidence shows that the Navy's conclusions and inferences are incorrect. An official survey map of the 1931 First Street shoreline, titled "MISC'L MAP NO. 121", maps the mean high tide line of 1931 in much the same location as it is today (within approximately 10 to 20 feet), suggesting relatively little shoreline movement since 1931. The Navy's Draft SEIS completely ignored Misc'l Map 121 – the official map of the shoreline. Mr. Skelly's comments compared the recorded location of low tide between 1945 and 1971. In direct contrast to the Draft SEIS conclusion that significant build out occurred during this time, the location of average low tide actually moved closer to shore between those years. (Ex. A., p. 2.) Contrary to the Navy's conclusions, reliable evidence does not show evidence of significant shoreline filling.

16-J

Rather than aerial photographs, the Navy should have consulted survey maps and prior land surveys of location of mean high tide at First Street during the time between 1930 and 1985. Failing to use proper and comprehensive methods to study shoreline movement, the Draft SEIS drew inferences and made conclusions about erosion at First Street that cannot be rationally supported by substantial evidence.

## Navy Response

### 16-G

Response on previous page.

### 16-H

The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position.

Error in scale in Figure 5.2-4 is noted and has been corrected. According to the 2000 and 2005 USACE reports, the 1985 shoreline was as much as 90 feet bayward of its position in 1929.

A shoreline built of artificial fill, like the one at First Street erodes relatively easily as described in Chapter 5, *Geomorphology* and shown in Figure 6, Appendix B of the SEIS.

### 16-I

The USACE, in their 2000 and 2005 reports, indicated that they reviewed aerial photos from 1928/29, 1953, 1970, 1985 and 2000, compared the bluff lines from each year, and measured the shoreline change. The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis, including the 1902 nautical map.

### 16-J

According to SPAWAR the 1931 survey map referenced by the commmentor is not an "official" survey. According to USACE and other credible evidence, there has been substantial shoreline movement since 1931.

Under natural sediment delivery conditions, there is ample sediment to provide a gently sloping beach which extends down into the intertidal, and subtidal regions. As sediment sources are removed, the run-up slope of sediment leading to the beach (i.e. the area where waves rush up) gets steeper. This is further compounded by the build-out of land into deeper waters further increasing the slope of the sediment run-up area. Gentle slopes translate into large horizontal movement of the waterline during tidal ranges. As a result, under normal, ample sediment, gentle slope conditions, the mean lower low water line is going to be relatively far away from the mean higher high water line. Conversely, when sediment is removed from the system, the angle of run-up is steepened, which translates into significant reductions in horizontal movement of the waterline, which is what Mr. Skelly observed when he suggested that the mean lower low water actually moved landward [closer to mean higher high water] during bayward build-out of the land. This is what would be expected when the angle of run-up is steepened by reduction of sediment and build-out into deeper waters, vividly illustrating the problems created by unprotected build-out into a negative sediment environment.

(Continued on next page)



Naval Facilities Engineering Command Southwest  
September 22, 2008  
Page 5

**Without Support, the Navy Incorrectly Infers that First Street Erosion Occurs Because Rivers No Longer Deposit Sand Into the Bay**

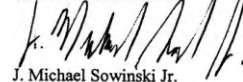
The Navy failed to evaluate the unique and discrete erosion issues at First Street. The Navy goes to great lengths to claim that erosion occurs because sediments from the San Diego River and other rivers no longer flow into the bay. As the Draft SEIS explains, this reduced sediment condition has existed for over 100 years. But accelerated erosion has only been seen much more recently. (Ex. A, pp. 3-4.) No cause and effect relation exists between the lack of sediment and the erosion at the Sewall, Goodfellow, and SLPR properties. (Ex. A, p. 5.) Rather, the erosion that they suffer only targets their properties and those immediately nearby. This is because the slopes of the dredged holes creep closer and closer to their properties, not because of some larger conditions that have existed for over 100 years. (See Ex. A, pp. 3-4.) Backyards that don't lie in the path of the creeping dredge holes do not erode like the Sewall's, Goodfellow's, and SLPR's property. While sediment might not flow into the bay from rivers like it once did, it is the boat waves and dredged holes that have caused the property erosion here.

Rather than evaluating global conditions of the Bay, the Draft SEIS should have evaluated the discrete impacts suffered at the Sewall's, Goodfellow's, and SLPR's property. The Draft SEIS fails to explain or study why or whether the global lack of sediment discretely affects the First Street shoreline or whether and how the global lack of sediment interacts with and exacerbates the affects of dredging.

The Navy's Draft SEIS attempts to persuade readers that erosion at Mrs. Sewall's, Mrs. Goodfellow's, and SLPR's property occurs naturally. It ignores a substantial body of evidence, including the impact of deep sinks caused by dredging and the erosive force of boat waves. Further, it leaps to inferences about shoreline movement and river sediment flow that simply cannot rationally be made. In short, the Draft SEIS fails to evaluate the true impacts of dredging. We request that the Draft SEIS be revised to correct the deficiencies identified in this letter and Exhibit A to this letter, and recirculated for further public comment.

Sincerely,

OPPER & VARCO LLP

  
J. Michael Sowinski Jr.

Enclosure

**Navy Response**

**16-J (Continued from previous page.)**

The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position. The SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis, including the 1902 nautical map.

**16-K**

The SEIS addresses the discrete erosion on First Street. Due to the cause and effect relationship, the lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline. Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail. The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through 1985 (p.3)." It is no coincidence that the shoreline has receded substantially since then.

The California Resources Agency, in a 1995 report titled, "California's Ocean Resources: An Agenda For the Future" states that: "In the last 20 years, the State [of California] has suffered major public and private property losses from severe erosion in such coastal areas as Marin, Santa Cruz, San Luis Obispo, Santa Barbara, Los Angeles, Orange and San Diego counties. The challenges for the State of California are to better understand its eroding coastline and to improve its assessment of how natural and economic resources can be protected...[S]horeline features are altered according to the availability of beach sand, the wave and current energy impinging on the coast, and other physical processes that affect the movement of sand. A constant supply of sand is necessary for beaches to form and be maintained along this shoreline.

(Continued on next page)

Naval Facilities Engineering Command Southwest  
September 22, 2008  
Page 5

**COMMENT LETTER REPEATED FROM PREVIOUS  
PAGE TO CONTINUE RESPONSES.**

**Without Support, the Navy Incorrectly Infers that First Street Erosion Occurs  
Because Rivers No Longer Deposit Sand Into the Bay**

The Navy failed to evaluate the unique and discrete erosion issues at First Street. The Navy goes to great lengths to claim that erosion occurs because sediments from the San Diego River and other rivers no longer flow into the bay. As the Draft SEIS explains, this reduced sediment condition has existed for over 100 years. But accelerated erosion has only been seen much more recently. (Ex. A, pp. 3-4.) No cause and effect relation exists between the lack of sediment and the erosion at the Sewall, Goodfellow, and SLPR properties. (Ex. A, p. 5.) Rather, the erosion that they suffer only targets their properties and those immediately nearby. This is because the slopes of the dredged holes creep closer and closer to their properties, not because of some larger conditions that have existed for over 100 years. (See Ex. A, pp. 3-4.) Backyards that don't lie in the path of the creeping dredge holes do not erode like the Sewall's, Goodfellow's, and SLPR's property. While sediment might not flow into the bay from rivers like it once did, it is the boat waves and dredged holes that have caused the property erosion here.

16-K

Rather than evaluating global conditions of the Bay, the Draft SEIS should have evaluated the discrete impacts suffered at the Sewall's, Goodfellow's, and SLPR's property. The Draft SEIS fails to explain or study why or whether the global lack of sediment discretely affects the First Street shoreline or whether and how the global lack of sediment interacts with and exacerbates the affects of dredging.

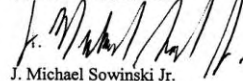
16-L

The Navy's Draft SEIS attempts to persuade readers that erosion at Mrs. Sewall's, Mrs. Goodfellow's, and SLPR's property occurs naturally. It ignores a substantial body of evidence, including the impact of deep sinks caused by dredging and the erosive force of boat waves. Further, it leaps to inferences about shoreline movement and river sediment flow that simply cannot rationally be made. In short, the Draft SEIS fails to evaluate the true impacts of dredging. We request that the Draft SEIS be revised to correct the deficiencies identified in this letter and Exhibit A to this letter, and recirculated for further public comment.

16-M

Sincerely,

OPPER & VARCO LLP



J. Michael Sowinski Jr.

Enclosure

**Navy Response**

**16-K (Continued from previous page.)**

Many human activities have unfortunately reduced the supply of sand that reaches the ocean and, in turn, deprive beaches of replenishment. These activities include dam construction, river channelization, and other developments. Lack of replenishment creates greater vulnerability for shorelines that have always been subject to varying levels of erosion." (Opening statement in chapter 5-C) Please see Chapter 5 of this SEIS for further discussion of the interrelationship between the "big picture" and the particular situation along First Street.

**16-L**

The SEIS addresses the discrete erosion on First Street. The regional lack of sediment inputs directly affects the First Street shoreline as shown in Figure 5.3-1 of the SEIS.

**16-M**

The Navy believes the SEIS analysis has sufficiently addressed and evaluated erosion issues raised during public scoping, and that based on the findings of the Erosion Study, no further analysis is needed.



# EXHIBIT A

1

## Comments on CVN Homeporting Draft SEIS, Regarding Causes and Consequences of Shoreline Erosion and Shore Protection Failure Along First Street, Coronado

REFERENCES: US Army Corps of Engineers, Los Angeles District, 2008, CVN Homeporting Draft SEIS, dated August.

\_\_\_\_\_, 2003 San Diego Harbor Central Navigation Channel Feasibility Report, Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") dated September.

\_\_\_\_\_, 2001, Coronado Shoreline, Initial Appraisal Report, dated January 29.

The following comments on the CVN Homeporting Draft Supplemental Environmental Impact Statement (SEIS) focus on the causes and consequences of shoreline erosion and shore protection failure along First Street, Coronado. This discussion is based upon my review of the above referenced documents, site inspections, bathymetric survey comparisons, and general knowledge of coastal processes.

In 1995, as part of the original Environmental Impact Statement providing for the stationing of nuclear aircraft carriers at Naval Air Station North Island, the Navy conducted a computer model simulation to evaluate the impact of the dredging on the tidal currents and the resulting transport of sediment in the Bay. This model and analysis concluded that the changes in tidal currents and resulting changes in sediment transport are small and not significant. However, this model did not incorporate factors for the transport of sediment by ship wakes or waves, nor for the increase in the transport due to steepened off-shore gradients as a result of dredging. In addition, in 1995 the model was "not complete" and "validation has been ongoing," yet there is no evidence in the project EIS and SEIS documents that the model is complete and valid.

16-N

The erosion appears to have accelerated over the last decade to the point where the shore protection systems fronting the First Street properties are failing. In January 2001, the U.S. Army Corps of Engineers (USACOE) issued a report finding that erosion along the shoreline behind First Street, Coronado was caused by waves and wakes from ship traffic, and the presence of nearby steep off-shore deep water sinks.

16-O

Considering these findings, residents of First Street requested that the Navy evaluate the erosion issue as part of this SEIS process. The Navy indicated that it would perform such an evaluation, and the assessment of this issue is provided in Chapter 5 of the CVN Homeporting Draft SEIS. However, the assessment is very qualitative, provides no new analysis of the issue, does not consider available historical information, and fails to identify and evaluate the true cause of erosion. The Draft SEIS concludes that the erosion is a result of "natural conditions" and historical alterations. The report selectively chooses portions of the above referenced previous Corps study (USACOE, 2001) that supports the conclusions and ignores or minimizes facts that point to vessel wakes and over-steepened dredged slopes as the cause of erosion.

## Navy Response

### 16-N

The 1995 and 1999 EIS concluded no erosion impacts from dredging. The 2008 study confirms those findings. General study of ship wakes is outside the scope of the SEIS as aircraft carriers are not a source of ship wakes that would impact the shoreline. Underwater slopes were considered in the SEIS. The SEIS addresses erosion as an issue in response to public comments received during the scoping period of this SEIS. The 2008 study of currents within the navigation channel used by carriers and research of historic evidence concludes that the movements of carriers do not cause shoreline erosion along First Street.

### 16-O

USACE reports do not show any acceleration in the rate of erosion, but rather reference a continued and consistent rate of erosion. Erosion has been consistent over the last decade but lack of replenishment over time has allowed net loss of sediment in the high energy area along the shoreline and a net gain of sediment in nearshore area just outside the high energy area perpendicular to the shoreline. The USACE reports states that "the 15 year period from 1985 and 2000 erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be the result of inadequate shoreline protection and the filling of the shoreline extending it to deeper water". Also refer to Section 5.2 and 5.3 of the SEIS. Neither the 2000 nor the 2005 USACE reports cite the turning basin as a cause of erosion (also see response to 16-A). In addition, the SEIS considered all reasonably available historical and contemporary sources before making its determination. Based upon listed references, the SEIS reviewed substantially more pertinent and exhaustive historical and contemporary resources than both USACE reports and the comment Exhibit A combined. The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes, do not travel south of the turning basin near First Street, and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic (non-aircraft carriers) in San Diego Bay is beyond the scope of this SEIS.

The Navy's 2008 Erosion Study met the scope of this SEIS and includes the consideration of new analysis and historical information. The Navy performed quantitative analysis in the study of currents (Appendix H, SPAWAR Study) which was also related to the scope of the SEIS. Measurement of near shore tidal currents along First Street, and modeling the effects of different depth profiles in the turning basin in 1995 and 2008 have shown that the tidal currents near shore were too weak to be a factor in erosion before the dredging was done to accommodate the CVNs as well as after its completion. The deepening has had the effect of slightly slowing (weakening) the incoming tidal currents further. This does not affect any conclusions regarding the role of wave energy. However, it should be noted that wave energy along First Street does not change with depth alteration in the channel and turning basin. In addition, as outlined earlier, the CVNs and their tugs are not the source of the relevant wave energy.

(Continued on next page)

2

Each of the following sections discusses points related to the erosion processes on First Street. Section 1 reviews the historical location of the First Street shoreline. Section 2 discusses and provides figures showing the deep offshore holes and steep offshore slopes caused by dredging near First Street. Section 3 evaluates the mechanics and impacts of boat waves on the First Street shoreline. Section 4 discusses the sediment that had been historically provided by rivers, and the relation to the erosion at First Street. Section 5 discusses the forces causing shoreline protection devices to progressively fail. As each section points out, the Navy failed to identify and evaluate the true causes of erosion. The final section provides conclusions and lists the evaluations that the Navy should have performed, but did not do.

#### **1.0 Historical Location of Shoreline**

The Draft SEIS concludes that the shoreline is well bay-ward of its natural position. This conclusion was based upon aerial photo reviews of the changes of the bluff line in aerial photographs. But the bluff line is not actually the shoreline but rather some higher elevation above the highest water line and landward of the actual shoreline. The bluff line is the line of erosion of the bluff due to wave/wake run up at the highest tide. The shoreline delineated on National Oceanographic Service nautical charts and survey approximates the mean high tide line. The difference in elevation from mean high water to highest water is about 3 feet. Natural inter-tidal slopes in the bay are about 1/15 (v/h) or flatter which relates to 45 feet horizontally. The SEIS analysis is misleading because it inter mixes the bluff line with the shoreline. Figure 1 is an oblique photograph of the First Street shoreline taken on May 21, 1941. The bluff line is visible back near the dirt road that runs parallel to the shoreline. The high water mark is where the white beach material ends and the darker inter-tidal material starts. The actual shoreline is below the high water mark and clearly many feet away from the bluff line.

Further, the science of photogrammetry is generally acknowledged to have large sources of potential errors in using aerial photographs to determine horizontal distances. The aerial photograph has to be directly vertical over the location of interest. This is seldom the case for historical photos. Another source of error in determining the shoreline location is the stage of the tide at the time of the photograph. Observation of the shoreline at the 500 block of First Street shows over 50 horizontal feet of actual water/land line movement over typical low to high tide semi-cycle.

Using available historical Navy and NOAA charts a truer picture of shoreline movement along First Street can be obtained. Figure 2 shows the Mean Lower Low Water (MLLW) over approximately the same period that the SEIS claims the shoreline was built out. The figure clearly shows that the MLLW moved substantially landward from 1945 to 1971. If the shoreline was built out substantially from the 1930s to the 1980s as concluded in the SEIS, then the MLLW should show bay-ward movement. This is clearly not the case in Figure 2. Figure 2 demonstrates that the actual shoreline has not moved bay-ward over the time period shown, in direct contradiction to the SEIS conclusion.

#### **Navy Response**

##### **16-O (Continued from previous page.)**

The Navy considered both USACE reports in their entirety as part of the 2008 Erosion Study as discussed in the SEIS, Section 5.2 and 5.3. The USACE reports do not identify the turning basin channel or dredging as causing or contributing to erosion along First Street.

##### **16-P**

The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis.

##### **16-Q**

The USACE, in their 2000 and 2005 reports, indicated that they reviewed aerial photos from 1928/29, 1953, 1970, 1985 and 2000, compared the bluff lines from each year, and measured the shoreline change. The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position. The SEIS relies upon the entire body of evidence carefully reviewed in this analysis.

##### **16-R**

The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis. Under natural sediment delivery conditions, there is ample sediment to provide a gently sloping beach which extends down into the intertidal, and subtidal regions. As sediment sources are removed, the run-up slope (i.e. the area where waves rush up) of sediment leading to the beach gets steeper. This is further compounded by the build-out of land into deeper waters with irregular and inadequate shoreline stabilization further increasing the slope of the sediment run-up area. Gentle slopes translate into large horizontal movement of the waterline during tidal ranges. As a result, under normal, ample sediment, gentle slope conditions, the mean lower low water line is going to be relatively far away from the mean higher high water line. Conversely, when sediment is removed from the system, the angle of run-up is steepened, which translates into significant reductions in horizontal movement of the waterline, which is what the commenter observed when he suggested that the mean lower low water actually moved landward [closer to mean higher high water] during bayward build-out of the land. This is what would be expected when the angle of run-up is steepened by reduction of sediment and build-out into deeper waters, vividly illustrating the problems created by unprotected build-out into a negative sediment environment. Please note, the oldest photos and maps in Appendix B, show that the original shoreline at First Street was too low and insubstantial to support development.



## 2.0 Steep Offshore Slopes and Deep Water Sinks

The report also incorrectly identifies "natural conditions" as the primary cause of erosion along First Street. The figures provided in the SEIS report show that the submerged near shore area along First Street has been extensively modified by dredging projects. Figure 10 from the report, provided herein as Figure 3, is a close up of the 1902 Nautical Map of San Diego Bay in the First Street area. This map shows that in 1902 the ~ 6 foot depth contour (1 fathom) is over 700 feet from First Street and the near shoreline and inter tidal slopes are very flat at about 100/1 (horizontal to vertical). As pointed out in the 2001 Corps report, water depths of 30 feet are now about 300 feet from the shore protection structures. This is a slope of about 10/1 which is 10 times steeper than the slopes that naturally occurred prior to the dredging activities.

In December 2000, the US Army Corps of Engineers Los Angeles District was authorized to conduct an "initial" appraisal report. The purpose of that study was:

*The intent of this study was to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline.*  
(USACOE, 2001, p. 1.)

This report provides a clear description of the erosion problem and the causes of the erosion. The USACOE 2001 report identifies two basic reasons for the erosion that is occurring along the shoreline where the subject property is located. The first reason is the presence of shipping channels and a fairly steep offshore gradient.

*Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep off-shore gradient will have an affect on coastal erosion.*  
(USACOE, 2001, p. 3.)

In an effort to look at changes in the slope directly offshore of the site, I performed a bathymetric survey in September 2006 offshore of the western portion of First Street. A Garmin 178C dual frequency depth sounder and differential GPS hardware was used with HYPACK hydrographic survey software. This data acquisition and analysis system is approved by the US Army Corps of Engineers for depth measurement. The results of my survey were then overlain on a digital NOAA Bathymetric Chart # 18773-1 (San Diego Bay) which was updated in 1989. The comparison of these two sources of depth measurements show the bathymetry and near shore gradients before dredging the turning basin in 1998 and the main channel in 2002 and after the dredging. Figure 4 shows the overlain depth measurements off of First Street. Figure 4 clearly shows that between 1989 and 2006 the gradient in front of the site was steepened at least in part, if not to a significant degree, because of the basin deepening.

## Navy Response

### 16-S

As sediment sources are removed, as discussed in 16-P, the run-up slope of sediment leading to the beach gets steeper. This is further compounded by the extension of land into deeper waters further increasing the slope of the sediment run-up area (also see response to 16-K). This condition could be expected to continue as long as no new sediment sources are being introduced into the subject area.

### 16-T

The currents were shown to be too weak to move sediments along the shore; therefore, they do not allow for sediment transport from First Street to any sinks (See SEIS Chapter 5.2, *Currents*). The lack of need for maintenance dredging demonstrates that sediment transport is not occurring. Moreover, the turning basin was dredged in 1999 which means that the USACE established rate of erosion was determined 14 years prior to the recent dredging of the turning basin.

<p>4</p> <p>The 30 foot depth contour moved about 75 feet landward in front of 409 First Street (labeled SITE on Figure 4) from sometime after 1989 to the survey in 2006. This progressive steepening of the near shore gradients allows for more and more down slope sediment transport and loss of sediment at the shoreline. As identified by the 2001 study, the 2006 measurements that I collected confirm that the presence of deepwater sinks and steep slopes, caused by dredging the NASNI turning basin and possibly the main channel. To further verify this progressive steepening of the near shore gradients, NOAA bathymetric chart data profile sections from 1995, 2003, and 2005 was compared to our 2006 survey at 309 First Street. Figure 5 shows the overlain profiles. What is very clear in comparing these successive profiles is that the 0 MLLW elevations stayed constant (due to the presence of shore protection) yet the 30 foot contour moved progressively toward First Street over the 11 year period. This steepening threatens and as I have observed, actually undermines shore protection along First Street. This is because the slope at the toe of the shore protection is becoming progressively steeper. The artificially deepened areas fronting First Street continue to move closer to shore and, therefore, increasingly contribute significantly to shoreline erosion and the failure of the shore protection systems.</p> <p><b>3.0 Boat and Ship Waves</b></p> <p>The other reason for the erosion along the First Street shoreline is the ship wake (breaking along the shoreline) caused by the shipping traffic within the harbor.</p> <p><i>Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an affect on the shoreline.</i> (USACOE, 2001, p. 3.),</p> <p><i>Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline.</i> (USACOE, 2001, p. 3.).</p> <p>Tidal currents and sediment transport studies for the Navy Homeporting project (USACOE 1995) determined a critical velocity of 50 cm/sec to initiate movement of typical San Diego Bay sediment size (0.3 mm). Using linear wave theory, the water velocity near the bottom of a 1 foot high wake is about 60 cm/sec, which is sufficient to move sediment at the shoreline. Thus, wakes on the order of 2 to 3 feet have more than sufficient near bottom velocities to move shoreline sediment. It is also important to point out that the sediment transport rate is proportional to the cube of the velocity. This means if the near bottom velocity is doubled the sediment transport rate is increased 8-fold. Wakes are clearly an important mechanism for the transport of shoreline, and near shore, sediments.</p> <p>There is another shipping traffic initiated mechanism that contributes to near shore erosion along First Street that is not discussed in the SEIS or Corps report. This is</p>	<p><b>Navy Response</b></p> <p><b>16-T</b></p> <p>Response on previous page.</p> <p><b>16-U</b></p> <p>The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels, not aircraft carriers, that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.</p> <p><b>16-V</b></p> <p>See response on following page.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p style="text-align: right;">5</p> <p>tugboat propeller driven currents during large vessel docking at the quaywall adjacent to the First Street shoreline. Tugboat propellers are very large, some on the order of 10 feet in diameter. During docking of large Navy vessels (carriers) the tugboat stern is pointed towards the shoreline in the western portion of First Street. Turbidity plumes of suspended sediment have been observed (Jim Algert, RCE, personal communication). It is important to point out that the Navy is currently proposing to repair the quay-wall directly adjacent to First Street primarily due to wall failure because sediment at the base of the wall reportedly has been scoured away by tugboat operations.</p> <p>I have observed the ship/boat generated waves within the bay as they break upon the rip rap revetments and other shore protection along the First Street shoreline. My observations include witnessing the wave suspension and apparent transport offshore of bottom sediments underlying the rip rap structures. Elevation measurements of the shoreline (toe of the shore protection) along the property at 409 First Street taken indicate the presence of an approximate 2 foot drop across the shoreline running from the east property line to the west property line. This drop in elevation runs directly towards the NASNI turning basin.</p> <p><b>4.0 Sand Replenishment</b></p> <p>The report provides considerable irrelevant, regional information. For instance, the discussion on geomorphology is of interest but has no bearing on the anthropogenic causes of the erosion along First Street. The fact that there is a reduction of sediment input to the entire San Diego Bay since the early 1900s is interesting, however, there is no nexus to the erosion problem at First Street. The SEIS fails to identify the "natural" source of sand along First Street. It does not consider the along-shore transport of sand either from within the bay or from the ocean shoreline. The report fails to explain why erosion is not occurring everywhere in San Diego Bay due to reduction in sediment input. It fails to explain why First Street erosion is unique, ongoing and as shown in Figure 5, accelerating over the last decade.</p> <p><b>5.0 Shoreline Erosion and Shoreline Protection Failure</b></p> <p>The failure of the shore protection systems along First Street is due to the loss of sediment at the base of the structures as a result of wakes and currents from vessel activity. The suspended sediment then moves down the overly steep slopes of the turning basin and the navigation channel.</p> <p>The 2001 report is definitive in its conclusion by stating that wake driven waves and the steep offshore gradient are the two primary causes of the erosion.</p> <p><i>Therefore, it is the conclusion of this investigation that the primary mechanism by which erosion occurs along this shore is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic. This erosion is assisted by the relatively steep off-shore gradient and the presence of deep water sinks.</i> (USACOE, 2001, p. 3.)</p>	<p><b>Navy Response</b></p> <p><b>16-V</b></p> <p>Tug boats assisting the carriers are not a substantial source of wakes. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 <i>Currents</i> in the SEIS.</p> <p>An ancillary function of the turning basin is to contain energy within it. The commenter suggests that scouring of sediment at the base of the quaywall (approximately 50 ft below the water surface) is caused by tug boats operating within the turning basin. This is evidence that energy, produced by the downward pointed screws, is focused downward and contained within the turning basin. However, the sediment plume may be visible beyond the turning basin.</p> <p><b>16-W</b></p> <p>The lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline (see reference USACE 1955). Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the bay perpetuates erosion along the subject area today. The <i>Reduced Sedimentation</i> and <i>Shoreline Configuration</i> sections of Chapter 5 of the SEIS describe this in detail. The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The <i>Geomorphology</i> and <i>Currents</i> sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through 1985 (p.3)." It is no coincidence that the shoreline has receded substantially since sand replenishment efforts were ceased.</p> <p><b>16-X</b></p> <p>Response on following page.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



6

The dredging of the Naval Air Station North Island (NASNI) turning basin just to the north west of the subject shoreline and the deepening of the navigation channel have resulted in a significant increase in the adjacent shoreline gradient.

16-X

*The problem identification for this investigation determined that the source of erosion was primarily due to wave energy created by boat and ship traffic within the navigable channel off-shore of the study area. This erosion is assisted by a relatively steep off-shore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years. (USACOE, 2001, p. 10.)*

The shore protection systems fronting these homes are currently being significantly impacted by the erosion. The suspension of sediment via wakes and vessel activity in combination with the progressively steepening of near shore bottom gradients is undermining the shore protection structures. This is very similar to the erosion problem along the Navy's quay wall right next to First Street mentioned earlier. As sediment is scoured away from the shore protection toe the structure slumps or is undermined. Once these structures fail the improvements behind them, such as pools and landscaping, will be impacted. As pointed out in the 2001 Corps report this problem will ultimately impact the actual residences.

#### Conclusion

I fully concur with the 2001 USACOE report conclusions as stated above. Compared to 1989 bathymetry, the underwater gradients have steepened and the sinks moved significantly closer to the shoreline, contributing to erosion and failure of shoreline protection. The 2008 Draft SEIS fails to consider the findings of this report or further analyze site conditions. The Draft SEIS does not meet the standard of care required by the Federal Government/USACOE for this type of project. The Navy should have considered the following:

16-Y

- Rather than primarily qualitative discussions, the Navy should have reviewed available information to provide quantitative analysis, such as bathymetry changes and wave energy.
- Rather than relying on aerial photographs to conclude that the shoreline has been built bay-ward along First Street, the Navy should review more reliable maps of the mean high tide line (the shoreline by definition).
- Review and analyze changes in historical near shore gradients using existing survey data (NOAA Charts and Navy bathymetric data) to determine the nature and extent, and movement over time of the deep water sinks and over steepened submerged slopes in the First Street area.
- Analyze the potential for sediment transport at the shoreline due to wakes/waves that impact the First Street shoreline.

## Navy Response

### 16-X

The depth increase in the turning basin and main channel do not cause or contribute to erosion [see response to 16-A]. Once sediment is placed into suspension by sufficient energy forces, sediment has the potential to be transported upshore, offshore, longshore (north or south), or settle back down at its initial location. One of the options for sediment placed in transport is the deeper bathymetry to the north. The historical existence of a trough in the bay floor near the northern extent of First Street is discussed in detail in the *Geomorphology* section of Chapter 5 of the SEIS. Due in part to the relatively high density of water in general, deeper water and higher slopes do not preclude the accumulation of sediment along its margins. The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

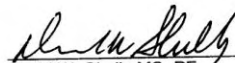
The shoreline erosion rates developed by USACE for the 2000 and 2005 study should be used with caution when trying to show trends. The period of time used to generate the erosion rate was not a random sample and was chosen to represent a desired outcome. For example, using the same methodology and marked locations as the USACE reports, over the 71 year period from 1929 and 2000, the shoreline at First Street and I Avenue grew approximately 75 feet (USACE 2000 and 2005, Appendix A and Appendix D, respectively). Therefore, according to the 70-year erosion rate, it can be concluded that the shoreline will continue to grow at a rate of approximately 1.1 feet per year. However, it is reasonable to assume that this will not be the case because there have been many variations to conditions in the subject area (including changes in sediment inputs and outputs, wave climate, currents, vessel traffic, and the effects of physical changes to other parts of the bay) and the period of time selected for analysis is different. Thus, while rates based upon specifically selected, non-randomly sampled data periods can be helpful, they should be used with caution when used to show trends.

### 16-Y

The SEIS provides quantitative descriptions of measured water current energy and sediment reduction. These findings substantiated the quantitative discussions provided in the 1995 EIS. The 2000 and 2005 USACE reports established the position of the shorelines which were used in the SEIS. Carriers are not responsible for the boat wakes of concern referred to in the 2000 or 2005 USACE report. Tug boats assisting the carriers are not a source of wakes or negative sediment transport along First Street. Steepening submarine slopes are the result of the removal of sediment sources that would otherwise replace sediment lost during natural sediment exchange. Specific considerations are addressed as follows:

*(Continued on next page.)*

- 7
- Determine the characteristics and frequency of wakes/waves in order to determine potential erosion quantity/rate at the First Street shoreline.
  - Determine the potential for sediment transport due to tug activity while docking Navy vessels.
  - Analyze the stability of dredged slopes under static, pseudo static, and wave action conditions to determine why the steep slopes are moving towards the First Street shoreline.
  - Compare the shoreline erosion rates with the infilling rates of the NASNI turning basin and navigation channel in the vicinity of First Street.
- 16-Y

  
David W. Skelly MS, PE  
RCE#47857



## Navy Response

### 16-Y (Continued from previous page.)

- The Navy performed quantitative analysis for the study of currents (SEIS Section SEIS Section 5.2 *Currents* and Appendix H, SPAWAR Study), as related to the scope of the SEIS. The Navy's 2008 Erosion Study met the scope of the SEIS and includes the consideration of new analysis and historical information.
- According to USACE 2000 and 2005 reports and other credible evidence, there has been substantial shoreline movement since 1931. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis.
- Gradients were considered to the extent relevant. The 1999 dredging did not increase gradients. The Navy did use NOAA charts and bathymetric data. Steeper slopes naturally form from erosion in a negative sediment environment. Further analysis of changes in historical near shore gradients is beyond the scope of this SEIS.
- The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes, do not travel south of the turning basin near First Street, and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.
- Analyzing the details of wakes/waves was not within the scope of this SEIS because carriers only represent 0.02 percent of ship traffic in San Diego Bay and do not generate wakes in the vicinity of the First Street shoreline.
- Tug boats assisting the carriers have been considered. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS. Therefore, tug boats do not contribute to negative sediment transport along First Street.
- The net increase in eelgrass beds in the bay along the First Street shoreline from Orange Avenue to Alameda Blvd. show that the sediment is moving from the toe of the riprap bayward to create an offshore berm which is then stabilized by colonizing eelgrass (eelgrass rhizomes creep laterally rooting into the sediment and stabilizing as they go). Bathymetry contour lines in Figure 5.2-5 of the SEIS show the southern margin of the turning basin clearly defined as straight lines outward in the bay from the southern NASNI margin.
- The lack of a need for maintenance dredging in the turning basin indicates that infilling is not occurring.

Page 60

1 at a later time.

2 BARBARA SEWALL: All right then.

3 COMMANDER KEVIN O'NEIL: Thank you very much.

4 Mr. Oppen.

5

6 RICHARD OPPER 17

7 RICHARD OPPER: My name is Richard Oppen,

8 O-p-p-e-r. I have the good fortune of advising the

9 three home owners who have spoken to you this evening.

10 Let me finish the letter that Ms. Sewall was unable to

11 finish because of the three-minute time limit.

12 According to the documents, she was going to

13 tell you, there is no erosion, or if there is, it can't

14 be attributed to anything the Navy did.

15 Now, she is not a scientist, but she has lived

16 in her house for 38 years, and it takes only common

17 sense and experience to see what has happened in the

18 last eight of them.

19 You told us that the point of this study was to

20 see what changes have occurred since 2000. Well, now

21 you know that one of the changes is that in the late

22 1990s, we dredged.

23 The original EIS that this process started with

24 in 1999, only assessed the potential of erosion from

25 tidal forces in a computer model and ignored totally the

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 17-A

Ms. Sewall was invited to return after all registered speakers had addressed the Navy panel, and did in fact return to finish her remarks (See transcripts in comment 46). The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the Draft SEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix B). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements. The model results for the turning basin concluded that endemic current velocity would decrease as the turning basin was deepened. The Navy also conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion. The Navy concluded that the operation and movement of carriers and their tugs do not cause or contribute to erosion along First Street. The tug boats operate within the turning basin with the screws pointed downward and wake energy is confined to the turning basin, as discussed in SEIS Chapter 5, Section 5.2 *Currents*.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). The 2000 USACE report was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10). The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10). Also see responses to the engineering report for comments 16-N – 16-Y.

Because the SEIS has not identified significant impacts relative to the scope of the SEIS, the Navy has not proposed mitigation as part of this NEPA process.

Page 61

1 possibility that the dredging or the wakes from bigger  
2 ships now using this area might contribute to erosion.  
3 So it wasn't mentioned. The erosion and dredging hadn't  
4 occurred. But by 2000 it had.

5 By 2001, the Army Corps told you it had  
6 occurred, and it was then ignored, because every next  
7 SEIS process very studiously turned the other way and  
8 pretended there was no Army Corps report and ignored  
9 things that had changed since the year 2000: The  
10 gradient as a result of the dredging, the size and force  
11 of wake-generated waves, totally unrelated to tidal  
12 influenced waves, which is the only thing these  
13 documents ever looked at.

14 So now you've got an official report  
15 identifying the fact that you're losing property by  
16 reason of these projects that we all support. Everybody  
17 you've heard from is a supporter of the Navy. People  
18 who have given their lives to the Navy are here tonight  
19 to say, "We're losing our houses because of a project."

20 It wouldn't be impossible to mitigate that  
21 loss. It would only take the creation of a seawall or a  
22 similar erosion barrier, which the Navy has sufficient  
23 engineering expertise and experience with all over the  
24 world. So it could take a little bit of that world  
25 experience and apply it here on Coronado and try and

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eee41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****17-A**

Response on previous page.



Page 62

1 stem the problem that it created.

2 Oddly enough, that isn't even addressed in the  
3 SEIS, but it should be. We hope that the final document  
4 shows far more consideration and reflection of these  
5 matters than the draft document has shown us. We look  
6 forward with anticipation to see.

7 And I too would like to protest on behalf of  
8 people here today that when you hand out a document of a  
9 thousand pages and tell people they have three minutes  
10 to give you a critique of it, you don't actually solicit  
11 public opinion. We will take full opportunity to submit  
12 a written report to you later, and it will address both  
13 erosion issues and traffic issues. There is as much  
14 concern to the people who live here as it is to the City  
15 who has to regulate the situation.

16 We hope the final document reflects thoughtful  
17 consideration of those issues. You asked what has  
18 changed in the last eight years. Well, I'm going to  
19 give you this handout for the record, if I may. We  
20 have --

21 COMMANDER KEVIN O'NEIL: Your time is expired,  
22 Mr. Oppen. Your time is expired. Again, if there's  
23 time at the end of the hearing, I will afford you the  
24 opportunity to speak again.

25 RICHARD OPPER: There's a picture of the lost

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eee41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****17-A**

Response on previous page.

**17-B**

Comments noted.



1 backyard in the handout.

2 Thank you very much.

3 COMMANDER KEVIN O'NEIL: Is Pamela Hollinger  
4 here?

5 If there's anyone who desires to speak who has  
6 not yet filled out a comment card but who desires to  
7 speak or you've changed your mind and you've decided to  
8 speak, please raise your hand and one of the Navy staff  
9 will ensure that you get a comment card.

10 And for the one gentleman raising your hand,  
11 sir, I know they're getting you one right now, and  
12 they'll have you fill that out.

13 The next five people, if you would, come on up,  
14 please, to the area closest to the podium. Art Wynn,  
15 Apua Garbutt and Mark Garbutt, Maurice Harwick, and  
16 Suzie Heap.

17 Mr. Wynn.

18  
19 ART WYNN

20 ART WYNN: Yes. Thank you, Captain Commander.  
21 My name is Art Wynn. I live at 375 "E" Avenue.

22 About three years ago I appealed to the Navy.  
23 I spoke to the then Captain of the Public Affairs  
24 office, and I did have cooperation. I was concerned  
25 about not only speeding -- at that time the speed limit

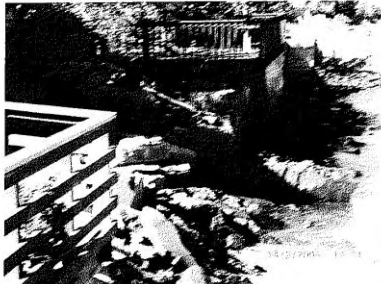
## Navy Response

Response on previous page.

*Submitted by Mr. Opper during his oral comments*

**Rapid Shoreline Erosion Threatens Coronado Homes**  
*Government report cites dredged basins in bay and ship traffic as cause*

CORONADO – A number of homes in Coronado along the San Diego Bay are seriously threatened by shoreline erosion that is occurring at an unnaturally fast rate. According to two reports conducted by the United States Army Corps of Engineers (in 2001 and 2005), up to twelve homes on First Street east of Naval Air Station North Island are in danger of being lost or too dangerous to occupy within the next several years.



*Backyard of Sewall residence  
 35 feet of land and a garden used to be here*

One of these homeowners is Mrs. Barbara Sewall, the widow of retired Navy Captain Richard Sewall. "Almost 35 feet of our property has eroded in the last ten years," said Mrs. Sewall. "If a solution is not implemented soon, I'm afraid I will lose my home."

The Army Corps reports thoroughly studied the cause of this erosion. They found that it is the result of wave energy created by shipping traffic, coupled with the existence of deep basins that have been dredged in the bay by the Navy and the Army Corps of Engineers.

At the urging of neighbors that live on First Street, the Navy agreed to study this issue in its 2008 Supplemental Environmental Impact Statement for the home porting of additional aircraft carriers at Naval Air Station North Island. Members of Congress and the United States Senate have also become interested in this issue. Congresswoman

Susan Davis sent a letter to the Navy, met with homeowners and sent staff members to view the effects of the erosion first-hand. Senator Jon Kyl also sent a letter to the Navy, and Senators Boxer and Feinstein have sent staff members to view the erosion damage.

"I am concerned about the danger posed to my constituents' property" wrote Congresswoman Susan Davis in a letter to the Secretary of the Navy. "A comprehensive solution should be developed to ensure that this damage can be halted."

Despite the clear evidence presented in the Army Corps reports, the Navy's SEIS does not mention the reports and claims that this erosion is a natural occurrence - a cause that the Army Corps reports explicitly refuted. The Army Corps report states that "wind-driven waves were determined to not play a major role in erosion."

"We support the Navy, but we want them to be good neighbors and take responsibility for their actions," said Ann Goodfellow, a long-time First Street resident. Mrs. Goodfellow's home has been owned by the family for more than 40 years.

With erosion occurring at a rate of 1.7 feet per year (according to the Army Corps report), a solution needs to be implemented soon if the homes are to be saved. The neighbors plan to submit comments on the Navy's SEIS asking the Navy to take responsibility for fixing the problem.

"My husband served his career in the Navy, and we have been strong supporters of their growth and development at North Island," said Barbara Sewall. "I just want to save my home, and I'm asking the Navy to stand up and do their part."

**Key Findings of the U.S. Army Corps Reports**

- *The erosion is the result of wave energy created by boat and ship traffic, the steep off-shore slope and the presence of deep water sinks (turning basin and central navigation channel)*
- *Erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could erode house foundations as early as 2011*
- *Within 15 to 25 years (from 2001), approximately 12 residences could be lost or become too hazardous for occupancy*

## Navy Response

Response on previous page.

**WHAT YOU CAN DO TO HELP**

If you agree that the Navy should mitigate for problems that its activities cause, you can help by making your voice heard.

1. **Comment on the Navy's SEIS**, letting them know that they should mitigate for the accelerated shoreline erosion caused by their ship traffic and dredging. Submit your comments in writing to:

Naval Facilities Engineering Command Southwest  
ATTN: SEIS Project Manager  
CODE ROPME.RM  
2730 McKean Street, Building 291  
San Diego, CA 92136

or via the website at [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com)

2. **Express your concerns to our Federal elected representatives**. They are aware of this problem and our comments will help them to work with the Navy to ensure that this problem is solved in a comprehensive way.

Congresswoman Susan Davis  
4305 University Avenue  
Suite 515  
San Diego, CA 92105  
Phone: (619) 280-5353  
Fax: (619) 280-5311  
<http://www.house.gov/susandavis>

Senator Barbara Boxer  
600 B Street, Suite 2240  
San Diego, CA 92101  
Phone: (619) 239-3884  
Fax: (619) 239-5719  
<http://boxer.senate.gov>

Senator Dianne Feinstein  
750 B Street, Suite 1030  
San Diego, CA 92101  
Phone: (619) 231-9712  
Fax: (619) 231-1108  
<http://feinstein.senate.gov>

3. **Send a letter to the editor** in response to articles that are written about this issue.

Letters Editor  
The San Diego Union-Tribune  
P.O. Box 120191  
San Diego, CA 92112-0191  
Fax: (619) 260-5081  
[letters@uniontrib.com](mailto:letters@uniontrib.com)

(letters must include name and phone number so the *San Diego Union-Tribune* can verify the sender)

**Navy Response**

Response on previous page.



18

EMERALD PLAZA  
402 West Broadway, Suite 1000  
San Diego, California 92101-3585  
Tel 619.544.1300  
www.sdchamber.org

September 17, 2008

SEIS Project Manager  
Naval Facilities Engineering Command Southwest  
2730 McKean Street, Building 291  
San Diego, California 92136

Attn: Robert Montana

RE: **(SUPPORT)** Code: ROPME.RM – The Supplemental Environmental Impact Statement (SEIS) for Developing Home Port Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the US Pacific Fleet at Naval Base, Coronado Island.

To Whom It May Concern:

The San Diego Regional Chamber of Commerce would like to comment on the Supplemental Environmental Impact Statement (SEIS): 'Developing the Home Port Facilities for the Three NIMITZ-Class Aircraft Carriers in Support of the US Pacific Fleet at Naval Base, Coronado Island. The Chamber asks the SEIS Project Manager to consider our comments on the draft SEIS, and urges the Deputy Assistant Secretary of the Navy (DASN) to accept the SEIS and incorporate it with the 1999 Final Environmental Impact Statement (FEIS).

18-A

The Chamber has reviewed the Navy's SEIS on the porting of the three Nimitz-Class Aircraft Carriers at Naval Air Station, North Island (NASNI) and believes the SEIS adequately addresses the impacts of ground transportation/traffic congestion, infrastructure improvements, and soil/shoreline erosion.

The Chamber believes the Navy's analysis on traffic circulation and congestion on Coronado Island is sufficient and that the traffic impacts would be mitigated. The Navy has adopted a number of policies to reduce traffic such as encouraging base personnel to ride-share and use public transportation. The Navy also staggered work hours and implemented gate improvements to reduce annual average daily trips (AADTs) around base entrances during peak hours. The SEIS states Coronado's natural population growth, and not base activity, has increased the island's traffic congestion. Coronado's AADTs increased from 78,000 in 2000 to 83,000 in 2006, while NASNI AADTs decreased from 51,600 trips in 1983 to 40,016 trips in 2007.

The Chamber would like to highlight the key points of the SEIS's assessment regarding air quality and noise levels. The Environmental Protection Agency (EPA) classifies the San Diego area as a location with below average air quality in the SEIS; however, NASNI was not a significant contributor to Coronado's air pollution. Air pollution levels tested in the NASNI project area were well below pollution thresholds and would not require additional evaluation.

## Navy Response

### 18-A

Comments noted.



Naval Facilities Engineering Command Southwest  
SEIS - Home Port of 3 Nimitz-Class Aircraft Carriers at NASNI  
Page 2

Activities associated with the Berth LIMA upgrade and other on-base improvements would not create significant noise to the island. The noise levels would be minor in comparison to the noise from military aircraft flying around Coronado or from commercial aircraft from nearby Lindbergh Field. Importantly, the upgrades of the Berth LIMA and other projects only would last 12 to 18 months. We believe the noise levels from all three aircraft carriers would remain insignificant because the presence of the three carriers would not exceed 29 days per year.

The Chamber would like to address the SEIS's analysis on environmental impacts to marine wildlife in the area. While the Navy has stated the underwater construction would increase noise; the noise would be temporary and at low enough levels where it would be unable to cause irreparable harm to marine life. The Navy has indicated that it would even instruct the construction crews to halt work if marine life swims too close to the construction site. The Navy even cited a National Oceanic Atmospheric Administration (NOAA) study stating the upgrade would have 'little' to 'no effect' on Sea Turtles traveling by the San Diego Bay.

The Chamber accepts the Navy's findings that soil erosion is unlikely to increase with the presence of all 3 aircraft carriers at NASNI. The Navy has stated that dredging is not required to port a third aircraft carrier at NASNI. The SEIS indicates that soil/shoreline erosion is more likely to occur from ocean currents than the presence of three aircraft carriers at NASNI or of other naval vessels moving through San Diego Bay.

The San Diego Regional Chamber of Commerce asks that the SEIS Project Manager add our comments to the SEIS, and that the Deputy Assistant Secretary of the Navy (DASN) accept the SEIS and includes the study with the 1999 FEIS. Thank you for this opportunity and please contact us if you have questions or comments.

Sincerely,



Lani Lutar  
Vice President of Public Policy

LL:mn

## Navy Response

Response on previous page.

# **Individuals**

## **Traffic-related Comments**

**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

**United States Navy****Public Hearing Comment Form****Draft Supplemental Environmental Impact Statement for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet**

19



The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:

Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136

☒ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

- 4 Emailing comments to [robert.montana@navy.mil](mailto:robert.montana@navy.mil)
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: KAZUYUKI ABE Date: 9/3/08

Organization/Affiliation: \_\_\_\_\_

Address: 323 E AVE

City, State, Zip Code: CORONADO, CA 92118

Comments: I have a traffic concern.

We live in a house on the alley between D & E

and between 3rd & 4th.

Especially in the afternoon, the alley between D & E on

4th Street is most of the time completely blocked

by 3 lanes of traffic even though there is a sign

indicating "DO NOT BLOCK INTERSECTION" there. Therefore

it is very difficult to cross 4th Street or turn left

onto 4th Street. Is there anything you can (OVER)

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****19-A**

Enforcement of traffic laws is not within the Navy's jurisdiction; however, habitual violators who work at NASNI can have their base driving privileges suspended. The Navy has implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy. Citizens can report specific concerns relating to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167.

The Navy has also evaluated potential traffic calming measures for Third and Fourth Streets to keep speeds slow and allow bicycles and pedestrians to cross the streets easier, while maintaining traffic flow. The Navy will not implement any potential traffic improvements located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies. See Section 6.2.5 and Figure 6.2-10 of this Final SEIS for additional information.

The Navy's Transportation Incentive Program is intended to reduce single-occupancy vehicle use by commuters to NASNI by providing subsidies, up to \$110 per month, for employees who use the COASTER, San Diego Trolley, MTS Buses, San Diego Bay Ferry, Vanpool Services, Inc., and Ridesharing. Currently, over 1,500, approximately 6 percent, of NASNI commuters are using this program, and this number grows each year. See Table 3.1-10 in this Final SEIS.

*help us.*

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

**Navy Response**

Response on previous page.



From: CRAINICK, TIMOTHY J [mailto:timothy.crainick@dhs.gov]  
 Sent: Thursday, August 21, 2008 15:19  
 To: Montana, Robert A CTR NAVFAC SW, SDNS  
 Subject: Third Carrier

Mr. Montana,

I will not be available for the town meeting on September 3rd in Coronado, so, I want to express a few of my concerns via email.

As a Coronado resident I am concerned with home basing a third carrier at NASNI. I am married and have two children. We walk or bike everywhere we go in town. There are many times when we encounter heavy traffic throughout Coronado. It is often not even safe to cross 3rd St, 4th St, Alameda or Orange Ave due to high volumes of traffic. It also seems there are many drivers who drive excessively fast through Coronado. I have even been passed while driving on Alameda, a two lane road, by a car with a military decal. Even while having dinner at one of the local restaurants this past weekend there were multiple vehicles driving down Orange Ave with music turned up obnoxiously loud. I have also seen excessive litter along many of the main roads in Coronado.

This is easy for me to notice as I am an avid bike rider and I ride to work here at NASNI every day. If I ride during peak hours it is dangerous for me to ride through the gate and along the roads here at NASNI. There have been many instances where a car has cut me off or turned in front of my bike. As a reservist I often use the exchange and commissary. Whenever there is more than one carrier here the lines at these places becomes unreasonable. Coronado is already densely populated and often crowded with tourists adding more personnel will only make things worse.

God's Speed,

Tim Crainick

Air Interdiction Agent, USCBP

NASNI bldg 1480

(619)522-6100 EXT 117

(619)540-1228 cell

725 J Ave

Coronado, CA 92118

## Navy Response

### 20-A

Comment noted. The Navy has evaluated potential traffic calming measures for Third and Fourth Streets to keep speeds slow and allow bicycles and pedestrians to cross the streets easier, while maintaining traffic flow. The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies. See Section 6.2.5 and Figure 6.2-10 of this Final SEIS for additional information. To report specific concerns relating to NASNI commuters, please contact the Public Affairs Office at 619-545-8167

**From:** Crenshaw, Laura Rose [lrock1221@sbcglobal.net]  
**Sent:** Wednesday, September 10, 2008 4:06 PM  
**To:** Taylor, Jason C.  
**Subject:** Nimitz Homeporting EIS

21

Name: Laura Rose Crenshaw  
 Email Address: [lrock1221@sbcglobal.net](mailto:lrock1221@sbcglobal.net)  
 Company: homeowner  
 Address 1: 819 First St  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

As a long time resident on First Street, please do not increase the commuter traffic on First Street in Coronado. Our frontage road is already blocked during rush hours with only one carrier in port. The thought of three carriers is overwhelming! Can the Navy consider bringing back the Nickel Snatcher or even constructing another bridge or parking lot for the daily commuters. With the construction of the Fourth Street Gate, the truck traffic and noise was finally reduced---please keep it that way.

Laura & Rob Crenshaw

21-A

## Navy Response

### 21-A

NASNI has been a homeport for 3 aircraft carriers since 1978. It was stated in the 1999 FEIS that the change from a CV to a CVN resulted in minimal additional traffic. The SEIS concluded that there are no significant impacts to traffic, and 3 carriers would only be in port for an estimated 29 intermittent and non-consecutive days each year (See Section 2.6.1.2 of the SEIS).

As discussed in Chapter 6, NASNI traffic contributes to cumulative traffic impacts within the City of Coronado. Within this context, the SEIS identifies potential traffic improvements that would reduce traffic congestion. Also, please refer to SEIS Section 3.1.5.2 for information regarding the ferry ("nickel snatcher"), which continues to be used by an average of 212 military personnel (2006 data) each weekday. The Navy will continue to encourage the use of mass transit, and has engaged with SANDAG in an ongoing effort to increase ridership on mass transit.

The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen.

22

From: Paul Friedl [mailto:pfriedl2001@yahoo.com]  
Sent: Friday, August 29, 2008 13:38  
To: Montana, Robert A CTR NAVFAC SW, SDNS  
Subject: Comments on Draft SEIS

The attached document is a response to the call for comments regarding the Draft SEIS for mitigating traffic to the Coronado NASNL. It is intended that the alternative strategy presented in this document be included in the public hearing proceedings scheduled for Wednesday, September 3, 2008, in Coronado.

Paul J. Friedl, PhD  
619-429-8444

**Navy Response**

Response on next page.

22

**AN ALTERNATIVE STRATEGY FOR MEDIATING VEHICULAR  
NAVAL BASE TRAFFIC CONGESTION IN CORONADO**

Paul J. Friedl, PhD  
August 30, 2008

This document is submitted in response to a call for public comments concerning the Draft Supplemental Environmental Impact Statement (SEIS) for Developing Home Port Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet.

This document presents an alternative strategy for mediating vehicular traffic congestion associated with workers commuting to and from the Naval Air Station on North Island. A cursory financial analysis presents a strong business case for adding this strategy to those already studied.

This alternative strategy is based upon new transportation technology that has become commercially available during the course of this project. If applied, this technology could result in:

- large cost savings to taxpayers when compared with present project plans
- 80-95% less USN base traffic on Coronado bridge and streets
- less gasoline expenses for commuters to the naval base
- less vehicular air pollution
- reduced commute times
- no massive tunnel construction project in Coronado needed
- the new technology commercially available now

The above results are quite compelling and call for a second category of traffic mitigation analyses (Category B) to be added to the existing studies (refer to them as Category A). Since no construction has yet begun on a Category A solution, it is not too late to do a Category B study which appears to offer a win-win opportunity for all stake holders. A Category B project would not only be less expensive, but would also be a "Green" solution to the Coronado/NASNI traffic problem.

**CATEGORY A SOLUTIONS**

Existing Category A solutions are based on the strategy that all traffic problems will be attacked by tunneling and traffic pattern control. These strategies do nothing to minimize the number of vehicles handled, or to abate vehicular air pollution, or to decrease gasoline consumption. Furthermore, these strategies require the residents of Coronado to undergo the severe inconveniences associated with a large tunneling project within their residential areas. Moreover, the Category A solutions would assume risks (however small) associated with tunnel malfunction (e.g. Boston's "Big Dig" tunnel collapse in recent years).

Appendix A of this document presents the estimated costs of the several Category A strategies being evaluated (as published in the State Route 75 and State Route 282 Transportation Corridor Major Investment Study (MIS) Task 5.0 – Summary Report Prepared for: CITY OF CORONADO In cooperation with: Caltrans, District 11, San Diego Association of Governments, San Diego Unified Port District, USDON)

As shown in Appendix A, the estimated Category A costs range between 58.6 million \$ to 369.5 million \$.

**Navy Response**

**22-A**

Comments noted.

22-A



**PROPOSED CATEGORY B SOLUTION**

The proposed Category B solution is based upon using Battery Electric Vehicles (BEVs) to transport Navy base workers between the Coronado Navy base and several areas located east of the Coronado Bay Bridge as determined by a study group. Examples of potential pick-up areas include Qualcomm Stadium, the Santa Fe Union Station, the Transit Center, and the 32<sup>nd</sup> Street USN Reservation. This small fleet of buses would be used exclusively for this commuter duty, and would not be part of the existing MTS bus system in San Diego.

One example of a BEV is a commercially available battery powered bus from the eBus company in Downey, California. These vehicles are being used in a number of California cities.



A snapshot of eBus specifications:

- Rider capacity – 22 seated and ten standees
- Cost per vehicle – \$300,000, plus cost of chargers
- Maintenance costs per year – add water to batteries every 90 days. Other maintenance costs are same or less than typical buses.
- Supplemental Battery Replacement Schedule and costs – nickel cadmium liquid-cooled batteries could last 200,000 miles, with proper maintenance.
- Recharging times – batteries have 60 KWH capacity. With 20KW overnight charger, 2 to 3 hours charge time. With optional 90kw Fast-Charger, to replace energy used 20 mile round trip, the charge time would be about 15 minutes.

Using the above figures one can estimate that a fleet of 50 eBuses could be used to replace from 80% to 95% of the worker's vehicles expected to go to the Navy base at a cost of 15 million \$ for buses, plus other support and operating costs as determined by a study of this Category B approach. This would represent conservatively a cost savings of 6.2 million \$ to 313.3 million \$ compared with the Category A studies (which used 2003 dollars).

22-B

**Navy Response****22-B**

Additional information on trends on mass transit usage has been included in the SEIS, see Table 3.1-10. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit. Transit use would be improved if better bus service to the base were provided. The Navy has initiated dialogue with SANDAG as a means to refine transit service to military installations in San Diego County. The Navy has transmitted compiled data to SANDAG on the origin of workers destined to each base, with the goal that transit options could be evaluated to maximize use by Navy personnel.

Battery Electric Vehicles reduce emissions, as compared to gas powered vehicles. The transit provider determines the type of vehicle used.

The Navy currently has measures in place to reduce traffic during peak traffic hours. Staggering of work start times has helped to minimize traffic backups. The Navy's Transportation Incentive Program provides subsidies for employees who use mass transit, including the Coronado Ferry, or vanpools. Currently, over 1,500, approximately 6 percent, of NASNI commuters are using this program, and this number grows each year.

The Navy notes that NASNI contributes to average cumulative traffic volumes in the area. However, local and regional traffic improvements would be necessary, even without Navy aircraft carriers, to accommodate the expected growth in non-Navy traffic.

## APPENDIX A

### CATEGORY A COST ESTIMATES \*

#### 4.3 Cost Estimates for the Alternative Strategies

Table 4.1 summarizes the conceptual cost estimates for each of the future build strategies.

The cost estimates for each alternative are described in more detail in the sections that follow.

The major construction cost contributors include tunnel construction, surface street improvements, right-of-way acquisition, utility relocations, and environmental mitigation.

Other project costs that are included in the estimated project budget are Project Report/Environmental Document, engineering, construction management, permits, and contingency factors. A detailed explanation of the Cost Estimation is provided in the Task 6.0 – Cost Estimate Technical Memorandum.

**Table 4.1 Future Build Strategy Cost Estimate Summary**

Future Build Strategies	Construction Budget	Project Budget
Strategy A - Third Street/Fourth Street Couplet with Grade Separations at Orange Avenue	\$21.20 million	\$58.60 million
Strategy B - Three Lane Bi-Directional/Reversible Partially Covered Trench on Fourth Street	\$287.20 million	\$371.10 million
Strategy C - Two Lane Reversible Cut and Cover Traffic Tunnel	\$201.90 million	\$249.50 million
Strategy D - Twin Single Lane Reversible Bored Traffic Tunnels	\$318.30 million	\$369.50 million

Note: All values in FY 2003 dollars.

Strategy A - Third Street/Fourth Street Couplet with Grade Separations at Orange Avenue

\$21.20 million \$58.60 million

Strategy B - Three Lane Bi-Directional/Reversible Partially Covered Trench on Fourth Street

\$287.20 million \$371.10 million

Strategy C - Two Lane Reversible Cut and Cover Traffic Tunnel

\$201.90 million \$249.50 million

Strategy D - Twin Single Lane Reversible Bored Traffic Tunnels

\$318.30 million \$369.50 million

Note: All values in FY 2003 dollars.

\* - Excerpted from: State Route 75 and State Route 282 Transportation Corridor Major Investment Study (MIS) Task 5.0 – Summary Report

## Navy Response

Response on previous page.

**Navy Response****22-C**

Response on following page.

Page 47

1 as I've done it, and you'll watch it because they will  
2 come out the shortcut out of Fourth, they'll make a  
3 U-turn on Alameda and go right down Fourth Street.

4 So I think you're-- in regards to your  
5 analysis, it's probably clear that you have done it as  
6 with any traffic engineer; it just doesn't address the  
7 problem. And I think it has very serious shortcomings  
8 in that regard.

9 In addition, I think we all know that there is  
10 really one and only one or two solutions that will get  
11 the traffic in and out of your Base in a logical,  
12 orderly manner. That is with a cut and cover or a  
13 tunnel. That will help you; that will help us. So  
14 we're looking for your support to try to get that taken  
15 care of. We're not looking for your money. We're  
16 looking for your support.

17 Thank you.

18 COMMANDER KEVIN O'NEIL: Thank you, Mr. Ostrom.  
19 Mr. Friedl.

20  
21 PAUL FRIEDL

22

22 PAUL FRIEDL: My name is Paul Friedl. That's  
23 F-r-i-e-d-l.

24 I'm a retired professional engineer, presently  
25 retired in glorious Coronado.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

Page 48

1           Within the last several weeks, I have come to  
2 grips with the traffic mitigation part of the  
3 proceedings that are going on here, and I'm pleased to  
4 say that I have uncovered what I think is a significant  
5 breakthrough. It's an alternative strategy for  
6 mediating vehicular Naval Base traffic congestion in  
7 Coronado.

8           This alternative strategy is based upon new  
9 transportation technology that was not available way  
10 back in the 1990s when this process began. It has been  
11 developing all this time while we have been deliberating  
12 what to do about it. But I can tell you I have  
13 submitted a three-page document in writing to give more  
14 detail to these proceedings. But I'd like to just  
15 encapsulate them for any of the people that have come to  
16 this meeting, so that they will hear it.

17           This alternative strategy is based upon new  
18 transportation technology that has become commercially  
19 available. If applied, this technology could result  
20 in -- and I have seven win/win situations points for  
21 everybody, the Navy and Coronado, the people, et cetera.

22           No. 1, large cost savings to taxpayers when  
23 compared with the present project plans. There it is.  
24 It removes the necessity -- that's No. 2. It removes  
25 the necessity for any tunnel or street kinds of

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 22-C

Battery Electric Vehicles reduce emissions, as compared to gas powered vehicles. The transit provider determines the type of vehicle used.

Additional information on mass transit usage has been included in the SEIS, see Table 3.1-10. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. The Navy will continue to encourage the use of mass transit by NASNI personnel. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit. Also refer to response 20-B.

871eeed1-8778-45d4-bf65-7dbc44f51ea5



Page 49

1 modification, which is a large, a super large expense.  
2 It does this by attacking the other side of the problem,  
3 the congestion problem, not trying to handle 9,000 cars  
4 an hour, but rather doing it -- trying to remove 95 --  
5 up to 95 percent of the traffic in the first place.

6 With this will be less vehicle air pollution,  
7 reduced commute times, and the new technology is  
8 commercially available now. It's being manufactured in  
9 California for metropolitan areas in California.

10 What is the technology? It is called BEV, and  
11 that stands for "battery electric vehicle." The  
12 installation of 50 electric buses will take a thousand  
13 people per hour across the bridge from all kinds of  
14 points in the East Bay, and even from the south.

15 With that, I remove 95 percent -- up to  
16 95 percent of the traffic. Anybody that wants to see  
17 this can look at it in the proceedings, or you can call  
18 me up and we can send you an e-mail or something with  
19 it.

20 Thank you very much.

21 COMMANDER KEVIN O'NEIL: Thank you, Mr. Friedl.  
22 Mr. Scharff.

23  
24 RICHARD SCHARFF

25 RICHARD SCHARFF: Good evening. Richard "Dick"

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****22-C**

Response on previous page.

**Please Note:**  
Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

**United States Navy**  
**Public Hearing Comment Form**  
**Draft Supplemental Environmental Impact Statement for**  
**Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers**  
**in Support of the U.S. Pacific Fleet**



The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:  
Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136
- 4 Emailing comments to robert.montana@navy.mil
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

☐ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

**Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.**

PLEASE PRINT CLEARLY AND LEGIBLY

Name: PAUL FRIEDL Date: SEP. 9, 2008

Organization/Affiliation: RETIRED

Address: 35 SAINT CHRISTOPHER LN.

City, State, Zip Code: CORONADO, CA 92118

Comments: (SEE ATTACHED ALTERNATIVE TRAFFIC MITIGATION STRATEGY)

22-D

(Use reverse side for additional comment)

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

## Navy Response

### 22-D

Additional trends on mass transit has been included in the SEIS, see Table 3.1-10. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. Transit use would be improved if better bus service to the base were provided. The Navy has initiated dialogue with SANDAG as a means to refine transit service to military installations in San Diego County. The Navy has transmitted compiled data to SANDAG on the origin of workers destined to each base, with the desire that bus routes could be changed to better capture Navy workers. The Navy will continue to encourage the use of mass transit by NASNI personnel.

Battery Electric Vehicles reduce emissions, as compared to gas powered vehicles. The transit provider determines the type of vehicle used.

**AN ALTERNATIVE STRATEGY FOR MEDIATING VEHICULAR  
NAVAL BASE TRAFFIC CONGESTION IN CORONADO**

Paul J. Friedl, PhD  
August 30, 2008

This document is submitted in response to a call for public comments concerning the Draft Supplemental Environmental Impact Statement (SEIS) for Developing Home Port Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet.

This document presents an alternative strategy for mediating vehicular traffic congestion associated with workers commuting to and from the Naval Air Station on North Island. A cursory financial analysis presents a strong business case for adding this strategy to those already studied.

This alternative strategy is based upon new transportation technology that has become commercially available during the course of this project. If applied, this technology could result in:

- o large cost savings to taxpayers when compared with present project plans
- o 80-95% less USN base traffic on Coronado bridge and streets
- o less gasoline expenses for commuters to the naval base
- o less vehicular air pollution
- o reduced commute times
- o no massive tunnel construction project in Coronado needed
- o the new technology commercially available now

The above results are quite compelling and call for a second category of traffic mitigation analyses (Category B) to be added to the existing studies (refer to them as Category A). Since no construction has yet begun on a Category A solution, it is not too late to do a Category B study which appears to offer a win-win opportunity for all stake holders. A Category B project would not only be less expensive, but would also be a "Green" solution to the Coronado/NASNI traffic problem.

**CATEGORY A SOLUTIONS**

Existing Category A solutions are based on the strategy that all traffic problems will be attacked by tunneling and traffic pattern control. These strategies do nothing to minimize the number of vehicles handled, or to abate vehicular air pollution, or to decrease gasoline consumption. Furthermore, these strategies require the residents of Coronado to undergo the severe inconveniences associated with a large tunneling project within their residential areas. Moreover, the Category A solutions would assume risks (however small) associated with tunnel malfunction (e.g. Boston's "Big Dig" tunnel collapse in recent years).

Appendix A of this document presents the estimated costs of the several Category A strategies being evaluated (as published in the State Route 75 and State Route 282 Transportation Corridor Major Investment Study (MIS) Task 5.0 – Summary Report Prepared for: CITY OF CORONADO In cooperation with: Caltrans, District 11, San Diego Association of Governments, San Diego Unified Port District, USDON)

As shown in Appendix A, the estimated Category A costs range between 58.6 million \$ to 369.5 million \$.

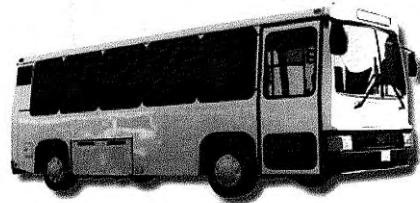
**Navy Response**

Response on previous page.

**PROPOSED CATEGORY B SOLUTION**

The proposed Category B solution is based upon using Battery Electric Vehicles (BEVs) to transport Navy base workers between the Coronado Navy base and several areas located east of the Coronado Bay Bridge as determined by a study group. Examples of potential pick-up areas include Qualcomm Stadium, the Santa Fe Union Station, the Transit Center, and the 32<sup>nd</sup> Street USN Reservation. This small fleet of buses would be used exclusively for this commuter duty, and would not be part of the existing MTS bus system in San Diego.

One example of a BEV is a commercially available battery powered bus from the eBus company in Downey, California. These vehicles are being used in a number of California cities.



A snapshot of eBus specifications:

- Rider capacity – 22 seated and ten standees
- Cost per vehicle - \$300,000, plus cost of chargers
- Maintenance costs per year – add water to batteries every 90 days. Other maintenance costs are same or less than typical buses.
- Supplemental Battery Replacement Schedule and costs – nickel cadmium liquid-cooled batteries could last 200,000 miles, with proper maintenance.
- Recharging times - batteries have 60 KWH capacity. With 20KW overnight charger, 2 to 3 hours charge time. With optional 90kw Fast-Charger, to replace energy used 20 mile round trip, the charge time would be about 15 minutes.

Using the above figures one can estimate that a fleet of 50 eBuses could be used to replace from 80% to 95% of the worker's vehicles expected to go to the Navy base at a cost of 15 million \$ for buses, plus other support and operating costs as determined by a study of this Category B approach. This would represent conservatively a cost savings of 6.2 million \$ to 313.3 million \$ compared with the Category A studies (which used 2003 dollars).

**Navy Response**

Response on previous page.



**APPENDIX A****CATEGORY A COST ESTIMATES \*****4.3 Cost Estimates for the Alternative Strategies**

**Table 4.1** summarizes the conceptual cost estimates for each of the future build strategies.

The cost estimates for each alternative are described in more detail in the sections that follow.

The major construction cost contributors include tunnel construction, surface street improvements, right-of-way acquisition, utility relocations, and environmental mitigation.

Other project costs that are included in the estimated project budget are Project Report/Environmental Document, engineering, construction management, permits, and contingency factors. A detailed explanation of the Cost Estimation is provided in the *Task 6.0 – Cost Estimate Technical Memorandum*.

**Table 4.1 Future Build Strategy Cost Estimate Summary**

<b>Future Build Strategies</b>	<b>Construction Budget</b>	<b>Project Budget</b>
Strategy A - Third Street/Fourth Street Couplet with Grade Separations at Orange Avenue	\$21.20 million	\$58.60 million
Strategy B - Three Lane Bi-Directional/Reversible Partially Covered Trench on Fourth Street	\$287.20 million	\$371.10 million
Strategy C - Two Lane Reversible Cut and Cover Traffic Tunnel	\$201.90 million	\$249.50 million
Strategy D - Twin Single Lane Reversible Bored Traffic Tunnels	\$318.30 million	\$369.50 million

Note: All values in FY 2003 dollars.

Strategy A - Third Street/Fourth Street Couplet with Grade Separations at Orange Avenue  
\$21.20 million \$58.60 million

Strategy B - Three Lane Bi-Directional/Reversible Partially Covered Trench on Fourth Street  
\$287.20 million \$371.10 million

Strategy C - Two Lane Reversible Cut and Cover Traffic Tunnel

\$201.90 million \$249.50 million

Strategy D - Twin Single Lane Reversible Bored Traffic Tunnels

\$318.30 million \$369.50 million

Note: All values in FY 2003 dollars.

\* - Excerpted from: **State Route 75 and State Route 282 Transportation Corridor Major Investment Study (MIS) Task 5.0 – Summary Report**

**Navy Response**

Response on previous page.

23

Gilby.txt

From: Gilby, David [davidgilby@hotmail.com]  
 Sent: Wednesday, September 03, 2008 1:30 AM  
 To: Taylor, Jason C.  
 Subject: Nimitz Homeporting EIS

Name: David Gilby  
 Email Address: davidgilby@hotmail.com  
 Company: David Gilby - Property Owner Near 3rd Street Gate Address 1: 323 J  
 Avenue Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

I own property between 3rd and 4th streets on J Avenue less than 1000 yards from the 3rd St. gate. My question after reading the Executive Study is are there statistics of traffic entering North Island from Coronado vs. San Diego? Is there a percentage breakdown?

Since it appears 95%+ of the traffic flow comes from San Diego over the bridge has there ever been an consideration for busing in personnel that work fixed shift hours? The parking lots would be located in central areas of San Diego. Many large corporation bus employees in that work fixed hours to cut down on traffic, pollution, and gas costs for personnel. Has this ever been considered for North Island?

Regards,  
 David Gilby

Page 1

## Navy Response

### 23-A

Seventy-seven (77) percent of vehicles that enter/leave NASNI travel from/to the Coronado Bridge, 18 percent are internal to Coronado, and 5 percent travel from/to Silver Strand Blvd. See Section 3.1.3 and Appendix C of the SEIS for complete traffic data.

### 23-B

The Navy has considered the use of dedicated buses for commuters. However, it has been deemed more appropriate that the public regional bus service, MTS, be the primary provider of this type of mass transit. NASNI has an active program of promoting mass transit use. Additional information on mass transit usage has been included in the SEIS, see Table 3.1-10. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit.

24

From: Harris, James L [mailto:jlharris@alionscience.com]  
 Sent: Monday, September 22, 2008 7:01  
 To: Montana, Robert A CTR NAVFAC SW, SDNS  
 Subject: CVN-70 Homeport SEIS

Mr. Montana:

Following is in response to SW Div's request for comments regarding the homeporting of a third CVN-68 Class carrier (CVN-70) at North Island.

1. The problem at North Island, whether one, two or three carriers, is traffic on the bridge and 3rd and 4th Avenue corridors.

- There is no reward for taking public transportation or carpooling to North Island.
- There is no penalty for one-driver-one-car.
- There is no public transportation to or on NAS North Island.

2. No Reward: Starting with the Sand Diego Coronado Bridge there is no "diamond" lane or toll free lane. Tolls were removed by SanDAG. There is no "car pool" parking at North Island. Public buses pick-up and drop-off passengers at the front gate. Public, or MTS, busses are not allowed onboard North Island. Passengers must walk miles to/from the public bus stop to/from their work place.

3. No Penalty: The bridge is free. Parking at North Island is free. Parking at North Island is by command and has no connection with reduction of personal cars or reduction in travel to/from the base.

4. Public Transportation: NAS North Island has no public transportation. Why take the bus when the drop off is miles from where I work? There is no Navy base transportation system. If I need to go the Exchange, medical clinic or McDonalds from my work place I need to drive my car.

- North Island used to have effective internal transportation system. The "cattle-cars" negated the necessity to use a car on the base. The cattle-cars were probably deleted in some penny wise and pound foolish budget drill.

- At various times in North Island's history there were commuter buses, originating at satellite parking areas throughout San Diego County. Every Navy industrial facility I am familiar with has dedicated commuter buses. Not North Island. With dedicated buses the base commander and tenant commands can begin to have leverage over one-driver-one-car. Currently there is no leverage. Everybody, regardless of rank, regardless of civilian or military, regardless of watch or shift schedule, regardless of permanent, temporary, or contractor, has a sticker and everybody can drive and park at North Island. (Yes! I know there are laws about competing with public transportation systems but, if Puget Sound naval Shipyard, for example, can do it why can't North Island?)

R/  
 James L. Harris

716 I Ave

Coronado, Ca. 92118

24-A

## Navy Response

### 24-A

Additional information on mass transit usage has been included in the SEIS, see Table 3.1-10. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. In 2008, the Navy was awarded a Diamond Award for Program Excellence by SANDAG to acknowledge the success of the Transportation Incentive Program. Approximately 6 percent personnel at NASNI use this program, which is higher than the level of ridership on mass transit among the general public. The Navy is considering reinstating on base bus service. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit.

Page 2

1 PUBLIC COMMENT 3:00 - 6:00 p.m.  
 2 (Statements to Court Reporter)  
 3  
 4 \*\*\*  
 5 (1) RESIDENT: Jamie Jamison 25  
 6 601 Fourth Street  
 7 Coronado, California  
 8 \*\*\*  
 9 SUBJECT: Linking the third carrier and the  
 10 tunnel.  
 11 COMMENT: I'd like to see a closer link between 25-A  
 12 the arrival of the third carrier and the construction of  
 13 a tunnel to mitigate traffic; because the delta between  
 14 two carriers and three carriers doesn't meet the  
 15 threshold to justify a tunnel, but the holistic look at  
 16 the traffic, the FRC and the three carriers together,  
 17 do.  
 18 The third carrier, the addition of the third  
 19 carrier really provides a tipping point where the  
 20 traffic could become untenable. And something like the  
 21 tunnel would be able to mitigate the traffic, not just  
 22 for the convenience of the residents, but also to  
 23 reconnect the two ends of Coronado and provide safety  
 24 for the many crossings that occur each day through  
 25 traffic.  
 Thank you.

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 25-A

NASNI has been a homeport to 3 aircraft carriers since 1978. Traffic impacts during the infrequent times when 3 carriers are simultaneously in port have been previously assessed. The traffic analysis done in the 1999 FEIS adequately assessed traffic during the few times when 3 carriers are simultaneously in port, including evaluation of the slight increase in manning from a decommissioned conventionally powered carrier to a CVN.

The Navy is a cooperating agency in the ongoing State Route 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS on traffic planning efforts. The alternatives being studied in the State Route 75/282 TCP EIS are beyond the scope of this SEIS. Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 FEIS by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 ROD for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any SR 75/282 TCP EIS projects.

The Navy notes that NASNI contributes to average cumulative traffic volumes in the area. However, local and regional traffic improvements would be necessary, even without Navy aircraft carriers, to accommodate the expected growth in non-Navy traffic. Also see response 01-B.

With respect to safety, the Navy has evaluated potential traffic calming measures for Third and Fourth Streets to keep speeds slow and allow bicycles and pedestrians to cross the streets easier, while maintaining traffic flow. The Navy will not implement any potential traffic improvements that are located off base. See Section 6.2.5 of this Final SEIS for additional information.

Page 3

1                                   \*\*\*

2               SUBJECT: Traffic Stacking

3               COMMENT: The Navy's current initiative of

4       stacking traffic on North Island is greatly appreciated

5       by the residents; however, anecdotal evidence shows that

6       the traffic still stacks up greatly on Fourth Street

7       between the hours of 1330 and 1730.

8               Recommend that stacking methodology be reviewed

9       to better determine when to stack the traffic on North

10       Island and when to meter it out.

11              Thank you.

12                               \*\*\*

13              SUBJECT: Reinstating the toll.

14              COMMENT: Consider the reinstitution of the

15       toll in order to incentivise carpooling, vanpools,

16       multi-person vehicles, rather than all the single-driver

17       cars, in order to decrease the number of vehicles

18       commuting on Third and Fourth Street.

19              Residents could be given a fast-pass type of

20       thing for free entry, and the money generated from tolls

21       could go into a fund to fund the tunnel.

22              Thank you.

23                               \*\*\*

24              SUBJECT: Bus Speed.

25              COMMENT: Have the EIS examine the impact of

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 25-B

Comment noted.

### 25-C

Tolls are not within the jurisdiction of the Navy. The Navy's Transportation Incentive Program has been effective in promoting mass transit use and rideshare. In 2008, the Navy was awarded a Diamond Award for Program Excellence by SANDAG to acknowledge the success of the Transportation Incentive Program. Approximately 6 percent of personnel at NASNI use this program, which is higher than the level of ridership on mass transit among the general public. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit.

### 25-D

Response on following page.



Page 4  
1 the speeding buses on Third and Fourth Street. They do  
2 not comply with the 25-mile-an-hour speed limits.  
3 Although Coronado police have issued tickets to them in  
4 the past -- it is a state road, 75 -- the San Diego  
5 judge dismisses them with no consideration.

6 If the buses could be slowed to 25 miles an  
7 hour, a large amount of noise pollution and a  
8 significant danger to pedestrians could be mitigated.

9 Thank you.

10 \*\*\*

11 SUBJECT: Trucks back on First Street.

12 COMMENT: Lift the base-imposed ban on trucks  
13 along First Street.

14 Thank you.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 25-D

Enforcement of traffic laws on Third and Fourth Streets is within the jurisdiction of the City and CALTRANS, not the Navy's. Nonetheless, the Navy has evaluated potential traffic calming measures for Third and Fourth Streets to keep speeds slow and allow bicycles and pedestrians to cross the streets easier, while maintaining traffic flow. The Navy will not implement any potential traffic improvements that are located off base. See Section 6.2.5 and Figure 6.2-10 of this Final SEIS for additional information. Also see response 19-A.

### 25-E

The base does not "ban" trucks on First Street. The truck inspection area was moved to Third Street to upgrade inspection facilities to meet Anti-Terrorism/Force Protection requirements. The truck route was removed from First Street by the City of Coronado.

<p style="text-align: right;">Kalab.txt 26</p> <p>From: Kalab, Kathleen [kalabka@yahoo.com] Sent: Tuesday, August 12, 2008 4:30 PM To: Taylor, Jason C. Subject: Nimitz Homeporting EIS</p> <p>Name: Kathleen Kalab Email Address: kalabka@yahoo.com Company: ? resident and home owner in Coronado Address 1: PO Box 181529 Address 2: City: Coronado State: California Zip Code: 92178-1529</p> <p>I have been trying for some time to download the Draft SEIS, but apparently my computer cannot handle it. Therefore I am requesting that you send me a copy of the SEIS. Please send me a printed copy. Thank you.</p> <p>Kathleen Kalab Please Note: My residential address is 323 'E' Avenue, Coronado but I get mail at the post office box as I have had items removed from my mail box.</p> <p style="text-align: right;">26-A</p> <p style="text-align: center;">Page 1</p>	<p><b>Navy Response</b></p> <p><b>26-A</b></p> <p>A copy of the Draft SEIS was mailed to the address provided.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------

**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

United States Navy

**Public Hearing Comment Form**

**Draft Supplemental Environmental Impact Statement for  
Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers  
in Support of the U.S. Pacific Fleet**



The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:

Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136

☒ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

- 4 Emailing comments to robert.montana@navy.mil
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: KATHLEEN KALAB Date: SEPT 3, 2008

Organization/Affiliation: \_\_\_\_\_

Address: PO Box 181529

City, State, Zip Code: CORONADO, CA 92178-1529

Comments: I live on the alley between D & E, to get out I go to 3rd or 4th. It is difficult to get out to those streets because parked cars block vision. But my number one concern is exiting to 4th in the afternoon. For several hours traffic on 4th is backed up and despite the signs saying "DON'T BLOCK INTERSECTIONS" cars do block the road. I think there should be white lines ~~marking~~ crossing the 4th street at the alley which have →

(Use reverse side for additional comment)

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****26-B**

Enforcement of traffic laws is not within the Navy's jurisdiction. However, since receiving your comments at the public hearing, the Navy implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy. Citizens can report specific concerns relating to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167.

In addition, potential traffic calming and pedestrian safety measures have been evaluated to address concerns expressed by Coronado residents. These potential measures could include curb bulb-outs and pedestrian activated crosswalks (see SEIS Section 6.2.5 for more information). The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies.

printed signs on the road saying "DO NOT BLOCK".  
I also wish the police would sometimes (irregularly)  
have a presence at this site and help to prevent  
blocking of residents trying to get out. At this  
point I would need the LOS for alley residents  
approaching 4<sup>th</sup> in the afternoon or P.

26-B

**Navy Response****26-B**

Response on previous page.

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

Page 32

1 does improve traffic during peak hours, but the  
2 community experience is three steady hours of peak  
3 traffic in both the AM and PM hours, versus one to  
4 two hours.

5 Now I'd like to comment on the Navy's  
6 constraints on the public hearing process.

7 The Navy only allows three minutes per speaker.  
8 The Navy doesn't allow time donations. The Navy has  
9 further constrained the public hearing by not allowing  
10 PowerPoint presentations. All of these constraints do  
11 not allow an agency, which has worked closely with the  
12 Navy, the opportunity to fully express its concerns and  
13 comments on a 1200-page document in a public hearing.

14 Thank you.

15 COMMANDER KEVIN O'NEIL: Mr. Ledford.

17 RICHARD LEDFORD 27

18 RICHARD LEDFORD: Thank you.

19 My name is Richard Ledford, L-e-d-f-o-r-d, and  
20 I'm a consultant for the City of Coronado. I'm going to  
21 spend some time talking about traffic in my three  
22 minutes here, and the lack of accuracy within the SEIS  
23 right now.

24 In fact, one of the things we saw up on the  
25 board spoke to the increase in the number of

27-A

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****27A**

Response on following page.



Page 33

1 intermittent consecutive days in port each year from 13  
 2 to 29 carriers. But as was mentioned earlier, in 2002,  
 3 we saw over 100 consecutive days of congested traffic  
 4 that resulted from that study. That's over 95,000  
 5 vehicles per day.

6 The historical count in the SEIS illustrates  
 7 three carriers generate about 47,000 vehicles in '02, in  
 8 and out of NASNI. And we believe this established  
 9 clearly that the Navy was responsible for half of those  
 10 during that 100-plus days in '02.

11 We also think that the Navy provides an  
 12 estimate of the number of days when two carriers are in  
 13 port, since that's important to the number of increase  
 14 and its effect on traffic.

15 The Navy extends maintenance schedules for  
 16 homeport CVNs from 24 to 32 months, including a new  
 17 30-day period of in-port maintenance. And that, again,  
 18 will contribute to the traffic congestions not reflected  
 19 in the SEIS.

20 The Navy uses annual average daily traffic  
 21 numbers, which can be misleading, because the traffic  
 22 builds up in the morning and afternoon. It's really  
 23 five days a week, not seven. And the annual figure  
 24 tends to level that out as opposed to reflecting what  
 25 really happens during the weekday and the impact it has

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 27-A

The annual estimate of 29 intermittent and non-consecutive days when 3 carriers will be simultaneously in port is a reasonable estimate based upon the Navy current assessment of various maintenance and deployment cycles (See Section 2.6.1.2 of the SEIS). The 29 day estimate considered the new 32 month maintenance schedule. Additionally, in reviewing Navy records, it is noted that during the period 2001 to 2005, the annual in-port carrier days when 3 homeported carriers were simultaneously in port ranged from 0 to 53 days for an average annual amount of 15 intermittent and non-consecutive days per year. Navy records show that there were 53 days in 2002, not 100 consecutive days, when 3 carriers were at NASNI.

### 27-B

The Annual Average Daily Traffic counts for roadways were referenced because that data is typically used by CALTRANS when evaluating their facilities (such as the San Diego-Coronado Bridge (SR-75). Figure 3-3 of the traffic technical report (Appendix C) shows the monthly variation in traffic for the bridge. To account for seasonal traffic, all intersection counts used in this analysis are from the peak traffic month of the year, which is July.

Page 34

1 on the community.

2 If we look at the trip generation table for  
3 cumulative projects occurring in Coronado, this is  
4 really important. The Navy fails to add a number of  
5 Navy projects to that. I mean, there is the NASNI  
6 Bachelor Quarters where they're demolishing 1,000 rooms  
7 and they're adding over 2200 new ones. NASNI may lodge  
8 an expansion of cottages. They're demolishing 90 rooms  
9 and they're adding 260 rooms.

10 If you use the calculation used for a typical  
11 hotel, like Hotel Del, that's ten trips per occupancy.  
12 That would calculate out to more than 2600 daily trips.  
13 But if that's too high, you can use eight for  
14 condominiums. Where if that's too high, you can use  
15 three for bachelors quarters, and that would still add  
16 up to an additional 6800 daily trips. Now, just those  
17 two calculations produce more than 9,000 additional  
18 trips per day. And that, again, is not reflected in the  
19 SEIS.

20 And then perhaps finally, I want to address the  
21 issue of peak carrier travel times. It's deficient  
22 because the Navy measures traffic from the foot of the  
23 bridge to NASNI's gate. When in truth, if you notice  
24 what happens when we have three carriers in, oftentimes  
25 the traffic backs up on State 5. So it would be much

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 27-C

Cumulative projects on NASNI and within the City of Coronado were taken into account. At the time of the 2008 traffic study, two projects were identified on NASNI, which include the expansion of the Navy Lodge to include 220 additional rooms and the addition of a helicopter squadron to include an additional 200 personnel. The total daily traffic estimated to be generated by these projects is 2,700 ADT. Because of the uncertainty of other potential projects on NASNI and as a conservative estimate, an additional 1,300 ADT was assumed to be included as cumulative traffic for a total of 4,000 ADT. In addition, the new bachelor quarters would likely reduce peak directional traffic by placing housing for sailors on base where they could walk to work. This program will be a benefit that will reduce commuter traffic and was not included in the cumulative traffic analysis as it is in the planning stages.

### 27-D

The 2008 traffic study depicts the effectiveness of using the staggering of work hours in reducing peak hour commuter traffic during the average 29 intermittent, non-consecutive days when 3 homeported carriers are simultaneously in port. The Navy studied the roadway network in the vicinity of NASNI. It is not necessary to extend that network beyond the limits of the City of Coronado to analyze the impacts of NASNI and carrier traffic or potential traffic improvements identified in the SEIS.

Page 35

1 more appropriate to measure from the entrance of the  
2 bridge to NASNI's gate.

3 And finally, the issue of census. We had on  
4 the board here -- I think it showed 1 percent growth per  
5 year in the City of Coronado, when in truth, if you look  
6 at the last five years, the cumulative average every  
7 year is no more than 2/10ths of 1 percent growth. So  
8 the suggestions somehow that the City is contributing  
9 largely to the traffic problem also needs to be  
10 addressed more accurately.

11 Thank you.

12 COMMANDER KEVIN O'NEIL: Thank you.

13 Mr. Torma.

14  
15 SETH TORMA

16 SETH TORMA: Seth Torma, KOA Corporation, a  
17 consultant to the City. We prepared the Coronado tunnel  
18 traffic study, which is why we were hired to evaluate  
19 the SEIS traffic study.

20 The purpose of the carrier traffic study is to  
21 identify traffic impacts. And after our review,  
22 generally we believe it doesn't do a good job of  
23 addressing and identifying those impacts.

24 The purpose of the larger document that the  
25 traffic study is a part of, the SEIS, those are prepared

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****27-D**

Response on previous page.

**27-E**

The commenter is correct. The 1 percent growth was derived from the U.S. Bureau of Census and reflects the average annual population growth in the City over the last 40 years. Because this was not used in the baseline traffic conditions, this text was deleted from pages ES-5 and 3-1 of the SEIS. The traffic baseline was established for the traffic analysis by project-specific traffic counts taken in July and September 2007. Traffic projections were made using the regional traffic model.

28

McArthur.txt  
 From: McArthur, James [james.mcarthur@ngc.com]  
 Sent: Monday, August 25, 2008 12:41 PM  
 To: Taylor, Jason C.  
 Subject: Nimitz Homeporting EIS

Name: James McArthur  
 Email Address: james.mcarthur@ngc.com  
 Company: self  
 Address 1: 1215 third St  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

I fully support the Navy bringing in another carrier. What I do not support is the lack of a plan to control speeding on 3rd and 4th. The speed is not enforced by CHP, Coronado PD or the Navy. No one will take responsibility for the enforcement of the 25mph speed.  
 The problem is most evident on afternoons and weekends. We need traffic lights on B ave and H on each street. Each set as not to impede the traffic.  
 If a proactive solution is not part of the plan , don't bring another carrier.

v/r

jamie McArthur

28-A

Page 1

## Navy Response

### 28-A

Enforcement of traffic laws is not within the Navy's jurisdiction; however, habitual violators who work at NASNI can have their base driving privileges suspended. Since receiving your comments at the public hearing, the Navy has implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy. Citizens can report specific concerns relating to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167.

The Navy has also evaluated potential traffic calming measures for Third and Fourth Streets to keep speeds slow and allow bicycles and pedestrians to cross the streets easier, while maintaining traffic flow. The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies. See Section 6.2.5 and Figure 6.2-10 of this Final SEIS for additional information.

In addition, the Navy's Transportation Incentive Program is intended to reduce single-occupancy vehicle use by commuters to NASNI by providing subsidies, up to \$110 per month, for employees who use the COASTER, San Diego Trolley, MTS Buses, San Diego Bay Ferry, Vanpool Services, Inc., and Ridesharing. Currently, over 1,500, approximately 6 percent, of NASNI commuters are using this program, and this number grows each year. See Table 3.1-10 in this Final SEIS.



29

707 Orange Ave., #3D  
Coronado, CA 92118

August 21, 2008

Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager, (Code: ROPME RM)  
2730 McKean Street, Bldg. 291  
San Diego, CA 92136

My letter is a comment regarding traffic in and out of Naval Air Station North Island (NASNI) and the Naval Amphibious Base Coronado.

While you failed to note in your traffic survey thru 2006 the number of single-person vehicles to both of these installations. I am amazed your survey team overlooked this single-person vehicles count on the main streets and throughout Coronado's side streets. Of course you could not do this electronically...is this an oversight on your part? I truly believe you should restudy this problem and eliminate it for all of us who live here.

29-A

I must try to arrange all of my outings: Appointments, shopping, carpooling my grandchildren, etc. to the hours of 9:30 a.m. and 1:30 p.m. (when the early birds leave). It is horrendous on a daily basis with the exception of weekends. The Navy has never been amenable in helping to eliminate this problem on Third and Fourth Streets and Orange Avenue during all the shift hours you mentioned and it will only be a lot worse when we have three nuclear carriers home-based at NASNI.

Surely the Navy must have some way of eliminating so many vehicles in such a small city as Coronado; such as, parking lots throughout San Diego and the surrounding cities to park their cars and have buses to escort them to these two stations...like parking lots the trolley stations have and also have your own Navy ferries directly to NASNI and then shuttles personnel from these drop-off points throughout the stations. I do not feel your staggering work shifts hours are helping us to any great degree. I do not think carpooling is the answer as I have never noticed any sign of this being done at these stations.

29-B

Please devise a better solution to this dilemma in our city.

Respectfully,



Dorothy L. McSwain

## Navy Response

### 29-A

NASNI has been a homeport for 3 aircraft carriers since 1978. The Proposed Action to homeport 3 CVNs (which included the replacement of a conventional powered carrier with a CVN) was analyzed in the 1999 FEIS and was executed in 2004 pursuant to the 2000 ROD. The SEIS does not propose any changes to the Proposed Action analyzed in the 1999 FEIS.

The Navy's Transportation Incentive Program is intended to reduce single-occupancy vehicle use by commuters to NASNI by providing subsidies, up to \$110 per month, for employees who use the COASTER, San Diego Trolley, MTS Buses, San Diego Bay Ferry, Vanpool Services, Inc., and Ridesharing. Currently, over 1,500, approximately 6 percent, of NASNI commuters are using this program, and this number grows each year (See Table 3.1-10 in this Final SEIS). In 2008, the Navy was awarded a Diamond Award for Program Excellence by SANDAG to acknowledge the success of the Transportation Incentive Program. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit.

### 29-B

The Navy continues to encourage the use of mass transit by NASNI commuters. As noted in previous responses, the Navy's Transportation Incentive Program includes 1500 individuals using mass transit. The program has shown increased membership and growth over the past several years. These efforts are continuing.



<p style="text-align: center;">30</p> <p>From: Clarice Perkins [mailto:claricep@mac.com] Sent: Wednesday, August 20, 2008 15:23 To: Montana, Robert A CTR NAVFAC SW, SDNS Subject: Home-Porting of Third Carrier at NASNI</p> <p>Good afternoon,</p> <p>I just read with dismay the article on the front page of the Coronado Eagle that the Navy is going to home port a third carrier at NASNI. I say 'with dismay' because the traffic going in and out of NASNI is already horrendous without adding to it. We live on J Ave. between Third and Fourth Streets and witness first hand the massive amount of traffic early in the morning and late afternoon entering and leaving the base. It's obvious that it's NASNI traffic and not local traffic. Adding an additional 4,793 vehicles is not inconsequential.</p> <p>I know my input is not going to make a difference, but I would like to add my comments because I cannot attend the Sept. 3 council meeting.</p> <p>I'm as patriotic as the next person and support our troops. I know we need carriers. However, why can't the Navy recognize the impact NASNI had on the quality of life in Coronado and mitigate it? For example, why can't the Navy provide a car pool staging area just on the other side of the bridge and provide shuttle vans in the morning and late afternoon? It's obviously documented when the shuttles would be needed. This is just one suggestion and I'm sure there are others. Clarice Perkins</p>	<p><b>Navy Response</b></p> <p><b>30-A</b></p> <p>NASNI has been a homeport for 3 aircraft carriers since 1978. It was concluded in the 1999 FEIS and in the traffic analysis for this SEIS that the conversion to CVNs did not add additional traffic. Section 3.1.6 of the SEIS provides a detailed explanation of the analysis.</p> <p>As discussed in Chapter 3 of the Final SEIS, the 4,793 figure represents the expected <i>total daily</i> traffic. Peak hour traffic is estimated to be 1,392. With the planned staggering of work hours, the net increase in peak hour traffic (morning commute) would be 287 vehicles when compared to the non-staggered work hour traffic with only one carrier in port.</p> <p><b>30-B</b></p> <p>The Navy continues to encourage the use of mass transit by NASNI commuters. As noted in previous responses, the Navy's Transportation Incentive Program includes 1500 individuals using mass transit. The program has shown increased membership and growth over the past several years. These efforts are continuing. Additionally, SANDAG and the Navy have engaged in an ongoing effort to increase ridership on mass transit.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

31

Name: Doris Ricks  
 Email Address: [kuuipodr@earthlink.net](mailto:kuuipodr@earthlink.net)  
 Company: Alameda Blvd Resident  
 Address 1: 275 Alameda Blvd  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

OUR FAMILY LIVES DIRECTLY ACCROSS FROM NASNI MAIN GATE (CNR 3RD & ALAMEDA), LIVED HERE SINCE 1992. WE HAVE SEEN THE TRAFFIC INCREASE DRAMATICALLY. WITH A 3RD CARRIER HOMEPORTED AT NASNI, I CANNOT IMAGINE THE HELL, YES...HELL, WE WILL ENDURE. THE CARCINOGENIC AIR POLLUTION FROM THE VEHICLES, THE INCREDIBLE NOISE -- NOT ONLY OF THE ENGINES SLOWING AND REVING, THE AIR BRAKES OF THE TRUCKS, THE UNGODLY MUSIC FROM BLARING RADIOS AND THE INABILITY TO CROSS 3RD & 4TH STS, ESPECIALLY FOR MY YOUNG CHILD WHEN GOING TO SCHOOL IN THE MORNING AND THEN BACK IN THE AFTERNOON. HOW CAN THE TRAFFIC POSSIBLY BE HANDLED? THE BACK-UP OF CARS BEGINNING AT 4:00 A.M. IS AND WILL BE EVEN MORE UNBEARABLE. THIS LAST YEAR WE PUT IN ALL NEW DOUBLE-PANED WINDOWS AND DOORS AND STILL THE ENGINES AND BLARING RADIOS WAKE US UP LONG BEFORE WE NEED TO BE. WE CANNOT HAVE AN OPEN WINDOW AT NIGHT UNLESS WE GET UP BE 3:00 A.M. TO CLOSE THEM BEFORE THE TRAFFIC STARTS. THE NAVY/FED GOVT MUST TAKE RESPONSIBILITY FOR THE HUNDREDS OF THOUSANDS OF VEHICLES PASSING BY 3RD & 4TH STS & ALAMEDA BLVD DAILY. PLEASE CARE ABOUT OUR HEALTH AND SAFETY. A TRAFFIC LIGHT IS OUT OF THE QUESTION -- IT WILL KEEP THE TRAFFIC NEXT TO OUR HOUSE FOR EVEN LONGER PERIODS AND THROUGHOUT THE ENTIRE DAY. WE DO NOT WANT A TRAFFIC LIGHT!!! HAVING TRAFFIC PERSONNEL IN THE MORNING WORKS WELL FOR CROSS TRAFFIC ON ALAMEDA, BUT THIS PERSON NEEDS TO BE AT THE INTERSECTION OF 3RD & ALAMEDA UNTIL 8:15 A.M., MAKING IT EASY FOR CHILDREN TO CROSS 3RD ST TO GO TO SCHOOL. THE TUNNEL NEEDS TO BE BUILT NOW -- THE NAVY/FED GOVT NEEDS TO CONTRIBUTE FUNDS -- PAY YOUR FAIR SHARE -- TO SEE IT IS BUILT AS EXPEDITIOUSLY AS POSSIBLE. THE VEHICLES ENTERING THE BASE NEED TO BE REMOVED FROM CORONADO STREETS AND IN PARTICULAR 3RD AND 4TH STS, AS WE RESIDENTS ARE AFFECTED THE MOST. LASTLY, THE NASNI COMMANDS ARE DOING A TERRIBLE JOB OF ADVISING SAILORS (BOTH STATIONED ON NASNI OR VISITING SHIPS' PERSONNEL) REGARDING LOITERING IN FRONT OF RESIDENCES. ALL SAILORS SHOULD BE MADE AWARE OF THE VISITOR PARKING LOT AND BUS STOP AND TO ACTUALLY USE IT. I CONSTANTLY HAVE SAILORS WHO ARE WAITING FOR RIDES HANGING OUT IN FRONT OF MY HOUSE. THEY LEAVE TRASH AND CIGARETTES BEHIND. THEY TALK LOUDLY ON THEIR CELL PHONES. MY DAUGHTER CANNOT PLAY IN THE YARD WHEN SAILORS ARE HANGING OUT THERE. I CAN ONLY IMAGINE THAT THIS PROBLEM WILL ALSO BE MAGNIFIED ONCE A THIRD CARRIER IS HOMEPORTED HERE. SOMEHOW YOU

31-A

31-B

## Navy Response

### 31-A

NASNI has been a homeport for 3 aircraft carriers since 1978. It was concluded in the 1999 FEIS and in the traffic analysis for this SEIS that the conversion to CVNs did not add additional traffic. Section 3.1.6 of the SEIS provides a detailed explanation of the analysis.

Impacts to air quality and noise related to traffic were analyzed in SEIS Sections 3.2 and 3.3. The analyses concluded that the no significant air or noise impacts would occur as a result of new information or changes in circumstances since the 1999 FEIS. Citizens can report specific concerns related to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167.

The Navy has analyzed potential transportation improvements for five intersections to control traffic better on City streets. In addition, traffic calming and pedestrian safety measures have been evaluated to address concerns expressed by Coronado residents. These measures could include curb bulb-outs and pedestrian activated crosswalks (see Section SEIS 6.2.5 for more detail). The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies. The City and CALTRANS are responsible for implementation of potential traffic improvements on City streets and enforcement of traffic regulations. The Navy continues to work in cooperation with the City and CALTRANS on traffic planning and other community issues.

### 31-B

The Navy notes your concerns and will continue to encourage Sailors and NASNI employees to be good citizens and neighbors. Citizens can report specific concerns relating to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167.

NEED TO MAKE THE SAILORS AWARE THAT THEY SHOULD USE THE BUS STOP  
AREA TO WAIT FOR RIDES, AND FOR THEIR VISITORS TO PARK IN THE VISITORS  
LOT, NOT IN FRONT OF ALAMEDA BLVD RESIDENCES. IN SUMMATION, TO SAY  
THAT HAVING A 3RD CARRIER HOMEPORTED HERE WILL BE OF NO SIGNIFICANT  
IMPACT IS UNTRUE -- IT WILL ADVERSELY AFFECT ALLS THE RESIDENTS OF 3RD  
& 4TH STS AND ALAMEDA BLVD IMMENSELY. OUR HEALTH AND ABILITY TO  
CROSS STREETS AND LIVE PEACEFULLY WILL DEFINITELY BE COMPROMISED.  
YOU WANT A 3RD CARRIER, THEN BUILD THE TUNNEL!!

31-B

**Navy Response****31-B**

Response on previous page.

32

Scharff.txt

From: Scharff, Richard [rscharf1@san.rr.com]  
 Sent: Thursday, September 04, 2008 6:45 PM  
 To: Taylor, Jason C.  
 Subject: Nimitz Homeporting EIS

Name: Richard Scharff  
 Email Address: rscharf1@san.rr.com  
 Company: Resident representing Coronado Third and Fourth St residents Address  
 1: 1310 Fourth St.  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

These comments follow-up the three minute opportunity comments I provided in Coronado, CA the evening of September 3, @ 6:00-9:00p:

#### 1. Navy Traffic Mitigation Actions.

I would expect to see in the Final SEIS a definitive Navy plan regarding the promotion, recruitment, and long-term growth in the utilization of van pools and public transportation, both within individual commands, including the carriers, and for NavBase Coronado as a cumulative effort. Current numbers of van pools and total riders should be provided with stated goals for incremental percentage increases on an annual basis. Details on all financial incentives and subsidies should be provided for public information. Goals and objectives, along with strategies and actions to attain the goals should be provided in the Final SEIS.

32-A

I would also expect to see in the Final SEIS specific Navy community programs, promotions, and specific awareness training for all Navy personnel, civilian employees/staff and military, regarding the mandatory 25mph speed limit throughout Coronado. It is expected that all Navy traffic will move through our community with respect and consideration for the high density, residential nature of all streets, but specifically Third and Fourth Streets since these thoroughfares bear the brunt of the traffic, within the community.

32-B

#### 2. Average Daily Trips (ADT)

Several different studies are cited in the draft SEIS with markedly inconsistent and conflicting representation of average daily trips. A baseline number for 2008, based on a current traffic volume survey of vehicles entering and leaving Coronado via the bridge, must be identified and agreed upon, at a minimum by the City of Coronado, Cal Trans, and the Navy, in the Final SEIS since many major decisions and strategies are driven by that very important and definitive number.

32-C

#### 3. Section 7.0

This section in the draft SEIS is grossly inadequate. This section should, in the Final SEIS, fully address and assess all alternatives in the Transportation Corridor Project including the proposed tunnel. The draft SEIS only addresses the "grade separation" alternative in cursory terms. All current, applicable documentation pertaining to the TCP should be referenced in the Final SEIS document.

32-D

Page 1

## Navy Response

### 32-A

Additional information on the Navy's Transportation Incentive Program has been added to the SEIS and is depicted in Table 3.1-10.

### 32-B

The Navy encourages its Sailors and NASNI employees to be responsible citizens and good neighbors by staying within posted traffic speed limits and minimizing noise while commuting; however, enforcement of traffic laws is not within the Navy's jurisdiction. The Navy works cooperatively with the City of Coronado and CALTRANS on traffic planning efforts.

### 32-C

The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen. Citizens can report specific concerns relating to Navy personnel commuters by contacting the Public Affairs Office at 619-545-8167. Traffic impacts are based upon actual traffic counts collected in the summer and fall of 2007 and historical traffic data provided by CALTRANS. The traffic analysis was performed by a qualified traffic consultant using the CALTRANS traffic model and guidelines and has been reviewed by CALTRANS. The intersections analyzed were different than the studies cited; therefore, it is reasonable to have different baselines. The DSEIS was submitted to regional and local transportation authorities for comment.

### 32-D

The SR75/282 TCP EIS alternatives are beyond the scope of this document, and they are not currently ripe for analysis. This SEIS is supplemental to the 1999 FEIS that analyzed establishment of the homeport for three CVNs at NASNI. That 1999 traffic analysis focused on the trips generated by three homeported CVNs. Therefore, the supplement also focuses on trips generated by the 3 CVNs. To the extent that this SEIS looks at traffic improvements, it looks to solving the problems linked most closely to the traffic generated by the CVNs. In other words, it looks to minimizing the CVN contribution to a cumulative traffic problem that has many other sources. The SR75/282 EIS has much broader scope. It is intended to look at solutions to the broader traffic problems on Coronado.



**Navy Response**

Response on following page.

Page 49

1 modification, which is a large, a super large expense.  
2 It does this by attacking the other side of the problem,  
3 the congestion problem, not trying to handle 9,000 cars  
4 an hour, but rather doing it -- trying to remove 95 --  
5 up to 95 percent of the traffic in the first place.

6 With this will be less vehicle air pollution,  
7 reduced commute times, and the new technology is  
8 commercially available now. It's being manufactured in  
9 California for metropolitan areas in California.

10 What is the technology? It is called BEV, and  
11 that stands for "battery electric vehicle." The  
12 installation of 50 electric buses will take a thousand  
13 people per hour across the bridge from all kinds of  
14 points in the East Bay, and even from the south.

15 With that, I remove 95 percent -- up to  
16 95 percent of the traffic. Anybody that wants to see  
17 this can look at it in the proceedings, or you can call  
18 me up and we can send you an e-mail or something with  
19 it.

20 Thank you very much.

21 COMMANDER KEVIN O'NEIL: Thank you, Mr. Friedl,  
22 Mr. Scharff.

23  
24 RICHARD SCHARFF

32

25 RICHARD SCHARFF: Good evening. Richard "Dick"

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5



Page 50

1 Scharff, 1310 Fourth Street. That's between Orange and  
 2 the bridge. So I am familiar with the traffic issues in  
 3 Coronado.

4 Just three points -- I think four points on the  
 5 EIS.

6 The Navy mitigation actions in terms of  
 7 vanpools, average number of riders, and using public  
 8 transport, I'd like to see in the final report a much  
 9 more definitive action plan on the part of the Navy, how  
 10 they're going to do something about this. And I want to  
 11 understand fully what it's contributing right now and  
 12 what the plan is to increase it on an annual basis until  
 13 there's some significant contribution on that part.

14 Right now, you know, I stand out here and watch  
 15 traffic on Fourth Street, and I don't see a caravan of  
 16 vanpools going by my house. So I think there's a lot of  
 17 work that could be done in that regard and certainly  
 18 would endorse battery-powered buses in whatever context.

19 Again, your average daily trip numbers in the  
 20 executive summary cites a 2006 number in Table 3.1, in  
 21 horizon year of 2030, cites a completely different  
 22 number. There's no correlation between the average  
 23 daily trips. I'd like you to find the baseline average  
 24 daily trip number that is agreeable to all the agencies  
 25 concerned with traffic management in the area, and come

MERRILL LEGAL SOLUTIONS  
 800-544-3656

32-E

32-F

## Navy Response

### 32-E

See response to 32-A

### 32-F

The Navy's 2008 traffic study prepared in conjunction with the SEIS included actual traffic counts taken in July and September 2007 and used standard regional traffic modeling to project future traffic. Please see Chapters 3 and 6 and Appendix A.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 51

1 to a number that is righteous and that we can use to  
 2 make accurate predictions. And there's a lot of  
 3 decisions made on these numbers, so I'd like to see some  
 4 consistency on average daily trips.

5 I'd echo Mr. Benson's comments on 7.0 about the  
 6 alternatives to the transportation corridor plan. You  
 7 only talk about one. There's a tunnel and some other  
 8 alternatives that needs to be discussed fully in EIS and  
 9 coordinated with the City of Coronado and Caltrans and  
 10 give the public some real information about what's going  
 11 on in that -- alternative modes.

12 And I would like to see an action plan. You  
 13 mention the current environment in the 75/282 corridor.  
 14 You mentioned the 25-mile-an-hour speed limit, and  
 15 that's all you say about it. I'd like to see specific  
 16 action and publicity plans on parts of the individual  
 17 commands, as well as the Naval Base Coronado, about how  
 18 you encourage Navy personnel to comply with the  
 19 25-mile-an-hour speed limit on Third and Fourth. And I  
 20 would remind you that the 25-mile-an-hour speed limit is  
 21 throughout the village, except for a short eight-block  
 22 stretch on Orange Avenue.

23 So I'd like to see some definitive plans on the  
 24 part of the Navy about reinforcing the need for respect  
 25 and consideration as that volume moves through the

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****32-F**

Response on previous page.

**32-G**

As referenced in response to Mr. Benson's comments, the Navy is a cooperating agency in the ongoing SR 75/282 TCP EIS. The Navy meets regularly with the City of Coronado and CALTRANS District 11 on traffic planning efforts. The alternatives being studied in the SR 75/282 TCP EIS are beyond the scope of this SEIS. Additionally, the alternatives under study in the TCP EIS are in the conceptual phase and it would be premature to assess any of these concepts in the context of the focused purpose of this SEIS. The purpose of the SEIS is to supplement the 1999 FEIS by considering potentially significant new circumstances or information relevant to environmental conditions that have emerged since the 2000 ROD for the 1999 FEIS. The SEIS studies traffic conditions that would occur during the average 29 intermittent, non-consecutive days per year when three carriers are simultaneously in port. The SR 75/282 TCP EIS is still in development. The Navy has considered this ongoing planning project as part of the cumulative impacts analysis (Section 6). It is envisioned that the potential traffic improvement projects analyzed in the SEIS would complement any TCP projects.

**32-H**

Enforcement of traffic laws is not within the Navy's jurisdiction; however, since receiving your comments at the public hearing, the Navy has implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy. In addition, traffic calming and pedestrian safety measures have been evaluated to address concerns expressed by Coronado residents. These measures could include curb bulb-outs and pedestrian activated crosswalks (see SEIS Section 6.2.5). The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies.

While enforcement of traffic laws is not within the Navy's jurisdiction, the Navy regularly cooperates with the City and CALTRANS on traffic planning including issues of speed limit enforcement and potential traffic calming projects. The Navy has an active program to encourage use of mass transit and programs to work as good neighbor within the City.

Page 52

1 community.

2 Thank you.

3 COMMANDER KEVIN O'NEIL: Thank you,

4 Mr. Scharff.

5 And, again, thank you for this group of five  
6 for respecting the time limits. I appreciate that.

7 The next following five, if you will please  
8 come forward and take a spot near the podium. Ms.  
9 Pamela Hollinger. Annette Hughes. Am I saying that  
10 correctly? Thank you. Ann Goodfellow, Barbara Sewall,  
11 and Richard Oppen.

12 And Ms. Hollinger, you are first. Do we have a  
13 Pamela Hollinger here? Well, we'll move on and see if  
14 she decides to speak.

15 Ms. Hughes, if you would like to take your turn  
16 at the podium.

17  
18 ANNETTE HUGHES

19 ANNETTE HUGHES: My name is Annette Hughes, and  
20 I reside at 407 First Street.

21 I thank you for the opportunity to address you  
22 this evening on a matter of great concern to me and my  
23 neighbors: The rapid erosion of our backyards into the  
24 San Diego Bay.

25 We are happy to be residents of this great

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

Response on previous page

**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

**United States Navy**

33

**Public Hearing Comment Form**
**Draft Supplemental Environmental Impact Statement for  
Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers  
in Support of the U.S. Pacific Fleet**


The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:  
Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136
- 4 Emailing comments to robert.montana@navy.mil
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

☒ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: ART WYNN Date: 3 SEPT 2008

Organization/Affiliation: \_\_\_\_\_

Address: 375 E AVE

City, State, Zip Code: CORONADO, CA 92118

Comments: \_\_\_\_\_

PLEASE - MANY OF THOSE LEAVING NORTH ISLAND ARE NOT  
OBSERVING THE 25MPH LIMIT - ESPECIALLY IN THE EVENING  
AND DURING THE NIGHT - CARS, TRUCKS, INCLUDING  
18 WHEELERS ARE TRAVELLING AT 40 TO 50 MPH.  
ALSO - CAN YOU PUT UP SIGNS AT THE 4TH ST EXIT  
REMINING THAT THE 25MPH LIMIT IS TO BE OBSERVED  
AND DO NOT BLOCK INTERSECTIONS -

33-A

THANK YOU (Use reverse side for additional comment)

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****33-A**

Enforcement of traffic laws is not within the Navy's jurisdiction. The Navy coordinates with the City and CALTRANS on traffic planning issues and encourages its Sailors and NASNI employees to obey traffic rules and be respectful as good neighbors in the community. Since receiving your comments at the public hearing, the Navy has implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy.

In addition, traffic calming and pedestrian safety measures have been evaluated to address concerns expressed by Coronado residents. These measures could include curb bulb-outs and pedestrian activated crosswalks (see SEIS Section 6.2.5). The Navy will not implement any potential traffic improvements that are located off base. These potential improvements are under the jurisdiction of either the City of Coronado or CALTRANS and would require funding and implementation through the appropriate agencies.



Page 63

1 backyard in the handout.

2 Thank you very much.

3 COMMANDER KEVIN O'NEIL: Is Pamela Hollinger  
4 here?

5 If there's anyone who desires to speak who has  
6 not yet filled out a comment card but who desires to  
7 speak or you've changed your mind and you've decided to  
8 speak, please raise your hand and one of the Navy staff  
9 will ensure that you get a comment card.

10 And for the one gentleman raising your hand,  
11 sir, I know they're getting you one right now, and  
12 they'll have you fill that out.

13 The next five people, if you would, come on up,  
14 please, to the area closest to the podium. Art Wynn,  
15 Apua Garbutt and Mark Garbutt, Maurice Harwick, and  
16 Suzie Heap.

17 Mr. Wynn.

18  
19 ART WYNN 33

20 ART WYNN: Yes. Thank you, Captain Commander.  
21 My name is Art Wynn. I live at 375 "E" Avenue.

22 About three years ago I appealed to the Navy.  
23 I spoke to the then Captain of the Public Affairs  
24 office, and I did have cooperation. I was concerned  
25 about not only speeding -- at that time the speed limit

33-B

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 33-B

Since receiving your comments at the public hearing, the Navy, has implemented flashing signs at NASNI gates encouraging NASNI commuters to be good neighbors, obey speed limits and avoid blocking intersections. These signs were placed the morning after the public hearing (4 September 2008) for this project and represent a continuing good neighbor policy of the Navy.



Page 64

1 was 35 miles an hour -- but I was also concerned about  
2 the blocking of intersections. It was one long parking  
3 lot, literally, from Orange all the way to the Base.

4 I prevailed upon Caltrans, took about a year,  
5 and they put in two "Do Not Block Intersection" signs,  
6 one at my corner and one at "D" -- and -- for that.

7 This has really helped. I mean, you have no idea how  
8 much better it is now. Most of the time on my street,  
9 on "E," we are able to get through. There are always  
10 one or two that will creep into the intersection and  
11 block it, but that's not as bad as it used to be.

12 The other issue is the speeding. Now the limit  
13 is 25 miles an hour. And during the rush hour, it never  
14 exceeds 25 miles an hour, but as soon as the rush hour  
15 ends, cars are going by at 35 and 40 miles an hour and  
16 faster.

17 In the evening we're getting the 18-wheelers,  
18 and that goes not only in the evening, but it goes to  
19 1:00 and 2:00 and 3:00 in the morning. I know, because  
20 I try to sleep with my window open, but I always have to  
21 close it, and that has to stop.

22 Now, the Captain and the Public Affairs Office  
23 three years ago, did put a generic sign. I know it's  
24 still there. And it says to be considerate. Use  
25 consideration. That's about it. What I'd like to see,

MERRILL LEGAL SOLUTIONS  
800-544-3656

33-B

**Navy Response****33-B**

Response on previous page.

871eeed1-8778-45d4-bf65-7dbc44f51ea5

Page 65

1 and this can help by the end of the month, put up a sign  
2 that informs everyone leaving the Base that the speed  
3 limit on Fourth is 25 miles an hour, and do not exceed  
4 it, and also do not block any intersection, not just  
5 mine and "D" Avenue; it's the other intersections that  
6 are blocked as well.

7 Now, this would not take very long to put into  
8 effect, and I think that it would be a tremendous help  
9 right now, not ten years in the future but right now.

10 Thank you.

11 COMMANDER KEVIN O'NEIL: Thank you, Mr. Wynn.  
12 Ms. Garbutt, please.

13  
14 APUA GARBUTT

15 APUA GARBUTT: My name is Apua Garbutt. I  
16 reside at 815 Sixth Street in Coronado. My husband,  
17 Dr. Mark Garbutt, our three children and I have been  
18 residents of this fine community for approximately  
19 14 years.

20 I wish to address two issues: The shoreline  
21 erosion threatening homes on First Street and our city  
22 park, and increased traffic that will result from this  
23 project.

24 First of all, I want to thank you for your  
25 dedication and commitment to our country and to us

MERRILL LEGAL SOLUTIONS  
800-544-3656

33-B

**Navy Response****33-B**

Response on previous page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

# **Individuals**

## **Erosion-related Comments**

**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☐ Please withhold my address from the public record to the extent allowable by law.

**United States Navy****Public Hearing Comment Form**
**Draft Supplemental Environmental Impact Statement for  
Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers  
in Support of the U.S. Pacific Fleet**


The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:  
Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager (Code: ROPME.RM)  
2730 McKean Street, Building 291  
San Diego, CA 92136
- 4 Emailing comments to [robert.montana@navy.mil](mailto:robert.montana@navy.mil)
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

☐ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: Gwyneth Bent Date: 9/3/08

Organization/Affiliation: \_\_\_\_\_

Address: 1617 Blonetta Blvd

City, State, Zip Code: Coronado, CA 92018

Comments: I have always been a staunch supporter

of the Navy in Coronado, and am married

to a former Naval officer. However, I think

that all the evidence points to the erosion

along First St. being caused by the dredging

and increased traffic in the bay, caused

by the increase in Navy ships, especially

aircraft carriers. I think the Navy should

(Use reverse side for additional comment)

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****34-A**

The Navy studied all relevant reports including submissions by agencies, citizens and others. For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix C). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements. The Navy also conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion.

The SEIS analyzes the potential for boat wakes in San Diego Bay by all vessels, and clearly shows that it is other vessels and not aircraft carriers, which are a very small portion of the total ship traffic; travel slowly through the bay and do not generate large wakes; and do not travel south of the turning basin near First Street that are responsible for the boat wakes of concern referenced in the 2000 USACE report.

Please be assured that the local Navy is actively engaged with the community on a daily basis and will endeavor to continue our good neighbor practices on these and other important issues.

Want to be good neighbors to the citizens  
of Coronado and provide the necessary seawall  
or whatever necessary to reverse the erosion

34-A

**Navy Response****34-A**

Response on previous page.

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.



09-25-08A08:38 RCVD

35

My name is Annette Beus and I reside at 407 First Street. I thank you for the opportunity to address you this evening on a matter of great concern to me and my neighbors—the rapid erosion of our backyards into the San Diego Bay. We are happy to be residents of this great community and we certainly respect the Navy and its mission. Having said that, we have great concern about our property and eventually, our homes, which will be lost because of #1 the deep basins that have been dredged in the bay behind our homes by the Navy and the Port, and #2 the increased wave energy in the bay because of the channel dredging. The Navy and the Corps of Engineers have some responsibilities in this matter.

35-A

There are two Army Corps of Engineer Reports, 2001 AND 2005, which have been published and indicate that the backyards of up to 35 homes on First Street are being eroded at the rate of 1.7 feet per year without seawall or barrier protection. This report states that the reason for the erosion is a combination of two things: First, a steep offshore gradient that has resulted from the dredging for the 50-ft Turning Basin only a few hundred feet from our backyards; and, second, the channel dredging which has caused more traffic and wave action, also accelerating the erosion of our backyards into the bay. This is clearly stated in the Army Corps report. The report states that if there is no organized effort to protect this portion of the shoreline, this could erode house foundations in approximately 10 years from the date of the 2001 report. The Corps has even determined how many millions of dollars it will cost our government when those homes are eroded and destroyed. And yet, there is no concern from either the Navy or the Port about us or our property.

We have personally spent tens of thousands of dollars, not to correct the problem, because we can't. We have been trying for several years to get some relief in controlling this erosion. Time has taken its toll and the problem worsens. We no longer have an access to the bay to construct a wall, nor can we even obtain

35-B

## Navy Response

### 35-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that “the source of erosion was primarily due to wave energy created by boat and ship traffic” (p. 10). The 2000 USACE was revised in 2005 and further stated that “wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline” (p.10). The 2005 USACE report also determined that there was “no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash” (p. 10).

As stated in Section 5.2 of the SEIS, the turning basin is a natural depression that has geologically and historically been lower in relative bathymetry to the surrounding bay floor, except for the main channel. Because this area is deeper relative to the surrounding bathymetry it functions in the same manner it historically has as a confluence, for sediments placed in suspension by other forces, to reach the main navigation channel. This process and function is affected less by depth or slope than by sediment availability. If sufficient sediment were available, there would be sediment accumulation along the shoreline and in the area of deeper bathymetry that would require regular maintenance dredging. However, no maintenance dredging has been required in the turning basin. The lack of sediment accumulation in the turning basin is further evidence that the basin is not responsible for the lack of sediment accumulation along the shoreline.

### 35-B

Response on following page.

permission to construct such a protective wall. We had even offered to pay for the construction of this wall ourselves. Several of our neighbors have constructed their own seawalls and have been dealt with harshly by the various governmental agencies. We have hired Elgert Engineering, shoreline surveyors, and Dave Skelly of Geo Soils, an independent coastline engineer, to study this problem. Their conclusion concurs with the Army Corps of Engineering reports of 2001 and 2005—many of our homes will be lost to the bay by the year 2011 if a coordinated effort to protect the shoreline is not implemented.

This has all been made known to the Navy, not only by the residents on First Street, but by our Congressional delegates-- Senators Kyl, McCain, and Feinstein and Congresswomen Boxer, and Davis, who has sent representation here this evening. It is therefore time for the Navy and Army Corps of Engineers to be good neighbors, accept responsibility for the impacts of their activities, and let us work together to solve this problem. Thank you.

35-B

## Navy Response

### 35-B

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. Based on these scoping comments, the SEIS evaluated erosion along First Street as it relates to the 1995 FEIS, the 1999 FEIS and this SEIS. This study evaluated both USACE reports of 2000 and 2005. The details of this evaluation are contained in Chapter 5 of the SEIS.

The Navy concluded that the operation and movement of carriers and their tugs do not cause or contribute to erosion along First Street. In addition, the dredging at NASNI associated with the implementation of the 1999 FEIS was not a factor causing or contributing to erosion at First Street. Also see responses to the engineering report 16-N-16-Y.

Page 52

1 community.  
2 Thank you.  
3 COMMANDER KEVIN O'NEIL: Thank you,  
4 Mr. Scharff.  
5 And, again, thank you for this group of five  
6 for respecting the time limits. I appreciate that.  
7 The next following five, if you will please  
8 come forward and take a spot near the podium. Ms.  
9 Pamela Hollinger. Annette Hughes. Am I saying that  
10 correctly? Thank you. Ann Goodfellow, Barbara Sewall,  
11 and Richard Oppen.  
12 And Ms. Hollinger, you are first. Do we have a  
13 Pamela Hollinger here? Well, we'll move on and see if  
14 she decides to speak.  
15 Ms. Hughes, if you would like to take your turn  
16 at the podium.  
17 35  
18 ANNETTE HUGHES Correction: ANNETTE BEUS  
19 ANNETTE HUGHES: My name is Annette Hughes, and  
20 I reside at 407 First Street.  
21 I thank you for the opportunity to address you  
22 this evening on a matter of great concern to me and my  
23 neighbors: The rapid erosion of our backyards into the  
24 San Diego Bay.  
25 We are happy to be residents of this great

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response**

Comment begins on following page.

Page 53

1 community, and we certainly respect the Navy in its  
2 mission. Having said that, we have great concern about  
3 our property and eventually our homes, which will be  
4 lost because, No. 1, the deep basin that has been  
5 dredged in the bay behind our homes by the Navy and Army  
6 Corps; and, No. 2, the increased wave energy in the bay  
7 because of the channel dredgings.

8 The Navy and the Corps of Engineers have some  
9 responsibilities in this matter. There are two Army  
10 Corps of Engineer reports, 2001 and 2005, which have  
11 been published and indicate that the backyards of up to  
12 35 homes on First Street are being eroded at the rate of  
13 1.7 feet per year, without seawall or barrier  
14 protection.

15 This report states that the reason for the  
16 erosion is a combination of two things. First, a steep  
17 offshore gradient that has resulted from the dredging  
18 for the turning basin only a few hundred feet from our  
19 backyards; and second, the channel dredging, which has  
20 caused more traffic and wave action, also accelerating  
21 the erosion of our backyards into the bay.

22 This is clearly stated in the Army Corps  
23 report. The reports state that there is no organized  
24 effort to protect this portion of the shoreline. This  
25 could erode house foundations in approximately ten years

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response****35-C**

See above responses 35-A and 35-B.

871eeed1-8778-45d4-bf65-7dbc44f51ea5



Page 54

35-C

1 from the date of the report, which was 2001.

2 The Corps has even determined how many millions  
3 of dollars it will cost our government and our taxpayers  
4 when these homes are eroded and destroyed, and yet there  
5 is no concern from either the Navy or the Army Corps  
6 about us or our property.

7 We have personally spent tens of thousands of  
8 dollars, not to correct the problem, because we can't,  
9 but we've been trying for several years to get some  
10 reading. Time has taken its toll, and the problem  
11 worsens. We no longer have access to the bay to  
12 construct a wall, nor can we obtain permission to  
13 construct it. We have even offered to pay for the  
14 construction of this wall ourselves. Several of our  
15 neighbors have constructed their own seawalls and have  
16 been dealt with harshly by the various government  
17 agencies.

18 We have hired outside engineering firms to  
19 study this problem, and their conclusion concurs with  
20 the Army Corps reports of 2001 and 2005, that many of  
21 our homes will be lost to the bay by the year 2011.

22 This has all been made known to the Navy by us,  
23 the residents on First Street, and also our  
24 congressional delegates, Senators Kyle, McCain, and  
25 Feinstein, and Congresswomen Boxer and Davis, who have

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 35-C

See above responses 35-A and 35-B.

871eeed41-8778-45d4-bf65-7dbc44f51ea5



Page 55

1 sent representation here this evening.

2 Therefore, time for the Navy and the Army Corps  
3 of Engineers to be good neighbors, accept  
4 responsibilities for the impacts of their activities,  
5 and let us work together to solve this problem.

6 Thank you.

7 COMMANDER KEVIN O'NEIL: Thank you.

8 Ms. Goodfellow, please.

9  
10 ANN GOODFELLOW

11 ANN GOODFELLOW: Good evening. My name is  
12 Ann Goodfellow, and I live at 409 First Street.

13 Our property has been in our family for almost  
14 40 years. My home was built my father-in-law, Admiral  
15 Alexander Scott Goodfellow, a gentleman who loved his  
16 country, the Navy, and his home. It is also one of the  
17 12 homes that could lose its foundation by 2011.

18 Over the past several years, my neighbors and I  
19 have become very aware that the property along the bay  
20 is eroding at an alarming rate. In our efforts to seek  
21 solutions to protect our homes, we became aware of a  
22 report by the U.S. Army Corps of Engineers in 2001 and  
23 also 2005.

24 The report found that the shoreline erosion is  
25 occurring too rapidly to be a natural tidal action.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****35-C**

See above responses 35-A and 35-B.

09-25-08A08:45 RCVD

36

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

22 September 2008

Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager  
CODE ROPME.RM  
2730 McKean Street, Building 291  
San Diego, CA 92136

Re: Comments to SEIS

Dear Sir or Madam:

Attached hereto please find a Motion and Motion for Partial Summary Judgment along with correspondence sent to and by Congressional members.

It is apparent that the dredging of the turning basin, along with the dredging of the navigational channel, is causing erosion for the houses on 1st.

You can now go to the swimming pool in my backyard and you will see that the erosion has undermined even the very essence of the pool, *i.e.*, there is water now underneath my swimming pool.

It is simply a matter of time and the pool will go away and then it's simply a matter of time until the erosion will come in contact with my basement. Perhaps it will be mold, perhaps it will be just a total breakdown of the entire home, no one really knows.

36-A

You have had the Army Corps of Engineers in 2000 and 2005 describe all of that to you. You have also been provided a copy from Dave Skelly, a very qualified engineer, who has issued his report.

I myself spent some time in the military and enjoyed it. I am very much in favor of the mission of our Armed Services, including the Navy, but I am very disappointed that we have spent literally tens of thousands of dollars simply attempting to talk to our Government.

At the hearing on the 3<sup>rd</sup> of September, my wife felt like she was treated like she was a foreign enemy. That's not appropriate. Senior Congressional help and folks whom I have supported a long time in the

**Navy Response****36-A**

The referenced court documents are attached to this appendix. No response is made as these documents are part of active litigation within the purview of the United States Department of Justice.

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). The 2000 USACE was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10).

The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

Please be assured that the local Navy is actively engaged with the community on a daily basis and will endeavor to continue our good neighbor practices on these and other important issues.

Congress have made attempts to contact the Navy and it appears you simply don't understand who your really enemy is. We don't want to be your enemy. We want to support your mission.

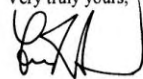
Initially, we offered to pay for this without the Navy having to put up a penny. The response was, don't talk to us, it will cost you a million-and-a-half dollars plus or minus to do an impact study and then you probably cannot get the permit in any event. 36-A

Can you really expect the citizens who pay the taxes and actually pay for the military to feel good about this kind of conduct? I hope you think about this long and hard and I suspect the only way we'll ever get this resolved is in a court of law. Being a lawyer and, I must simply tell you it's a very sad society that the only way we can ever deal with our Government is through a Federal Judge.

May we please have a resolution short of litigation?

Thank you.

Very truly yours,



Leo R. Beus

LRB:pg  
Encs.

## Navy Response

### 36-A

Response on previous page.

**Comments on CVN Homeporting Draft SEIS, Regarding Causes and Consequences of Shoreline Erosion and Shore Protection Failure Along First Street, Coronado**

REFERENCES: US Army Corps of Engineers, Los Angeles District, 2008, CVN Homeporting Draft SEIS, dated August

\_\_\_\_\_, 2003 San Diego Harbor Central Navigation Channel Feasibility Report, Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") dated September.

\_\_\_\_\_, 2001, Coronado Shoreline, Initial Appraisal Report, dated January 29.

The following comments on the CVN Homeporting Draft Supplemental Environmental Impact Statement (SEIS) focus on the causes and consequences of shoreline erosion and shore protection failure along First Street, Coronado. This discussion is based upon my review of the above referenced documents, site inspections, bathymetric survey comparisons, and general knowledge of coastal processes.

In 1995, as part of the original Environmental Impact Statement providing for the stationing of nuclear aircraft carriers at Naval Air Station North Island, the Navy conducted a computer model simulation to evaluate the impact of the dredging on the tidal currents and the resulting transport of sediment in the Bay. This model and analysis concluded that the changes in tidal currents and resulting changes in sediment transport are small and not significant. However, this model did not incorporate factors for the transport of sediment by ship wakes or waves, nor for the increase in the transport due to steepened off-shore gradients as a result of dredging. In addition, in 1995 the model was "not complete" and "validation has been ongoing," yet there is no evidence in the project EIS and SEIS documents that the model is complete and valid.

36-B

The erosion appears to have accelerated over the last decade to the point where the shore protection systems fronting the First Street properties are failing. In January 2001, the U.S. Army Corps of Engineers (USACOE) issued a report finding that erosion along the shoreline behind First Street, Coronado was caused by waves and wakes from ship traffic, and the presence of nearby steep off-shore deep water sinks.

Considering these findings, residents of First Street requested that the Navy evaluate the erosion issue as part of this SEIS process. The Navy indicated that it would perform such an evaluation, and the assessment of this issue is provided in Chapter 5 of the CVN Homeporting Draft SEIS. However, the assessment is very qualitative, provides no new analysis of the issue, does not consider available historical information, and fails to identify and evaluate the true cause of erosion. The Draft SEIS concludes that the erosion is a result of "natural conditions" and historical alterations. The report selectively chooses portions of the above referenced previous Corps study (USACOE, 2001) that supports the conclusions and ignores or minimizes facts that point to vessel wakes and over-steepened dredged slopes as the cause of erosion.

36-C

**Navy Response**

**36-B**

The 1995 and 1999 EIS concluded no erosion impacts from dredging. The 2008 study confirms those findings. General study of ship wakes is outside the scope of the SEIS as aircraft carriers are not a source of ship wakes that would impact the shoreline. Underwater slopes were considered in the SEIS. The SEIS addresses erosion as an issue in response to public comments received during the scoping period of this SEIS. The 2008 study of currents within the navigation channel used by carriers and research of historic evidence concludes that the movements of carriers do not cause shoreline erosion along First Street.

**36-C**

USACE reports do not show any acceleration in the rate of erosion, but rather reference a continued and consistent rate of erosion. Erosion has been consistent over the last decade but lack of replenishment over time has allowed net loss of sediment in the high energy area along the shoreline and a net gain of sediment in nearshore area just outside the high energy area perpendicular to the shoreline. The USACE reports states that "the 15 year period from 1985 and 2000 erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be the result of inadequate shoreline protection and the filling of the shoreline extending it to deeper water". Also refer to Section 5.2 and 5.3 of the SEIS. Neither the 2000 nor the 2005 USACE reports cite the turning basin as a cause of erosion (also see response to 16-A). In addition, the SEIS considered all reasonably available historical and contemporary sources before making its determination. Based upon listed references, the SEIS reviewed substantially more pertinent and exhaustive historical and contemporary resources than both USACE reports and this engineering report combined. The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic (non-aircraft carriers) in San Diego Bay is beyond the scope of this SEIS.

The Navy's 2008 Erosion Study met the scope of this SEIS and includes the consideration of new analysis and historical information. The Navy performed quantitative analysis in the study of currents (Appendix H, SPAWAR Study) which was also related to the scope of the SEIS. Measurement of near shore tidal currents along First Street, and modeling the effects of different depth profiles in the turning basin in 1995 and 2008 have shown that the tidal currents near shore were too weak to be a factor in erosion before the dredging was done to accommodate the CVNs as well as after its completion. The deepening has had the effect of slightly slowing (weakening) the incoming tidal currents further. This does not affect any conclusions regarding the role of wave energy. However, erosive wave energy along First Street does not change with depth alteration in the channel and turning basin. In addition, as outlined earlier, the CVNs and their tugs are not the source of the relevant wave energy.

(Continued on next page)



2

Each of the following sections discusses points related to the erosion processes on First Street. Section 1 reviews the historical location of the First Street shoreline. Section 2 discusses and provides figures showing the deep offshore holes and steep offshore slopes caused by dredging near First Street. Section 3 evaluates the mechanics and impacts of boat waves on the First Street shoreline. Section 4 discusses the sediment that had been historically provided by rivers, and the relation to the erosion at First Street. Section 5 discusses the forces causing shoreline protection devices to progressively fail. As each section points out, the Navy failed to identify and evaluate the true causes of erosion. The final section provides conclusions and lists the evaluations that the Navy should have performed, but did not do.

#### 1.0 Historical Location of Shoreline

The Draft SEIS concludes that the shoreline is well bay-ward of its natural position. This conclusion was based upon aerial photo reviews of the changes of the bluff line in aerial photographs. But the bluff line is not actually the shoreline but rather some higher elevation above the highest water line and landward of the actual shoreline. The bluff line is the line of erosion of the bluff due to wave/wake run up at the highest tide. The shoreline delineated on National Oceanographic Service nautical charts and survey approximates the mean high tide line. The difference in elevation from mean high water to highest water is about 3 feet. Natural inter-tidal slopes in the bay are about 1/15 (v/h) or flatter which relates to 45 feet horizontally. The SEIS analysis is misleading because it inter mixes the bluff line with the shoreline. Figure 1 is an oblique photograph of the First Street shoreline taken on May 21, 1941. The bluff line is visible back near the dirt road that runs parallel to the shoreline. The high water mark is where the white beach material ends and the darker inter-tidal material starts. The actual shoreline is below the high water mark and clearly many feet away from the bluff line.

Further, the science of photogrammetry is generally acknowledged to have large sources of potential errors in using aerial photographs to determine horizontal distances. The aerial photograph has to be directly vertical over the location of interest. This is seldom the case for historical photos. Another source of error in determining the shoreline location is the stage of the tide at the time of the photograph. Observation of the shoreline at the 500 block of First Street shows over 50 horizontal feet of actual water/land line movement over typical low to high tide semi-cycle.

Using available historical Navy and NOAA charts a truer picture of shoreline movement along First Street can be obtained. Figure 2 shows the Mean Lower Low Water (MLLW) over approximately the same period that the SEIS claims the shoreline was built out. The figure clearly shows that the MLLW moved substantially landward from 1945 to 1971. If the shoreline was built out substantially from the 1930s to the 1980s as concluded in the SEIS, then the MLLW should show bay-ward movement. This is clearly not the case in Figure 2. Figure 2 demonstrates that the actual shoreline has not moved bay-ward over the time period shown, in direct contradiction to the SEIS conclusion.

36-D

#### Navy Response

##### 36-C (Continued from previous page.)

The Navy considered both USACE reports in their entirety as part of the 2008 Erosion Study as discussed in the SEIS, Section 5.2 and 5.3. The USACE reports do not identify the turning basin channel or dredging as causing or contributing to erosion along First Street.

##### 36-D

The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis.

The USACE, in their 2000 and 2005 reports, indicated that they reviewed aerial photos from 1928/29, 1953, 1970, 1985 and 2000, compared the bluff lines from each year, and measured the shoreline change. The 2000 and 2005 USACE reports determined the position of the shoreline. The SEIS made its conclusions based upon USACE determination of shoreline position. The SEIS relies upon the entire body of evidence carefully reviewed in this analysis.

The SEIS made its conclusions based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis. Under natural sediment delivery conditions, there is ample sediment to provide a gently sloping beach which extends down into the intertidal, and subtidal regions. As sediment sources are removed, the run-up slope (i.e. the area where waves rush up) of sediment leading to the beach gets steeper. This is further compounded by the build-out of land into deeper waters with irregular and inadequate shoreline stabilization further increasing the slope of the sediment run-up area. Gentle slopes translate into large horizontal movement of the waterline during tidal ranges. As a result, under normal, ample sediment, gentle slope conditions, the mean lower low water line is going to be relatively far away from the mean higher high water line. Conversely, when sediment is removed from the system, the angle of run-up is steepened, which translates into significant reductions in horizontal movement of the waterline, which is what the commenter observed when he suggested that the mean lower low water actually moved landward [closer to mean higher high water] during bayward build-out of the land. This is what would be expected when the angle of run-up is steepened by reduction of sediment and build-out into deeper waters, vividly illustrating the problems created by unprotected build-out into a negative sediment environment. Please note, the oldest photos and maps in Appendix B, show that the original shoreline at First Street was too low and insubstantial to support development.



## 2.0 Steep Offshore Slopes and Deep Water Sinks

3

The report also incorrectly identifies "natural conditions" as the primary cause of erosion along First Street. The figures provided in the SEIS report show that the submerged near shore area along First Street has been extensively modified by dredging projects. Figure 10 from the report, provided herein as Figure 3, is a close up of the 1902 Nautical Map of San Diego Bay in the First Street area. This map shows that in 1902 the ~ 6 foot depth contour (1 fathom) is over 700 feet from First Street and the near shoreline and inter tidal slopes are very flat at about 100/1 (horizontal to vertical). As pointed out in the 2001 Corps report, water depths of 30 feet are now about 300 feet from the shore protection structures. This is a slope of about 10/1 which is 10 times steeper than the slopes that naturally occurred prior to the dredging activities.

36-E

In December 2000, the US Army Corps of Engineers Los Angeles District was authorized to conduct an "initial" appraisal report. The purpose of that study was:

*The intent of this study was to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline.*  
(USACOE, 2001, p. 1.)

This report provides a clear description of the erosion problem and the causes of the erosion. The USACOE 2001 report identifies two basic reasons for the erosion that is occurring along the shoreline where the subject property is located. The first reason is the presence of shipping channels and a fairly steep offshore gradient.

*Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep off-shore gradient will have an effect on coastal erosion.*  
(USACOE, 2001, p. 3.)

In an effort to look at changes in the slope directly offshore of the site, I performed a bathymetric survey in September 2006 offshore of the western portion of First Street. A Garmin 178C dual frequency depth sounder and differential GPS hardware was used with HYPACK hydrographic survey software. This data acquisition and analysis system is approved by the US Army Corps of Engineers for depth measurement. The results of my survey were then overlain on a digital NOAA Bathymetric Chart # 18773-1 (San Diego Bay) which was updated in 1989. The comparison of these two sources of depth measurements show the bathymetry and near shore gradients before dredging the turning basin in 1998 and the main channel in 2002 and after the dredging. Figure 4 shows the overlain depth measurements off of First Street. Figure 4 clearly shows that between 1989 and 2006 the gradient in front of the site was steepened at least in part, if not to a significant degree, because of the basin deepening.

36-F

## Navy Response

### 36-E

As sediment sources are removed, as discussed in 16-P, the run-up slope of sediment leading to the beach gets steeper. This is further compounded by the extension of land into deeper waters further increasing the slope of the sediment run-up area (also see response to 16-K). This condition could be expected to continue as long as no new sediment sources are being introduced into the subject area.

### 36-F

The currents were shown to be too weak to move sediments along the shore; therefore, they do not allow for sediment transport from First Street to any sinks (See SEIS Chapter 5.2, *Currents*). The lack of need for maintenance dredging demonstrates that sediment transport is not occurring. Moreover, the turning basin was dredged in 1999 which means that the USACE established rate of erosion was determined 14 years prior to the recent dredging of the turning basin.

4  
The 30 foot depth contour moved about 75 feet landward in front of 409 First Street (labeled SITE on Figure 4) from sometime after 1989 to the survey in 2006. This progressive steepening of the near shore gradients allows for more and more down slope sediment transport and loss of sediment at the shoreline. As identified by the 2001 study, the 2006 measurements that I collected confirm that the presence of deepwater sinks and steep slopes, caused by dredging the NASNI turning basin and possibly the main channel. To further verify this progressive steepening of the near shore gradients, NOAA bathymetric chart data profile sections from 1995, 2003, and 2005 was compared to our 2006 survey at 309 First Street. Figure 5 shows the overlain profiles. What is very clear in comparing these successive profiles is that the 0 MLLW elevations stayed constant (due to the presence of shore protection) yet the 30 foot contour moved progressively toward First Street over the 11 year period. This steepening threatens and as I have observed, actually undermines shore protection along First Street. This is because the slope at the toe of the shore protection is becoming progressively steeper. The artificially deepened areas fronting First Street continue to move closer to shore and, therefore, increasingly contribute significantly to shoreline erosion and the failure of the shore protection systems.

36-F

### 3.0 Boat and Ship Waves

The other reason for the erosion along the First Street shoreline is the ship wake (breaking along the shoreline) caused by the shipping traffic within the harbor.

*Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an effect on the shoreline.*  
(USACOE, 2001, p. 3.).

*Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline.*  
(USACOE, 2001, p. 3.).

36-G

Tidal currents and sediment transport studies for the Navy Homeporting project (USACOE 1995) determined a critical velocity of 50 cm/sec to initiate movement of typical San Diego Bay sediment size (0.3 mm). Using linear wave theory, the water velocity near the bottom of a 1 foot high wake is about 60 cm/sec, which is sufficient to move sediment at the shoreline. Thus, wakes on the order of 2 to 3 feet have more than sufficient near bottom velocities to move shoreline sediment. It is also important to point out that the sediment transport rate is proportional to the cube of the velocity. This means if the near bottom velocity is doubled the sediment transport rate is increased 8-fold. Wakes are clearly an important mechanism for the transport of shoreline, and near shore, sediments.

There is another shipping traffic initiated mechanism that contributes to near shore erosion along First Street that is not discussed in the SEIS or Corps report. This is

36-H

## Navy Response

### 36-F

Response on previous page.

### 36-G

The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels, not aircraft carriers, that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

### 36-H

See response on following page.

5  
tugboat propeller driven currents during large vessel docking at the quaywall adjacent to the First Street shoreline. Tugboat propellers are very large, some on the order of 10 feet in diameter. During docking of large Navy vessels (carriers) the tugboat stern is pointed towards the shoreline in the western portion of First Street. Turbidity plumes of suspended sediment have been observed (Jim Algert, RCE, personal communication). It is important to point out that the Navy is currently proposing to repair the quay-wall directly adjacent to First Street primarily due to wall failure because sediment at the base of the wall reportedly has been scoured away by tugboat operations.

I have observed the ship/boat generated waves within the bay as they break upon the rip rap revetments and other shore protection along the First Street shoreline. My observations include witnessing the wave suspension and apparent transport offshore of bottom sediments underlying the rip rap structures. Elevation measurements of the shoreline (toe of the shore protection) along the property at 409 First Street taken indicate the presence of an approximate 2 foot drop across the shoreline running from the east property line to the west property line. This drop in elevation runs directly towards the NASNI turning basin.

#### 4.0 Sand Replenishment

The report provides considerable irrelevant, regional information. For instance, the discussion on geomorphology is of interest but has no bearing on the anthropogenic causes of the erosion along First Street. The fact that there is a reduction of sediment input to the entire San Diego Bay since the early 1900s is interesting, however, there is no nexus to the erosion problem at First Street. The SEIS fails to identify the "natural" source of sand along First Street. It does not consider the along-shore transport of sand either from within the bay or from the ocean shoreline. The report fails to explain why erosion is not occurring everywhere in San Diego Bay due to reduction in sediment input. It fails to explain why First Street erosion is unique, ongoing and as shown in Figure 5, accelerating over the last decade.

#### 5.0 Shoreline Erosion and Shoreline Protection Failure

The failure of the shore protection systems along First Street is due to the loss of sediment at the base of the structures as a result of wakes and currents from vessel activity. The suspended sediment then moves down the overly steep slopes of the turning basin and the navigation channel.

The 2001 report is definitive in its conclusion by stating that wake driven waves and the steep offshore gradient are the two primary causes of the erosion.

*Therefore, it is the conclusion of this investigation that the primary mechanism by which erosion occurs along this shore is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic. This erosion is assisted by the relatively steep off-shore gradient and the presence of deep water sinks.*  
(USACE, 2001, p. 3.)

## Navy Response

### 36-H

Tug boats assisting the carriers are not a substantial source of wakes. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS.

An ancillary function of the turning basin is to contain energy within it. The commenter suggests that scouring of sediment at the base of the quaywall (approximately 50 feet below the water surface) is caused by tug boats operating within the turning basin. This is evidence that energy, produced by the downward pointed screws is focused downward and contained within the turning basin. However, the sediment plume may be visible beyond the turning basin.

### 36-I

The lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline (See reference USACE 1955). Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail. The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through 1985 (p.3)." It is no coincidence that the shoreline has receded substantially since sand replenishment efforts were ceased.

### 36-J

The depth increase in the turning basin and main channel do not cause or contribute to erosion [see response to 16-A]. Once sediment is placed into suspension by sufficient energy forces, sediment has the potential to be transported upshore, offshore, longshore (north or south), or settle back down at its initial location. One of the options for sediment placed in transport is the deeper bathymetry to the north. The historical existence of a trough in the bay floor near the northern extent of First Street is discussed in detail in the *Geomorphology* section of Chapter 5 of the SEIS.

(Continued on next page.)



6

The dredging of the Naval Air Station North Island (NASNI) turning basin just to the north west of the subject shoreline and the deepening of the navigation channel have resulted in a significant increase in the adjacent shoreline gradient.

*The problem identification for this investigation determined that the source of erosion was primarily due to wave energy created by boat and ship traffic within the navigable channel off-shore of the study area. This erosion is assisted by a relatively steep off-shore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years. (USACOE, 2001, p. 10.)*

The shore protection systems fronting these homes are currently being significantly impacted by the erosion. The suspension of sediment via wakes and vessel activity in combination with the progressively steepening of near shore bottom gradients is undermining the shore protection structures. This is very similar to the erosion problem along the Navy's quay wall right next to First Street mentioned earlier. As sediment is scoured away from the shore protection toe the structure slumps or is undermined. Once these structures fail the improvements behind them, such as pools and landscaping, will be impacted. As pointed out in the 2001 Corps report this problem will ultimately impact the actual residences.

#### Conclusion

I fully concur with the 2001 USACOE report conclusions as stated above. Compared to 1989 bathymetry, the underwater gradients have steepened and the sinks moved significantly closer to the shoreline, contributing to erosion and failure of shoreline protection. The 2008 Draft SEIS fails to consider the findings of this report or further analyze site conditions. The Draft SEIS does not meet the standard of care required by the Federal Government/USACOE for this type of project. The Navy should have considered the following:

- Rather than primarily qualitative discussions, the Navy should have reviewed available information to provide quantitative analysis, such as bathymetry changes and wave energy.
- Rather than relying on aerial photographs to conclude that the shoreline has been built bay-ward along First Street, the Navy should review more reliable maps of the mean high tide line (the shoreline by definition).
- Review and analyze changes in historical near shore gradients using existing survey data (NOAA Charts and Navy bathymetric data) to determine the nature and extent, and movement over time of the deep water sinks and over steepened submerged slopes in the First Street area.
- Analyze the potential for sediment transport at the shoreline due to wakes/waves that impact the First Street shoreline.

## Navy Response

### 36-J (Continued from previous page.)

Due in part to the relatively high density of water in general, deeper water and higher slopes do not preclude the accumulation of sediment along its margins. The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

The shoreline erosion rates developed by USACE for the 2000 and 2005 study should be used with caution when trying to show trends. The period of time used to generate the erosion rate was not a random sample and was chosen to represent a desired outcome. For example, using the same methodology and marked locations as the USACE reports, over the 71 year period from 1929 and 2000, the shoreline at First Street and I Avenue grew approximately 75 feet (USACE 2000 and 2005, Appendix A and Appendix D, respectively). Therefore, according to the 70-year erosion rate, it can be concluded that the shoreline will continue to grow at a rate of approximately 1.1 feet per year. However, it is reasonable to assume that this will not be the case because there have been many variations to conditions in the subject area (including changes in sediment inputs and outputs, wave climate, currents, vessel traffic, and the effects of physical changes to other parts of the bay) and the period of time selected for analysis is different. Thus, while rates based upon specifically selected, non-randomly sampled data periods can be helpful, they should be used with caution when used to show trends.

### 36-K

The SEIS provides quantitative descriptions of measured water current energy and sediment reduction. These findings substantiated the quantitative discussions provided in the 1995 EIS. The 2000 and 2005 USACE reports established the position of the shorelines which were used in the SEIS. Carriers are not responsible for the boat wakes of concern referred to in the 2000 or 2005 USACE report (See response 36-J). Tug boats assisting the carriers are not a source of wakes or negative sediment transport along First Street. Steepening submarine slopes are the result of the removal of sediment sources that would otherwise replace sediment lost during natural sediment exchange.

- The Navy's 2008 Erosion Study met the scope of this SEIS and includes the consideration of new analysis and historical information. The Navy performed quantitative analysis in the study of currents (Appendix H, SPAWAR Study) which was also related to the scope of the SEIS.
- According to USACE 2000 and 2005 reports and other credible evidence, there has been substantial shoreline movement since 1931. The SEIS made its conclusions

(Continued on next page.)

- 7
- Determine the characteristics and frequency of wakes/waves in order to determine potential erosion quantity/rate at the First Street shoreline.
  - Determine the potential for sediment transport due to tug activity while docking Navy vessels.
  - Analyze the stability of dredged slopes under static, pseudo static, and wave action conditions to determine why the steep slopes are moving towards the First Street shoreline.
  - Compare the shoreline erosion rates with the infilling rates of the NASNI turning basin and navigation channel in the vicinity of First Street.

36-K



*David W. Skelly*  
 David W. Skelly MS, PE  
 RCE#47857

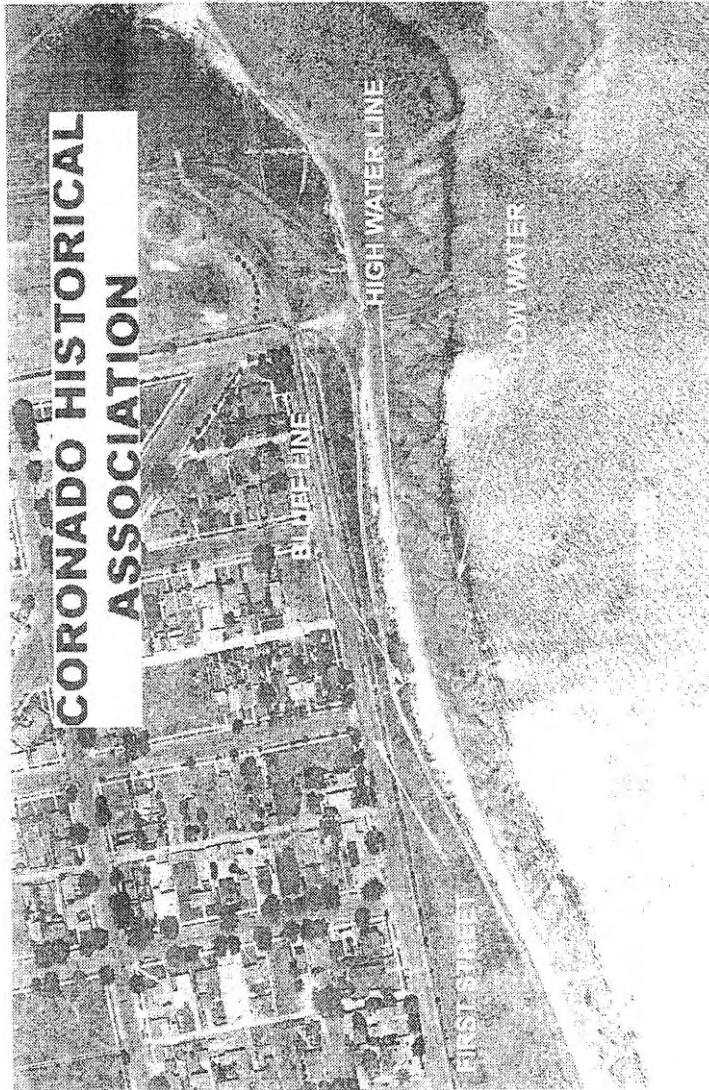
### Navy Response

#### 36-K (Continued from previous page)

based upon USACE determination of shoreline position, and the SEIS relies upon the entire body of evidence (Appendix B and cited references) carefully reviewed in this analysis.

- Gradients were considered to the extent relevant. The 1999 dredging did not increase gradients. The Navy did use NOAA charts and bathymetric data. Steeper slopes naturally form from erosion in a negative sediment environment. Further analysis of changes in historical near shore gradients is beyond the scope of this SEIS (See response 36-J).
- The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report.
- Analyzing the details of wakes/waves was not within the scope of this SEIS because carriers only represent 0.02 percent of ship traffic in San Diego Bay and do not generate wakes in the vicinity of the First Street shoreline.
- Tug boats assisting the carriers have been considered. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS. Therefore, tug boats do not contribute to negative sediment transport along First Street.
- The net increase in eelgrass beds in the bay along the First Street shoreline from Orange Avenue to Alameda Blvd. show that the sediment is moving from the toe of the riprap bayward to create an offshore berm which is then stabilized by colonizing eelgrass (eelgrass rhizomes creep laterally rooting into the sediment and stabilizing as they go). Bathymetry contour lines in Figure 5.2-5 of the SEIS show the southern margin of the turning basin clearly defined as straight lines outward in the bay from the southern NASNI margin.
- The lack of a need for maintenance dredging in the turning basin indicates that infilling is not occurring.





**Navy Response**

Response on previous page.

37

Fisher.txt

From: Fisher, Michael [micahel.fisher.ctr@navy.mil]  
 Sent: Wednesday, September 03, 2008 4:22 PM  
 To: Taylor, Jason C.  
 Subject: Nimitz Homeporting EIS

Name: Michael Fisher  
 Email Address: micahel.fisher.ctr@navy.mil  
 Company: PEO C4I  
 Address 1: 539 Palm Ave.  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

I just sent the following email to Susan Davis for consideration/thought and I wanted to send this to the other powers to be for review/consideration for Beach Erosion along the Bay in Coronado:

"Greetings, I chose environment from the pull down list, but this could easily fall into housing as well. I recently reviewed the Coronado Beach Erosion Fact sheet and how this is impacting home owners on the bay and their beach front along with hinging on the Navy to fix via future dredging ops. Additionally, I often visit the parks along the bay to fish and play w/the dog. I have a masters in oceanography and meteorology and minors in marine science and chemistry and finished a career in the U.S. Navy and now call Coronado, Home. That said, I like to make a suggestion to the powers to be to perhaps mitigate some of the erosion problem. That is to use all the excess aggregate (i.e. only concrete/rock etc and not wood nor hazmat materials) from local demo efforts associated with remodels on the island. These efforts continue on a daily basis regardless of the housing mkt. Depositing these non-hazmat debris along the water front in a consistent fasion (i.e. not sicking out like peirs/that actually would enhance erosion from long shore currents (studies) from tidal flow/wind and marine traffic) will mitigate/slow overall beach erosion. Besides preventing the out flow of sand, the wave agitation on concrete/rock will actually result in more sand/sediment availability/formation. I know this is not the ultimate solution, as dredging and redeposit of sand along the waterfront will be, but a little use of what's locally available may extend the need to dedge so this effort can be planned and funded properly in the future. I am avail to discuss at anytime if necessary. An additional economization is less mass/bulk at the land fills. Tks for all the hard work/all the best/Mike Fisher Cell 619-743-8033"

37-A

## Navy Response

### 37-A

The Draft SEIS examined new information relative to the 1999 FEIS and 2000 ROD. The SEIS addressed erosion concerns, solely, as a response to public comments received during scoping process of this SEIS. The Navy has no authority to undertake or permit any erosion controlling action on private property; the USACE would be the permitting authority. There are also substantial regulatory restrictions involved with the suggested action.

Page 65

1 and this can help by the end of the month, put up a sign  
2 that informs everyone leaving the Base that the speed  
3 limit on Fourth is 25 miles an hour, and do not exceed  
4 it, and also do not block any intersection, not just  
5 mine and "D" Avenue; it's the other intersections that  
6 are blocked as well.

7 Now, this would not take very long to put into  
8 effect, and I think that it would be a tremendous help  
9 right now, not ten years in the future but right now.

10 Thank you.

11 COMMANDER KEVIN O'NEIL: Thank you, Mr. Wynn.

12 Ms. Garbutt, please.

13  
14 APUA GARBUTT

38

15 APUA GARBUTT: My name is Apua Garbutt. I  
16 reside at 815 Sixth Street in Coronado. My husband,  
17 Dr. Mark Garbutt, our three children and I have been  
18 residents of this fine community for approximately  
19 14 years.

20 I wish to address two issues: The shoreline  
21 erosion threatening homes on First Street and our city  
22 park, and increased traffic that will result from this  
23 project.

24 First of all, I want to thank you for your  
25 dedication and commitment to our country and to us

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response**

Response on following page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 66

1 individually. I realize and deeply appreciate your  
 2 sacrifice and the sacrifice of your families to allow  
 3 you to serve. We are benefactors of your sacrifice and  
 4 enjoy peace and security because of you collectively.  
 5 Not to take away from our gratitude, I respectfully want  
 6 to present our concerns here on the homefront and in our  
 7 own backyard.

8 I assume, based on your ethics, integrity, and  
 9 high standard of commitment, you have overlooked the  
 10 Corps of Engineers' analysis report. Quote: "Their  
 11 homes will be destroyed soon unless a comprehensive  
 12 solution is identified and implemented," unquote.

13 And, quote: "The problem is caused by ship  
 14 traffic in the bay and dredging carried out in support  
 15 of activities of the Naval Station North Island,"  
 16 unquote.

17 Maybe this issue has been handed on to many  
 18 individuals and not one specific person has fully read  
 19 and understood the details of this report for a thorough  
 20 assessment. Perhaps someone or a selected group  
 21 spearheaded this matter and has been negligible in  
 22 ascertaining the severity of this problem and the  
 23 long-range effect of these civilians' properties that is  
 24 dwindling before their very eyes.

25 I understand the residences that are closest to

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 38-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

Neither the 2000 nor the 2005 USACE report cites the turning basin or aircraft carriers as a cause of erosion. The 2000 and 2005 USACE reports are acknowledged in the SEIS and in Chapter 5 are used to define the subject area (Figure 5.1-1), substantiate the existence of erosion (p. 5-8), define historical shoreline positions (p. 5-8 and Figure 5.2-4), discuss sediment sinks, and discuss ship movements.

The SEIS relies upon the entire body of evidence carefully reviewed during the 2008 Erosion Study (SEIS Chapter 5 and Appendices B and H) in this analysis. The SEIS addresses the discrete erosion on First Street. Due to the cause and effect relationship, the lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline. Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the Bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail. The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through 1985 (p.3)." It is no coincidence that the shoreline has receded substantially since then.

The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

Page 67

1 the Navy Base are suffering the most. As you are well  
2 aware, land here in Coronado is at a premium, some of  
3 the highest priced in the United States. And these  
4 civilians who worked and some are continuing to work  
5 very hard to attain, maintain, and sustain it, they do  
6 not want to see it washed out to sea.

7 We urge you, as the voice of the Navy, to  
8 reassess this matter and to ultimately restore the  
9 eroded areas of concern and construct a supportive  
10 seawall to all residents concerned so that the Navy can  
11 freely dredge the bay unobtrusively when warranted, and  
12 will not have anymore damaging effects on these  
13 civilians' properties.

14 In your SEIS report, it states a proposed  
15 change on First Street to direct traffic by making it a  
16 one-way, inbound in the morning. The residents on this  
17 street will have to suffer another huge inconvenience  
18 and prohibit them from accessing their street  
19 southbound.

20 They have been more than patient with the in-  
21 and outgoings of the Navy's people and the obvious  
22 nuisances that go along with massive amounts of  
23 automobiles and their toxins that are released from  
24 them, as well as the Naval ships. This is a small price  
25 to be paid for peace.

MERRILL LEGAL SOLUTIONS  
800-544-3656

38-A

38-B

**Navy Response****38-A**

Response on previous page.

**38-B**

The potential improvement at the First Street gate involves 4 inbound lanes on base only on the limited days when 3 carriers are in port, or at the discretion of the base commander. This action would not affect two-way traffic off base on First Street.

871eeed41-8778-45d4-bf65-7dbc44f51ea5



Page 68

1 Now, if the Navy can alleviate some of these  
2 most serious and critical problems, these families will  
3 feel they have been treated fairly. We all want to  
4 reside together harmoniously --

5 COMMANDER KEVIN O'NEIL: Ms. Garbutt, your  
6 three minutes has --

7 APUA GARBUTT: -- and feel confident that you  
8 will come to a fair and equitable solution in this  
9 critical matter, and that an amended SEIS report will  
10 reflect the same.

11 Thank you.

12 COMMANDER KEVIN O'NEIL: Thank you. And,  
13 again, I expect there will be some time at the end. So  
14 if you desire additional time, I expect we will be able  
15 to afford you that.

16 Mr. Garbutt.

17  
18 MARK GARBUTT

19 MARK GARBUTT: Good evening. My name is  
20 Mark Garbutt. I'm a resident of Coronado.

21 In 1998 the Navy dredged a deep aircraft  
22 carrier turning basin just a few hundred feet from the  
23 Coronado Base shoreline. Four years later it had to be  
24 dredged again. A few years after each dredging, the  
25 U.S. Army Corps of Engineers issued studies of the

MERRILL LEGAL SOLUTIONS  
800-544-3656

38-B

**Navy Response****38-B**

Response on previous page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 68

Now, if the Navy can alleviate some of these most serious and critical problems, these families will feel they have been treated fairly. We all want to reside together harmoniously --

COMMANDER KEVIN O'NEIL: Ms. Garbutt, your three minutes has --

APUA GARBUTT: -- and feel confident that you will come to a fair and equitable solution in this critical matter, and that an amended SEIS report will reflect the same.

Thank you.

COMMANDER KEVIN O'NEIL: Thank you. And, again, I expect there will be some time at the end. So if you desire additional time, I expect we will be able to afford you that.

Mr. Garbutt.

MARK GARBUTT

MARK GARBUTT: Good evening. My name is Mark Garbutt. I'm a resident of Coronado.

In 1998 the Navy dredged a deep aircraft carrier turning basin just a few hundred feet from the Coronado Base shoreline. Four years later it had to be dredged again. A few years after each dredging, the U.S. Army Corps of Engineers issued studies of the

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 39-A

The referenced improvement dredging that occurred 4 years apart was undertaken for two separate projects: deepening of the turning basin and berth upgrades.

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendices B and H). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements. The model results for the turning basin concluded that endemic current velocity would decrease as the turning basin was deepened. The Navy also conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion. The Navy concluded that the operation and movement of carriers and their tugs do not cause or contribute to erosion along First Street. The tug boats operate within the turning basin with the screws pointed downward and wake energy is confined to the turning basin, as discussed in SEIS Chapter 5, Section 5.2 *Currents*.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). The 2000 USACE report was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10). The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10). Also see responses to the engineering report for comments 36-B-36-K.

(Continued on next page.)

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 69

Coronado Base shoreline. Both reached the same conclusions: First, that the shoreline was eroding rapidly; second, that this rapid erosion was due primarily to large-volume wave energy from nearby ship traffic abetted by nearby bridges.

Further, they say that this erosion may make a number of shoreline houses unliveable as early as 2016, and ultimately threaten 35 homes.

It is clear to even a casual observer that the largest shipping and dredging operations near the shoreline are related to aircraft carriers at North Island.

Further, the most significant erosions occurring in back of the homes located in the immediate vicinity of the Naval Air Station North Island, the houses closest to the aircraft carrier turning basin.

Consequently, one must conclude that carrier-related traffic and dredging are a significant cause of shoreline erosion affecting civilian property, and that additional carrier traffic will only worsen the problem.

Surprisingly, the Navy's Draft SEIS completely ignores both the 2001 and 2005 U.S. Army Corps of Engineer studies. Additionally it ignores the obvious evidence of erosion severely affecting properties

MERRILL LEGAL SOLUTIONS  
800-544-3656

39-A

## Navy Response

### 39-A (Continued from previous page.)

In the SEIS, the Navy conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion, and concluded:

- Location – carriers do not travel south of the turning basin near First Street and could not cause wave action that area.
- Frequency – the amount of ship movements in San Diego Bay attributed to aircraft carriers amounts to less than 0.02 percent of all ship traffic in the bay.
- Speed – carriers tend to travel slowly through the middle of the bay, limiting the potential for generating large wakes that would impact the shoreline.

In addition, tug boats assisting the carriers are not a substantial source of wakes. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS.

Please refer to new text added in SEIS Section 5.3 for further discussion on the review of the USACE reports.

Because the SEIS has not identified significant impacts relative to the scope of the SEIS, the Navy has not proposed mitigation as part of this NEPA process. The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 70

1 closest to the aircraft turning basins. In this regard,  
2 the SEIS report is either -- is intellectually  
3 incomplete. At worst, it is intellectually dishonest.

4 I ask the Navy to demonstrate intellectual  
5 integrity by amending the SEIS to both acknowledge and  
6 accept the findings of the U.S. Army Corps of Engineer  
7 studies. Further, I urge the Navy to take  
8 responsibility for the negative environmental impacts of  
9 their current and future activities by building  
10 protective seawalls to prevent further bay shoreline  
11 erosion, thereby shoring up their relationship with the  
12 citizens of Coronado and avoiding a legal, financial,  
13 and environmental pitfall.

14 Thank you.

15 COMMANDER KEVIN O'NEIL: Mr. Harwick.

16  
17 MAURICE HARWICK

18 MAURICE HARWICK: Good evening. My name is  
19 Maurice Harwick H-a-r-w-i-c-k. I'm a long-time happy  
20 homeowner here. I don't have a dog in this fight. I  
21 live on the other end, but I'm here to support the  
22 homeowners on First Street and to speak up on their  
23 behalf to make sure that their homes don't fall into the  
24 bay.

25 I've read some of the materials. The reason I

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 39-A

Response on previous page.

871ee41-8778-45d4-bf65-7dbc44f51ea5



Page 55

sent representation here this evening.

Therefore, time for the Navy and the Army Corps of Engineers to be good neighbors, accept responsibilities for the impacts of their activities, and let us work together to solve this problem.

Thank you.

COMMANDER KEVIN O'NEIL: Thank you.

Ms. Goodfellow, please.

ANN GOODFELLOW

ANN GOODFELLOW: Good evening. My name is Ann Goodfellow, and I live at 409 First Street.

Our property has been in our family for almost 40 years. My home was built my father-in-law, Admiral Alexander Scott Goodfellow, a gentleman who loved his country, the Navy, and his home. It is also one of the 12 homes that could lose its foundation by 2011.

Over the past several years, my neighbors and I have become very aware that the property along the bay is eroding at an alarming rate. In our efforts to seek solutions to protect our homes, we became aware of a report by the U.S. Army Corps of Engineers in 2001 and also 2005.

The report found that the shoreline erosion is occurring too rapidly to be a natural tidal action.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 40-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others.

The USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The Navy studied all relevant reports including the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendices B and H). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport. The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion. The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. Additional analysis on the velocity of boat waves generated by ship traffic in San Diego Bay is beyond the scope of this SEIS.

The lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline (See reference USACE 1955). Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail. The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through

(Continued on next page.)



Page 56

40-A

1 According to the report, the rapid erosion is caused by  
 2 wave energy created by boat and ship traffic in the bay,  
 3 coupled with the dredging of deep turning basins for the  
 4 carriers.

5 In this report, it's stated that 35 homes along  
 6 San Diego Bay would be affected, and that 12 homes  
 7 closest to North Island are at the most risk. With the  
 8 estimated loss of close to two feet a year, the Army  
 9 Corps report estimated that the house foundations could  
 10 begin to erode by 2011, and that some homes may be  
 11 completely lost or too dangerous to be occupied by 2016.

12 We were never apprised of any of this  
 13 information until 2006. We were not even told about the  
 14 dredging. If we had been, the steps could have been  
 15 taken immediately that would have made remedying this  
 16 problem much easier and much cheaper.

17 I have always been proud to have the Navy as my  
 18 neighbor; however, I'm very disappointed that the Navy  
 19 has completely ignored their responsibility to be a part  
 20 of the solution to this problem. The environmental  
 21 document for this project, the SEIS report, does not  
 22 even acknowledge the Corps report.

23 I support the Navy, but I must protect my home.  
 24 Let's be honest: There is no time for blaming -- for  
 25 blame game. We must all work quickly to find a solution

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 40-A (Continued from previous page.)

1985 (p.3)". It is no coincidence that the shoreline has receded substantially since sand replenishment efforts were ceased.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). Erosion described in the 2000 report occurred before the channel and turning basin were deepened in 1999/2000. The 2000 USACE was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10). The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10).

The Navy concluded that the operation and movement of carriers and their tugs do not cause or contribute to erosion along First Street (see response 39-A for the Navy's conclusions on the study of carrier movements).

The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

Page 57

40-A

1 before there is more damage to our shoreline, and we  
2 must ensure that our homes are protected.

3 And I must thank our neighbors and friends for  
4 coming tonight in our support.

5 COMMANDER KEVIN O'NEIL: Thank you,  
6 Ms. Goodfellow.

7 Ms. Sewall.

8  
9 BARBARA SEWALL

10 BARBARA SEWALL: I'm Barbara Sewall, and I live  
11 311 First Street, Coronado, and this is directed to the  
12 SEIS project manager.

13 My husband, Captain Retired Richard Sewall,  
14 joined the Navy in 1938. He spent his career as a Navy  
15 aviator. He attended the United States Naval Academy  
16 and graduated in 1941. From there, he went to MIT for  
17 graduate work, and then served the war during ship --  
18 the battleship, and then he went to flag training where  
19 he got his wings.

20 I supported both my husband and the Navy, both  
21 during Dick's Naval career and in the years that  
22 followed. Our entire lives have been closely tied to  
23 the Navy.

24 Dick was stationed in Coronado several times  
25 from the 1940s through the 1970s, and we fell in love

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

Response on previous page.

871ee041-8778-45d4-bf65-7dbc44f51ea5

Page 70

1 closest to the aircraft turning basins. In this regard,  
2 the SEIS report is either -- is intellectually  
3 incomplete. At worst, it is intellectually dishonest.

4 I ask the Navy to demonstrate intellectual  
5 integrity by amending the SEIS to both acknowledge and  
6 accept the findings of the U.S. Army Corps of Engineer  
7 studies. Further, I urge the Navy to take  
8 responsibility for the negative environmental impacts of  
9 their current and future activities by building  
10 protective seawalls to prevent further bay shoreline  
11 erosion, thereby shoring up their relationship with the  
12 citizens of Coronado and avoiding a legal, financial,  
13 and environmental pitfall.

14 Thank you.

15 COMMANDER KEVIN O'NEIL: Mr. Harwick.

16  
17 MAURICE HARWICK

41

18 MAURICE HARWICK: Good evening. My name is  
19 Maurice Harwick H-a-r-w-i-c-k. I'm a long-time happy  
20 homeowner here. I don't have a dog in this fight. I  
21 live on the other end, but I'm here to support the  
22 homeowners on First Street and to speak up on their  
23 behalf to make sure that their homes don't fall into the  
24 bay.

25 I've read some of the materials. The reason I

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response**

Comment begins on following page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 71

1 wanted to bring up the fact that I've been a lawyer, I  
 2 was told by the State Bar, for 50 years now, they sent  
 3 me a certificate. I'm 75 years old now, and I joined  
 4 the Navy at 17 and a half to get a 50-cent haircut, and  
 5 spent nine years, and I can still remember the thrill of  
 6 being on my first destroyer and pulling out of  
 7 Long Beach at night.

8 So I'm a great Navy supporter, and I know that  
 9 if you hit somebody in a crosswalk, your chances are  
 10 it's a retired captain. So you have to be very careful  
 11 about that.

12 But I'm a lawyer, and I'm looking at the  
 13 material here, and I'm saying, is this fair or is this  
 14 not? And I'm reading, it says here the 2008 Erosion  
 15 Study shows that previous dredging efforts do not  
 16 contribute to erosion, and the study demonstrates that  
 17 slow-moving carriers under tugboat assist do not produce  
 18 wave action that would appreciably -- now, that is a  
 19 weasel word, gentlemen, "appreciably" -- do not  
 20 appreciably affect shoreline erosion processes along  
 21 First Street. Therefore, no significant -- another  
 22 weasel word -- no significant impacts were identified  
 23 with respect to erosion processes.

24 "Appreciably" and "significant" are weasel  
 25 words, which means that there is some problem there, but

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 41-A

As the commenter points out, the Navy's 2008 Erosion Study concluded that neither dredging nor aircraft carriers contribute to erosion along First Street. In fact, the USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The Navy studied all relevant reports including submissions by agencies, citizens and others.

For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix C). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport. The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion.

The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). Erosion described in the 2000 report occurred before the channel and turning basin were deepened in 1999/2000. The 2000 USACE was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10). The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10).

Due to the cause and effect relationship, the lack of regional inputs of sediment plays a vital role in explaining San Diego Bay shoreline dynamics. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline. Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the Bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail.

(Continued on next page.)



Page 72

1 it's not significant, in your judgment. But in the Army  
 2 Corps of Engineers, it is significant. They found out  
 3 that erosion happens in Katrina, and erosion didn't do  
 4 the levees break very well there in Katrina.

5 I'm reminded that if you put a hippopotamus in  
 6 a bathtub, there's going to be some erosion along the  
 7 sides when it displaces the water. We're not talking  
 8 about sailboats here; we're talking about aircraft  
 9 carriers coming in and sitting down. They displace  
 10 water. That's physics. And I just wanted to mention  
 11 that.

12 I was going to talk to you about, the Navy  
 13 today is delivering a humanitarian aid to Georgia, and  
 14 that's wonderful and I commend the Navy for doing that.  
 15 And on this date in 1945, there was a surrender on the  
 16 U.S.S. LEVY at Wake Island to the Japanese on  
 17 September 3rd, 1945.

18 The Navy has a great history, and they also  
 19 have core values: Honor, courage, and commitment. And  
 20 according -- and I'll quote to you sir: "Accordingly,  
 21 we will conduct ourselves in the highest ethical manner  
 22 in all relationships with peers, superiors, and  
 23 subordinates, be honest and truthful in our dealing with  
 24 each other," and I put this in big letters, "and with  
 25 those outside the Navy, be willing to make honest

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 41-A (Continued from previous page.)

The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed "varying amounts of filling along the coast of the study area for all years through 1985 (p.3)." It is no coincidence that the shoreline has receded substantially since then.



Page 73

1 recommendations, encourage new ideas, and deliver bad  
2 news, even when it's unpopular, abide by an  
3 uncompromising Code of Integrity, taking responsibility  
4 for our actions, and keeping our word, fulfill or exceed  
5 our legal and ethical responsibilities in our public and  
6 personal lives 24 hours a day."

7 So I call upon you tonight, in your own words,  
8 to abide by an uncompromising Code of Integrity, take  
9 responsibility for your actions, and keep your word,  
10 fulfill or exceed your legal and ethical responsibility  
11 to your neighbors, do not allow illegal or improper  
12 behavior or even the appearance -- and this is your  
13 language -- of such behavior to be tolerated.

14 COMMANDER KEVIN O'NEIL: Mr. Harwick, your time  
15 has expired. Again, I expect I'll have additional time  
16 after --

17 THE WITNESS: Thank you very much for your time  
18 and for listening.

19 COMMANDER KEVIN O'NEIL: Is Suzie Heap here?  
20 Ms. Heap, please.

21  
22 SUZIE HEAP

23 SUZIE HEAP: Good evening. My name is  
24 Suzie Heap, H-e-a-p, and I live at 620 First Street.  
25 I'm across the street from the bay front, and I'm a

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response****41-A**

Response on previous page.

Page 73

1 recommendations, encourage new ideas, and deliver bad  
2 news, even when it's unpopular, abide by an  
3 uncompromising Code of Integrity, taking responsibility  
4 for our actions, and keeping our word, fulfill or exceed  
5 our legal and ethical responsibilities in our public and  
6 personal lives 24 hours a day."

7 So I call upon you tonight, in your own words,  
8 to abide by an uncompromising Code of Integrity, take  
9 responsibility for your actions, and keep your word,  
10 fulfill or exceed your legal and ethical responsibility  
11 to your neighbors, do not allow illegal or improper  
12 behavior or even the appearance -- and this is your  
13 language -- of such behavior to be tolerated.

14 COMMANDER KEVIN O'NEIL: Mr. Harwick, your time  
15 has expired. Again, I expect I'll have additional time  
16 after --

17 THE WITNESS: Thank you very much for your time  
18 and for listening.

19 COMMANDER KEVIN O'NEIL: Is Suzie Heap here?  
20 Ms. Heap, please.

42

SUZIE HEAP

23 SUZIE HEAP: Good evening. My name is  
24 Suzie Heap, H-e-a-p, and I live at 620 First Street.  
25 I'm across the street from the bay front, and I'm a

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response**

Comment begins on following page.

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 74

1 long-time Coronado resident. In fact, the house I live  
 2 in has been in the family since 1938, and it was, once  
 3 upon a time, bay front.

4 I do support the U.S. Navy and its presence  
 5 here in North Island; however, the presence does not  
 6 come without impacts to our Coronado community, as we  
 7 have heard this evening.

8 There has been noticeable shore front erosion  
 9 in front of the homes and parks along First Street. The  
 10 army Corps of Engineers submitted in 2001, a report  
 11 entitled "Coronado Shoreline (unintelligible) Appraisal  
 12 Report." This report was reaffirmed in 2005. Both  
 13 reports concluded that the rapid erosion along First  
 14 Street shoreline is the result of wave energy created by  
 15 both boat and ship traffic, coupled with the presence of  
 16 deep shipping channels.

17 This erosion not only is impacting the private  
 18 homes along the shoreline, but the public park at "I"  
 19 Avenue and First Street. The City of Coronado built  
 20 this beautiful neighborhood park overlooking the bay and  
 21 recently upgraded the park plantings. Riprap was  
 22 installed along the shoreline in order to protect  
 23 against erosion.

24 I have observed both in the park and from many  
 25 bay-front homes, erosion caused by the wave action and

MERRILL LEGAL SOLUTIONS  
 800-544-3656

42-A

## Navy Response

### 42-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. During scoping and the DSEIS public participation process, many individuals raised erosion concerns and referred to USACE 2000 and 2005 reports. Therefore, in preparation of this SEIS, both reports were carefully reviewed and the information was placed in context with analyses and findings of all relevant reports including submissions by agencies, citizens and others (see additional information added to SEIS Chapter 5).

The Navy studied all relevant reports including the relationship of the 1999 turning basin dredging to erosion along First Street (SEIS Chapter 5 and Appendices B and H). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport.

The oldest photos and maps shown in SEIS Appendix B show that the original shoreline at First Street was too low and insubstantial to support development. A shoreline built of artificial fill, like the one at First Street erodes relatively easily as described in SEIS Chapter 5, *Geomorphology* and as shown in Figure 6 of Appendix B. This is further compounded by the build-out of land into deeper waters, along with irregular and inadequate shoreline stabilization. The USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion. This analysis clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes, do not travel south of the turning basin near First Street, and are a very small portion of the total ship traffic in the bay.

(Continued on next page.)

871eeed41-8778-45d4-bf65-7dbc44f51ea5

Page 75

1 deep dredged basins in the bay. The erosion under the  
 2 riprap is causing the rocks to fall into the bay,  
 3 particularly at that the park area. This erosion  
 4 is happening rapidly, too rapidly. The dredge basins  
 5 and channels are providing a sink for sediment washed  
 6 from the shoreline.

7 I ask you to recognize the Army Corps of  
 8 Engineers' 2001 and 2005 reports, that explain clearly  
 9 that the Navy actions have contributed to this problem.  
 10 I ask you to be a good neighbor and quickly address and  
 11 fix the problem. Time is of the essence to protect our  
 12 First Street Coronado shoreline, and thus the homes and  
 13 parks that reside there.

14 I thank you very much.

15 COMMANDER KEVIN O'NEIL: Thank you, Ms. Heap.

16 The Navy staff has indicated -- pardon.

17 We have one more registered speaker, Mr. Geilenfeldt.

18 And, Ms. Sewall, if you would like to return to  
 19 finish your comments, I would invite you to do so if you  
 20 desire at this time.

21  
 22 BOB GEILENFELDT

23 BOB GEILENFELDT: Bob Geilenfeldt,  
 24 354 Glorietta. My problem is miniscule compared to what  
 25 our Coronadans are facing here on First Street, but we

MERRILL LEGAL SOLUTIONS  
 800-544-3656

871eeed41-8778-45d4-bf65-7dbc44f51ea5

## Navy Response

### 42-A (Continued from previous page.)

The Navy's study of currents showed that currents in the area are too weak to move sediments along the shore; therefore, they do not allow for sediment transport from First Street to any sinks (See SEIS Chapter 5.2, *Currents*).

The 2000 and 2005 U.S. Army Corps of Engineers (USACE) reports on this erosion issue have been carefully considered in the SEIS. Additional discussion on this topic is included in Section 5.3 of the SEIS (also refer to response to comments 36-B through 36-K). The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

From: Knudsen, Karen [kknudsen1@san.rr.com]  
 Sent: Tuesday, September 02, 2008 1:46 PM  
 To: Taylor, Jason C.  
 Subject: Nimitz Homeporting EIS

Name: Karen Knudsen  
 Email Address: kknudsen1@san.rr.com  
 Company: private citizen  
 Address 1: 264 J. Ave  
 Address 2:  
 City: Coronado  
 State: California  
 Zip Code: 92118

To: To Whom It May Concern:  
 Subject: Coronado Bay erosion caused by ship's movements  
 Date: 9/2/08

I was raised a Navy Jr. for 20 yrs. and was married to a Naval Officer for an additional 20 years-so am somewhat familiar with the Navy Add to that, I have lived in Coronado for 21 years.  
 It is essential that the Navy step up and address the problem of erosion to the houses that live on the Bay- erosion caused hugely by the ship movement of large vessels.  
 Good neighbors essential. Coronado is a Navy town. many of the Bay Houses are owned by former navy... who still love and support The Blue and Gold!  
 The Navy needs to step up and be responsible for it's cause in this loss of property.  
 Sincerely, Karen S Knudsen

43

43-A

Page 1

## Navy Response

### 43-A

In the SEIS, the Navy conducted research on the location, speed, and frequency of carrier movements in the bay to determine if wave action from carriers is contributing to erosion, and concluded:

- Location – carriers do not travel south of the turning basin near First Street and could not cause wave action that area.
- Frequency – the amount of ship movements in San Diego Bay attributed to aircraft carriers amounts to less than 0.02 percent of all ship traffic in the bay.
- Speed – carriers tend to travel slowly through the middle of the bay, limiting the potential for generating large wakes that would impact the shoreline.

In addition, tug boats assisting the carriers are not a substantial source of wakes. The tug boats operate within the turning basin with the screws pointed downward as discussed in Chapter 5, Section 5.2 *Currents* in the SEIS.



**Please Note:**

Public comments offered on this project are part of the public record. The Navy will make all comments available for public review. Private Citizens may request that their name and address be withheld from the public record. If you wish to have your name and address withheld from the public record, you must indicate by checking the appropriate box(es) below. All submissions from persons or officials representing an organization, business or agency will be made available for public inspection in their entirety.

☐ Please withhold my name from the public record to the extent allowable by law.

☒ Please withhold my address from the public record to the extent allowable by law.

44

**United States Navy**  
**Public Hearing Comment Form**  
**Draft Supplemental Environmental Impact Statement for**  
**Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers**  
**in Support of the U.S. Pacific Fleet**



The U.S. Navy has prepared a Draft Supplemental Environmental Impact Statement (SEIS) for Developing Homeport Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet. Please record your comments on the Draft SEIS on this form. You may submit your comments by:

- 1 Filling out this form and dropping in comment box at the public hearing
- 2 Providing verbal statements during the public hearing
- 3 Mailing written comments to:  
 Naval Facilities Engineering Command Southwest  
 Attn: SEIS Project Manager (Code: ROPME.RM)  
 2730 McKean Street, Building 291  
 San Diego, CA 92136
- 4 Emailing comments to robert.montana@navy.mil
- 5 Submitting written comments via the project website at <http://www.nimitzcarriersseis.com>

☒ Check if you want a copy of the Final SEIS. (All copies will be provided on compact disc (CD) unless a paper copy is specified in writing on this card.)

Please provide comments no later than September 22, 2008 to ensure they are addressed in the Final SEIS.

PLEASE PRINT CLEARLY AND LEGIBLY

Name: Barbara Mercer Harwick Date: \_\_\_\_\_

Organization/Affiliation: \_\_\_\_\_

Address: \* \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Comments: I am supporting all residents

on the bay that will loose (more) of

their land into the bay.

Please act responsibly and give

back the land to the back yard on the bay.

Please secure with the state-of-

the-art engineering to the boundaries

that will be impacted by all vessels.

44-A

Visit [www.nimitzcarriersseis.com](http://www.nimitzcarriersseis.com) for project information.

\*Provide your mailing address to receive future notices about this Supplemental Environmental Impact Statement.

**Navy Response****44-A**

Comment noted.

GEORGE M. SANGER, M.D.  
gsanger1@san.navy.mil

10-01-08P03:36 RCVD

BLOSSOM A. SANGER, M.D.  
blossom@san.navy.mil

515 FIRST STREET  
CORONADO, CALIFORNIA 92118  
Naval Facilities Engineering Command Southwest  
Attn: SEIS Project Manager  
CODE:ROPME RM  
2730 McKeen Street Building 291  
San Diego, CA 92136  
FAX: 619-435-8596

September 27, 2008

Sirs,

As a former U S Naval Reservist I have always been proud of the classy way the Navy accomplishes its missions with speed, efficiency and in a humanitarian manner. It has always tried to defend our shores and to be a good neighbor to the adjacent civilian community.

I am, therefore, extremely disappointed with the way the Supplemental Environmental Report on Developing Homeport Facilities for Three Nimitz-Class Carriers at NAS in Coronado was prepared. I am referring to the cavalier way in which the matter of erosion on the properties on First Street was treated. Before the dredging process to make room for the carriers there was no significant erosion of the shoreline. After that, a report by the Army Corps of Engineers clearly demonstrated that there was indeed a problem with erosion to the extent of 1.7 feet per year. To the extent that this means that water will lap on the doorstep of local residents, forcing them to abandon their home, in 2014 is indeed a very real problem to the homeowners on First Street. To dismiss this fact in an environmental report by stating that there is "no significant impact of erosion on the shoreline" is an insult to the fine traditions of the Navy's policy of trying to be a good and considerate neighbor and to the originators of the environmental report in particular. I sincerely wish that the writers of this report would put themselves into the position of the homeowners. They would soon admit that not only that there is a real problem but also assist the homeowners to mitigate the situation such as building a seawall to prevent further erosion.

It is the duty of the Navy to protect our shores- even the important few feet of the San Diego Bay adjoining their property.

45-A

## Navy Response

### 45-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. Based on these scoping comments, the SEIS evaluated erosion along First Street as it relates to the 1995 FEIS, the 1999 FEIS and this SEIS. This study evaluated both USACE reports of 2000 and 2005, and relied upon the entire body of evidence (Appendices B, H, and cited references) carefully reviewed in this analysis. The details of this evaluation are contained in Chapter 5 of the SEIS, in which additional explanation has been added. Also see responses to the engineering report, comments 36-B through 36-K.

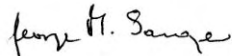
The Navy studied all relevant reports including submissions by agencies, citizens and others. For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix B). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport. The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion.

The USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The 2000 USACE report states that "the 15 year period from 1985 and 2000 erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be the result of inadequate shoreline protection and the filling of the shoreline extending it to deeper water". Also refer to Section 5.2 and 5.3 of the SEIS. The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). Erosion described in the 2000 report occurred before the channel and turning basin were deepened in 1999/2000. The 2000 USACE was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10).

(Continued on next page.)

I know that I can trust the originators of the report to admit that the inhuman attitude demonstrated in the report was unworthy of the Navy's finest traditions and take the appropriate steps to help the affected citizens, many of whom have served in the Navy, keep enjoying their property and not have their home swept away as a result of Navy dredging.

Yours truly,



George M. Sanger

Cc: Rep. Susan Davis

Mrs. Anne Goodfellow

45-A

## Navy Response

### 45-A (Continued from previous page.)

The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay. The 2005 USACE report also determined that there was "no Federal Interest and responsibility set forth in the legislative authorities under the continuing authority program from generated wave wash" (p. 10).

The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

<p style="text-align: right;">46</p> <p>09-18-08P03:24 RCVD</p> <p>September 3, 2008</p> <p>Naval Facilities Engineering Command Southwest ATTN: SEIS Project Manager Code: ROPME.RM 2730 McKean Street, Building 291 San Diego, CA 92136</p> <p>Re: Comments on the Draft Supplemental Environmental Impact Statement for Development Home Port Facilities for the three NIMITZ-class Aircraft Carriers in Support of the U.S. Pacific Fleet, issued August 8, 2008</p> <p>To the SEIS Project Manager:</p> <p>My husband, Captain (Ret.) Richard Sewall, joined the Navy in 1938. He spent his career as a Naval Aviator. He attended the United States Naval Academy and graduated in 1941. From there he went to MIT for graduate work and then served abroad during World War II. For the next 25 years he served in the U.S. Navy and retired as a Captain. I supported both my husband and the Navy both during Dick's naval career and in the years that followed. Our entire lives have been closely tied to the Navy.</p> <p>Dick was stationed in Coronado several times from the 1940s through the 1970s, and we fell in love with it. In 1978 Dick and I bought an old, dilapidated home at 311 First Street – four houses away from Naval Air Station North Island. We tore down the old house and built a new home, moving into it in 1980. We put almost everything we had into building this house. Dick and I lived there together for 28 years, until Dick passed away this past March. I live there today.</p> <p>Dick and I have always supported the Navy and we gave a significant portion of our lives to supporting the Navy and our</p>	<p><b>Navy Response</b></p> <p>Response on following page.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------



country. Today, the demands on the United States Navy are greater than ever, and new threats are all around us. I understand that the Navy needs to constantly upgrade and revise its approach to these threats, but the Navy is still our neighbor, and it needs to support the people that have supported it. For that reason, I'm frankly confused about why the problem we now face still exists.

I know that the US Army Corps of Engineers determined back in 2001 that I will lose my backyard in about two more years. I didn't need an engineering report to see the dramatic erosion my backyard has suffered in recent years. Land we once used as a garden is now lost into the bay. The Army Corps said that a combination of the waves and wakes from big ships, and the dredging that caused the creation of deeper sinks, is the cause of the problem. 46-A

I was sure that once this analysis was given to the Navy, they would work with the Army Corps to figure out a way to protect the First Street shoreline from more erosion. I had hoped that the Navy would perhaps extend their quay wall, or build a new sea wall, or something to stop the loss of property that all of the dredging started. I was sure that once this was pointed out, the Navy would act the part of the good neighbor we know and respect them for.

I was greatly disappointed to see that instead of finding a way to solve the problem, the analysis attached to this new SEIS for the berth improvements necessary to home porting a third carrier provided no new hope. According to that document, there is no erosion, or, if there is, it certainly can't be attributed at least partly to the Navy. I'm not a scientist, but it only takes common sense (and the experience I have had by living in my home for the past twenty-eight years) to see that there is a real problem, and it is connected to the real ships that create wakes and waves. We never had such wakes and waves until the Navy dredged for bigger

## Navy Response

### 46-A

The Navy is sympathetic to the concerns voiced by residents along First Street throughout the public involvement process for the SEIS. Based on these scoping comments, the SEIS evaluated erosion along First Street as it relates to the 1995 FEIS, the 1999 FEIS and this SEIS. This study evaluated both USACE reports of 2000 and 2005. The details of this evaluation are contained in Chapter 5 of the SEIS.

The Navy studied all relevant reports including submissions by agencies, citizens and others. For this SEIS, the Navy studied the relationship of the 1999 turning basin dredging to erosion along First Street (refer to Chapter 5 and Appendix B). The Navy assessed the relative influence of present and historical San Diego Bay shoreline processes and measured currents in the bay to determine the potential for sediment deposits and sediment movements and modeled the effects of dredging on currents and potential sediment transport. The Navy also conducted research on the location, speed, and frequency of carrier and tugboat movements in the bay to determine if wave action from carriers is contributing to erosion.

The USACE prepared a report over 50 years ago about ongoing erosion along the First Street shoreline and informed property owners of the erosion problems (USACE 1955 in Chapter 10 References). The USACE reports states that "the 15 year period from 1985 and 2000 erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be the result of inadequate shoreline protection and the filling of the shoreline extending it to deeper water"(also refer to Section 5.2 and 5.3 of the SEIS). The 2000 USACE report did not cite the turning basin as a cause of erosion. This report does state that ship wake is the cause of erosion. The 2000 USACE report stated that "the source of erosion was primarily due to wave energy created by boat and ship traffic" (p. 10). Erosion described in the 2000 report occurred before the channel and turning basin were deepened in 1999/2000. The 2000 USACE was revised in 2005 and further stated that "wave energy caused by ship traffic within the navigation channel is the cause of erosion damaging the shoreline" (p.10).

The Navy has no authority to undertake or obtain permits for erosion controlling actions on private property; the USACE would be the permitting authority.

The SEIS analyzes the potential for boat waves in the bay by all vessels and clearly shows that it is other vessels not aircraft carriers that are responsible for the boat waves of concern referenced in the 2000 USACE report. The Navy concluded that the operation and movement of carriers and their tugs do not cause or contribute to erosion along First Street. Aircraft carriers travel slowly through the bay and do not generate large wakes; do not travel south of the turning basin near First Street; and are a very small portion of the total ship traffic in the bay.

(Continued on next page.)



carriers, which only got worse after the Army Corps and Port District then did its own dredging. The Navy is practically my next door neighbor, but it is forgetting, I hope only temporarily, how neighbors should treat each other.

46-A

My home holds many memories for me. My husband's spirit is still strong in it. He was the one who finally decided that the federal government had to pay attention to the impacts it was having on us and our neighbors. I don't want to see my home wash into the bay, but the Army Corps says that's what will happen in just a few more years. In the end, I have been forced to the courts, at significant expense, to try and find justice for the impacts we have suffered. Although my husband won't be here to see it, I hope to see that justice administered, and to once again be able to talk about the Navy as my good neighbor. I am not rich – I just want to save my home. The SEIS process has let down those who are relying on it to identify and mitigate environmental impacts from the operation of these ships. It should be revisited with the focus making it a frank and honest assessment of how to fix this problem.

46-B

Thank you.



Barbara Sewall  
311 First Street,  
Coronado, CA 92118

## Navy Response

### 46-A (Continued from previous page.)

In addition, the dredging at NASNI associated with the implementation of the 1999 FEIS was not a factor causing or contributing to erosion at First Street. The regional lack of sediment inputs directly affects the First Street shoreline as shown in Figure 5.3-1 of the SEIS. Sediment inputs are a critical component of shoreline stability with very direct impacts on the shape of the shoreline (See reference USACE 1955). Until new sediment sources are introduced or old ones (rivers, creeks, bluffs) are re-established, the shoreline equilibrium will remain unbalanced and a negative sediment budget will persist. This removal of sediment input to the bay perpetuates erosion along the subject area today. The *Reduced Sedimentation* and *Shoreline Configuration* sections of Chapter 5 of the SEIS describe this in detail.

The geomorphology of San Diego Bay explains why there has always been an area of substantially lower bathymetry in the vicinity of the main channel and turning basin, the reason for the geological depression allowing the bay to exist between North Island and Coronado (the Spanish Bight), and the significant inland cut along the northern extent of First Street relative to the rest of the First Street shoreline. The *Geomorphology* and *Currents* sections of Chapter 5 of the SEIS describe this in detail. First Street is not unique in experiencing erosion or a reduction of sediment along the San Diego Bay shoreline. As noted in the 2000 USACE report, analysis of shoreline erosion rates showed “varying amounts of filling along the coast of the study area for all years through 1985 (p.3).” It is no coincidence that the shoreline has receded substantially since sand replenishment efforts were ceased.

The Navy is sympathetic to residents concerns, but believes the issue has been thoroughly addressed as it relates to the scope of this SEIS.

### 46-B

The Navy is committed to continue working with the City of Coronado and its residents as a good neighbor and community citizen.

**Navy Response****46-C**

Please refer to responses 46-A and 46-B.

Page 57

1 before there is more damage to our shoreline, and we  
2 must ensure that our homes are protected.

3 And I must thank our neighbors and friends for  
4 coming tonight in our support.

5 COMMANDER KEVIN O'NEIL: Thank you,  
6 Ms. Goodfellow.

7 Ms. Sewall.

8  
9 BARBARA SEWALL

10 BARBARA SEWALL: I'm Barbara Sewall, and I live  
11 311 First Street, Coronado, and this is directed to the  
12 SEIS project manager.

13 My husband, Captain Retired Richard Sewall,  
14 joined the Navy in 1938. He spent his career as a Navy  
15 aviator. He attended the United States Naval Academy  
16 and graduated in 1941. From there, he went to MIT for  
17 graduate work, and then served the war during ship --  
18 the battleship, and then he went to flag training where  
19 he got his wings.

20 I supported both my husband and the Navy, both  
21 during Dick's Naval career and in the years that  
22 followed. Our entire lives have been closely tied to  
23 the Navy.

24 Dick was stationed in Coronado several times  
25 from the 1940s through the 1970s, and we fell in love

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

Page 58

1 with it. In 1978, Dick and I bought an old delapidated  
2 house at 311 First Street, four houses away from the  
3 Naval Air Station at North Island.

4 We tore down the old house and built a new  
5 home, moving into it in 1980. We put almost everything  
6 we had into building this house. Dick and I lived there  
7 for 28 years until Dick passed away this past March. I  
8 live there today.

9 Dick and I have always supported the Navy, and  
10 we gave a significant portion of our lives to supporting  
11 the Navy and our country. Today the demands on the  
12 United States Navy are greater than ever, and new  
13 threats are all around us. I understand that the Navy  
14 needs to constantly upgrade and revision its approach to  
15 these threats, but the Navy is still our neighbor, and  
16 it needs to support the people who have supported it.

17 For that reason, I am frankly confused about  
18 why the problem we now face still exists. I know the  
19 U.S. Army Corps of Engineers determined back in 2001  
20 that I will lose my backyard in about two more years. I  
21 didn't need an engineering report to see the dramatic  
22 erosion my backyard has suffered in recent years. Land  
23 we once used as a garden is now lost into the bay.

24 The Army Corps said that a combination of the  
25 waves and wakes from the big ships and the dredging that

46-C

**Navy Response**

Please refer to responses 46-A and 46-B.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

Page 59

1 caused the creation of deeper sinks is the cause of the  
2 problem.

3 I am sure that once the analysis was given to  
4 the Navy, they would work with the Army Corps to figure  
5 out a way to protect the First Street shoreline from  
6 more erosion. I had hoped that the Navy would perhaps  
7 extend their (unintelligible) or build a new seawall or  
8 something to stop the loss of the property that all of  
9 their dredging started. I was sure that once this was  
10 pointed out, the Navy would act as part of the good  
11 neighbor we know and respect them for.

12 I was greatly disappointed to see that instead  
13 of finding a way to solve the problem, the analysis  
14 attached to this next SEIS for the berth improvements  
15 necessary to homeporting a third carrier provided no new  
16 hope. According to that document, there is no erosion.  
17 Or if there is, it certainly can't be attributed, at  
18 least partly, to the Navy.

19 COMMANDER KEVIN O'NEIL: Ms. Sewall, I  
20 appreciate you have some additional comments, but I do  
21 want you to adhere to the three-minute time period. I  
22 expect there will be plenty of time once I've given each  
23 speaker one opportunity to speak.

24 So I'd ask your courtesy to respect that time  
25 limit, I would invite you back to finish your comments

Sewall testimony contd. on transcript page 77

MERRILL LEGAL SOLUTIONS  
800-544-3656

871eee41-8778-45d4-bf65-7dbc44f51ea5

**Navy Response**

Please refer to responses 46-A and 46-B.

46-C

Page 77

1           COMMANDER KEVIN O'NEIL: Thank you,  
2           Mr. Geilenfeldt.

3           There are no additional registered speakers.  
4           What I would like to do at this point -- and,  
5           Ms. Sewall, I'm sorry. You may come up and continue  
6           your comments. And you have another full three minutes.  
7

8           BARBARA SEWALL (Continued.)

9           BARBARA SEWALL: Thank you very much.

10           U.S. Army Corps of Engineers, did I get that  
11           far? You startled me when you stopped me. All right.

12           I know that the U.S. Army Corps of Engineers  
13           determined that in 2001 that I would lose my backyard in  
14           about two more years. I didn't need an engineering  
15           report to see the dramatic erosion that my backyard had  
16           suffered in recent years. The land we once used as a  
17           garden is now lost in the bay. I remember reading that.  
18           Okay.

19           I was sure that once this analysis was given to  
20           the Navy, they would work with the Army Corps to figure  
21           out a way to protect the First Street shoreline from  
22           more erosion, and hoped the Navy -- I think I read that  
23           too, didn't I? All right.

24           I was greatly disappointed to see that instead  
25           of finding a way to solve the problem, the analysis

MERRILL LEGAL SOLUTIONS  
800-544-3656

## Navy Response

### 46-D

Please refer to responses 46-A and 46-B.

46-D

871ee41-8778-45d4-bf65-7dbc44f51ea5



Page 78

1 attracted to this new SEIS for the berth improvements  
2 necessary to homeport a third carrier provided no new  
3 hope. According to that document, there is no erosion.  
4 Or if there is, it certainly can't be attributed, at  
5 least partly, to the Navy.

6 I am not a scientist, but it only takes common  
7 sense and the experience I have had by living in my home  
8 for the past 28 years to see there is a real problem.  
9 It is connected to real ships that create wakes and  
10 waves. We never had such wakes and waves until the Navy  
11 dredged for a bigger carrier that only got worse after  
12 the Army Corps then did its own dredging.

13 The Navy is practically my next-door neighbor,  
14 but it is forgetting, and I hope only temporarily, how  
15 the neighbors should treat each other.

16 My home holds many, many memories for me. My  
17 husband's spirit is still strong in it. He was the one  
18 who finally decided that the federal government had to  
19 pay attention to the impact it was having on us and our  
20 neighbors. I don't want to see our home washed into the  
21 bay, but the Army Corps says that what will wash into  
22 the bay -- but the Army Corps says that will happen in  
23 just a few more years.

24 In the end, I have been forced to courts at  
25 significant expense to try and find justice for the

MERRILL LEGAL SOLUTIONS  
800-544-3656

**Navy Response**

Please refer to responses 46-A and 46-B.

46-D

871eee41-8778-45d4-bf65-7dbc44f51ea5

Page 79

1 impact we have suffered. Although my husband won't be  
2 here to see it, I hope to see that justice is  
3 administrated, and once again be able to talk about the  
4 Navy as my good neighbor.

5 I am not rich, but I just want to save my home.  
6 The SEIS process has let down those impacts who we're  
7 relying on to identify and mitigate environmental  
8 impacts from the operation of these ships. It should be  
9 revised with a focus, making it a frank and honest  
10 assessment of how to fix the problem.

11 And I thank you very much.

12 COMMANDER KEVIN O'NEIL: Thank you, Ms. Sewall.

13 In regard to any of the registered speakers,  
14 does anyone desire an additional three minutes to speak?

15 Here's what we will do: I will briefly recess  
16 this hearing. If anyone decides they want to make  
17 additional comments, please let the Navy staff at the  
18 comment card table know. In ten minutes, I will reopen  
19 the meeting to see if there is anyone else. If there is  
20 no one else, we will simply recess until the scheduled  
21 conclusion of the public hearing, which is set to be  
22 9:00 p.m.

23 We'll recess for approximately ten minutes.  
24 Again, if you desire to make any additional comments, I  
25 ask that you let the staff at the comment card area

46-D

**Navy Response**

Please refer to responses 46-A and 46-B.

MERRILL LEGAL SOLUTIONS  
800-544-3656

871ee41-8778-45d4-bf65-7dbc44f51ea5

# **Individuals Other Comments**

September 3, 2008

47

NFECS  
San Diego, CA

Dear Sir,

Thank you for the opportunity to make this submission. I tried to send it E-mail, but I couldn't get the "submit button" to send it?

I attended several pre-nuclear carrier meetings about their arriving here some years ago. At the first meeting, there was a Navy captain and enlisted men writing down the car license numbers of citizens attending...for what?? Also, at another meeting at the high school gym there was a Navy enlisted man with a large tripod camera taking movies of all the civilians attending as they came in the door. I wonder where these are now?? I hope it does not happen again tonight? We will see?

Greenpeace said that the Nimitz Class carrier had 6 radiation releases in U.S. ports up to 1987. The big one in Bremerton was in the news. Our local Mayor Spicak said to us that the Navy will notify the City if they have a local radiation release. He refused to install a 24 hour monitoring system in the City. Well, it seems that there is a Navy Nuclear Department directive that says that the Navy goes into 132 foreign ports and nuclear radiation releases are to be kept CONFIDENTIAL, or they would not be allowed to visit those ports. So, the NAVY LIED !!! I hope the Navy will tell the citizens and the City the truth and recommend that the City should have a 24 hour monitoring system. The kids need iodine pills to avoid cancer of their thyroids, or does the Navy care less?? They will then have more respect for the navy being here. It seems that the Stennis ran aground in the turning basin here, and took in mud into her condensers. The reactors went critical, and were shut down. That was not the story in the newspaper. That was another LIE!! Shouldn't the navy tell the truth?? These instances are very gross!!

Sincerely,

860 Cabrillo Ave.  
Coronado, CA 92118

  
Earle Callahan CDR USN (Ret)

## Navy Response

### 47-A

Although the comments are outside the scope of the SEIS for completeness the following information is provided:

The Navy does not agree with the commenter that reportable releases of radiation are kept confidential, and does not agree that a radiation monitoring system is needed. As explained in the response to public comments in the CVN Homeporting EIS published in July 1999, the Navy maintains an excellent record regarding protection of public health and the environment. The Navy's extensive effort placed on nuclear propulsion plant design, operational practices, oversight, work controls, emergency planning and emergency response fully safeguards the public.

Evidence of the Navy's success is demonstrated by the Navy's record of never having a reactor accident or a release of radioactivity having an adverse effect on human health or the quality of the environment. Releases of radioactivity above a certain threshold are required by federal law to be immediately reported to the proper officials. The Navy is not exempt from these regulations; however, the Naval Nuclear Propulsion Program has never released an amount that would require notification.

Environmental monitoring is conducted by the Navy in U.S. and foreign harbors frequented by U.S. naval nuclear-powered ships, with results reported annually. The EPA conducts independent surveys in U.S. harbors frequented by U.S. nuclear-powered ships. This monitoring consists of analyzing harbor sediment, water, and marine life samples for radioactivity associated with naval nuclear propulsion plants; radiation monitoring around the perimeter of the support facilities; and effluent monitoring. Environmental samples from each of these harbors are also checked at least annually by a Department of Energy laboratory to ensure analytical procedures are correct and standardized. Results of this monitoring are publicly available in reports published annually. This environmental monitoring program has confirmed that U.S. nuclear powered ships have not had an adverse effect on human health or the quality of the environment.

Regarding installation of independent radiation monitoring stations, the 1999 CVN EIS cited the latest Nuclear Regulatory Commission study noting "it is highly questionable that a fixed station emergency monitoring system can provide sufficiently reliable technical information to be of use in the decision-making process in the event of an emergency situation." The Navy continues to rely on its long standing, practiced radiological emergency response procedures, which include coordination with appropriate state and local officials.



From: Morgan, Kara M Ms CIV USSOCOM NAVSOC  
 [mailto:Kara.Morgan@navsoc.socom.mil]  
 Sent: Friday, August 22, 2008 8:42  
 To: Montana, Robert A CTR NAVFAC SW, SDNS  
 Subject: NASNI SEIS Briefing

Sir -

I wish to voice my concerns over the decision to homeport the third aircraft carrier at NASNI, and will be on travel for the 3 Sept meeting.

My concerns do not relate to the environment, or the increased traffic, as I think these are all impacts that are being carefully studied by the Navy, and the city of Coronado, and I'm sure many voices will be heard with regards to these issues.

My concern is instead for the military families that will be relocated to Coronado as a result of the homeport change, and the difficulty they will find in receiving adequate childcare for their children if they should need it. Currently there are zero military daycare centers operating at NASNI or NAB, the closest being Balboa or 32nd Street. The centers that were operating previously have been shut down for years with no alternate provided by the Navy. Should a family decide they want a civilian provider - good luck, there is one daycare in Coronado that is run by a church - and one must drive to Imperial Beach to find others.

I voice this concern because as a Navy spouse, and a government employee of SPECWAR, I have been on the military waitlist for childcare for 2 long years. My concerns fall on deaf ears with the Child Development Center, as they have no answers, and are embarrassed that their goal of reducing the waitlist to 3 months or less fails miserably when it comes to residents of Coronado. There is one facility currently under construction at NASNI, to replace the one that was closed several years ago, and the projected completion time is for 2010 - however adding another aircraft carrier to NASNI means an even longer waitlist for this one facility.

The Navy needs to include factors such as this when budgeting for a homeport change for something as large as an aircraft carrier, as this will have an additional draw on the very limited resources that are currently available to residents of Coronado. Frankly I'm extremely disappointed in the Navy's ability to care for their families when it comes to childcare, and can't believe they would add a potential 5600 additional families without considering this gaping insufficiency.

Thanks for letting me voice my opinion.  
 -Kara Morgan

Privacy Act - 1974 as amended applies. This email may contain information which must be protected IAW DoD 5400.11R, and is For Official Use Only (FOUO)

Kara Morgan  
 COMNAVSPECWARCOM, N12  
 2000 Trident Way  
 San Diego, CA 92155-5599  
 Comm: 619-437-5797  
 DSN: 577-5797  
 Fax: 619-437-3943  
 NIPR: [kara.morgan@navsoc.socom.mil](mailto:kara.morgan@navsoc.socom.mil)  
 SIPR: [kara.morgan@navsoc.socom.smil.mil](mailto:kara.morgan@navsoc.socom.smil.mil)

## Navy Response

### 48-A

The Navy agrees and has been actively working to expand childcare for military members. A contract to construct a new First Five facility at NASNI, funded by a grant from the State of California, was recently awarded with construction to begin in 2009. Also, additional child care construction is planned for award in 2009, which will provide even more child care at NASNI as well as at NAB Coronado.

<p style="text-align: right;">49</p> <p style="text-align: right;">walsh.txt</p> <p>From: Walsh, John [johnwalshfd@aol.com] Sent: Friday, August 08, 2008 11:03 AM To: Taylor, Jason C. Subject: Nimitz Homeporting EIS</p> <p>Name: John Walsh Email Address: johnwalshfd@aol.com Company: N/A Address 1: PO BOX 9 Address 2: City: LYNNFIELD State: Massachusetts Zip Code: 01940</p> <p>While the Navy's environmental impact study of traffic and noise would probably be adequate if we were talking about a containerized cargo shipping company, this is the Navy! Remember the Maine? Remember Pearl Harbor? How about the U.S.S. Cole? United States Navy ships at pier side are a traditional target for our enemies. Anyone who reads about the Pearl Harbor attack knows that destroying our aircraft carriers at dock can be a critical factor in fighting against our nation. We have now entered an age wherein terrorists are attempting to attack our ships. The idea of having 3 Nimitz Class Carriers together in the same port for 29 days each year is to wave a red flag in front of the terrorists. This makes NASNI a prime target on a level with the nation's capitol, yet with ocean access. I cannot comprehend why the Navy would knowingly and willfully expose the people of San Diego to Nuclear, Chemical, or Biological attack in this manner. The Navy's policy should be to disburse its ships throughout the many ports along the coast to minimize the risk to the civilian population.</p> <p style="text-align: right;">49-A</p> <p style="text-align: center;">Page 1</p>	<p><b>Navy Response</b></p> <p><b>49-A</b></p> <p>Comment noted. Appropriate Anti-Terrorism/Force Protection and physical security measures have been implemented.</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**APPENDIX K**  
**ATTACHMENT 1**





# BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

LEO R. BEUS  
DIRECT (480) 429-3001

EMAIL: LBEUS@BEUSGILBERT.COM  
FAX (480) 429-3111

20 September 2007

Congressman Jeff Flake  
1640 South Stapley, Suite 215  
Mesa, AZ 85204

Dear Jeff:

When we last spoke I indicated to you that I have a problem that I thought your offices could assist in resolving.

As you know, I own a home in Coronado, California that backs onto San Diego Bay. Five houses away is the Naval base for Coronado (NASNI). It is a marvelous facility. Out my back door I often look out and see an aircraft carrier. It is spectacular. San Diego Bay accommodates ships by dredging the Bay floor.

I am all in favor of the Navy and I am all in favor of them dredging as they see fit. Unfortunately we, along with a lot of other folks, developed our properties out to the extent of our property lines. Lateral support for our properties is provided by land owned by the San Diego Unified Port District (Port). The waterway is subject to the Federal Navigational Servitude.

My Coronado house is located on the Bay. The backyard opens onto the water. A few years ago, unbeknownst to us, the Navy and Army Corps of Engineers dredged a 50-53 ft. hole in the Bay to allow aircraft carriers to be turned around. We refer to this area as the Turning Basin. That hole is immediately behind and to the west of our home. When we built our house, we protected the rear yard from wave action by placing engineered rip-rap behind our backyard. This rip-rap barrier is being undermined as a result of the government's dredging. Lateral support to my property has been withdrawn. This removal of lateral support (which the Port is duty bound to provide under California Civil Code § 832), has undermined an extensive rip-rap barrier installed along the shoreline. Damage to the rip-rap barrier includes significant undermining of its support soil and a partial collapse of the rock barrier itself. The entire barrier is being pulled in a northwesterly direction away from my property and towards the Turning Basin in the open waters of the Bay.

The impact of the dredging is detailed in the conclusions of two independent studies. First, on December 7, 2000, the United States Army Corps of Engineers (USACOE) issued an Initial Appraisal Report (we only recently became aware of this report) based on an exhaustive analysis of factors effecting shoreline erosion along the area of Coronado Island where my property is situated. It concluded that the damage was caused by two distinct factors; (1) a steepened off-shore gradient caused by dredging in the Bay; and (2) wave energy generated by shipping traffic within the Bay. Second, in early 2007, I retained the services of David Skelly, a California Registered Professional Engineer with extensive experience in analyzing shoreline erosion. His findings were consistent with the USACOE's Initial Appraisal Report. Copies of these reports are contained in the Plaintiff's Early Neutral Evaluation Statement, which is enclosed herein as Attachment A.

Beginning in the Fall of 2005, I initiated multiple contacts with USACOE to discuss the continuing damage to my property and to seek their assistance and approval for construction of a retaining wall to prevent further damage. *I advised them that I was willing to pay for the cost of building the retaining wall, even though I believed the government has caused the damage to my property.* No repair work or preventative measures to the rip-rap barrier can legally commence without the express approval of the USACOE and the Port. On October 7, 2005, I filed administrative claims with USACOE and the Port seeking compensation for damage to my property. (Copies of these Claims are attached as Attachment B.) Beginning on October 24, 2005, I had a series of conversations with counsel for the USACOE to discuss the ongoing nature of the damage to my property and the need for immediate action to prevent further damage. During those conversations, I advised the USACOE that access to the rear of my property would no longer be available in 30 days due to the commencement of construction of a residential property on a vacant lot which at the time afforded construction equipment access to the rear of my property. During those conversations, counsel for the USACOE referred me to their regulatory branch in Los Angeles to seek assistance in obtaining any necessary permits for construction of a retaining wall.

On October 31, 2005, I spoke with USACOE representative Mark Durham, to discuss emergency permitting procedures pursuant to the USACOE's RGP 63 program. Based on that conversation, I filed for an RGP 63 emergency permit on November 7, 2005. (A copy of the Permit Application is attached herein as Attachment C.) That permit included the opinion of professional engineer Ryan Omar, who outlined the minimum requirements necessary to construct an effective sea wall sufficient to prevent further damage to my property.

On December 7, 2005, Robert Smith with the USACOE's regulatory branch in San Diego made a personal visit to my property to inspect the damage. During that visit, Smith observed that my property Location had in fact suffered property damage and noted significant sloughing of the rip-rap barrier. (A copy of his email discussing his observations is attached herein as Attachment D.)

On December 15, 2005, I received an unsolicited phone call from counsel for the Port. During that conversation, counsel indicated that the Port would not approve construction of the retaining wall per my engineer's plans. After confirming with the Port, in writing, that it would not approve construction of the retaining wall as proposed, the Port demanded, on January 16, 2007, that prior to any approval for the construction of a sea wall, I was to participate in a formalized application process involving multiple state agencies and requiring, at my expense, an environmental impact report. I advised counsel for the Port that I would not be willing to pay for the cost of an environmental impact report ("EIR") because the problems that were occurring at my property were being caused by the dredging activities in the Bay and that the Port was already in possession of an EIR, completed in 2003, dealing with the area adjacent to my shoreline. Further, the estimates given by the government for an EIR exceeded \$1,000,000.

On March 28, 2006, I received notification from the USACOE that it would issue a permit for the construction of a scaled-back version of the proposed retaining wall. (A copy of this notification is attached herein as Attachment E.) However, after consultation with my engineers, I was advised that the scaled-back version approved by the USACOE would not be sufficient to remedy the problem. Further, it was their expert opinion that simply rebuilding the rip-rap barrier would be futile and a waste of money.

On February 2, 2006, I filed an action against the Port alleging damages to my property based on inverse condemnation pursuant to California Constitution Art. 1, § 19, and CAL.CIV.CODE § 832. (A copy of the Complaint is attached herein as Attachment F.) On May 23, 2006, the San Diego Superior Court ruled that the USCACOE was an indispensable party. On May 25, 2006, I filed a First Amended Complaint adding the USACOE as a named defendant in the action. On June 26, 2006, the United States removed the action to Federal Court.

On January 5, 2007, the first of a series of settlement conferences was held with the Honorable Louisa S. Porter in the United States District Court, Southern District of California. Beginning in January of 2007, the parties actively sought a resolution to the dispute without the need for further litigation. Pursuant to those efforts, I was placed in contact with Ray Carpenter, who was referred to me by the Port. Mr. Carpenter is a seasoned marine engineer whose firm has been responsible for constructing much of the infrastructure within the Bay. I met with Mr. Carpenter at my property to discuss the problems and possible solutions. Mr. Carpenter concurred that the cause of the damage to my property was the offshore dredging directly adjacent to my property. After extensive discussions and the submission of preliminary plans by Mr. Carpenter for a proposed retaining wall, settlement discussions among the parties broke down. Litigation is proceeding in this matter. To date, neither the USACOE nor the Port has been willing to approve the construction of a retaining wall sufficient to correct the damage already caused to my property and prevent further undermining of my land.

Congressman Jeff Flake  
20 September 2007  
Page 4

---

Jeff, if I could simply get the Government motivated to try to resolve this, it would be very helpful. Thanks.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in black ink, appearing to read 'Leo'.

Leo R. Beus

LRB:slf  
Enclosures



## Engineering Opinion Regarding Causes And Consequences Of Shoreline Erosion At Or Near 407 First Street, Coronado, And The Surrounding Bay Front Properties

REFERENCES: US Army Corps of Engineers, Los Angeles District, 2003, San Diego Harbor, Central navigation channel deepening feasibility report, Vols. I, II, III, and IV, dated September.

\_\_\_\_\_, 2000, Coronado Shoreline, Initial Appraisal Report, dated December 7.

Resume of David W. Skelly, MS, PE, Coastal Engineer

Email, Dated December 8, 2005 from Robert Smith to Leo Beus, Eileen Maher, Mark Durham, Burke Large, and Kari Coler, Subject: "Emergency permit request for new wall/rip project for Mr. Beus in San Diego Bay" sent 8:35 AM

Email, Dated December 2, 2005 from Mark Durham to Robert Smith and Kari Coler, Subject: "Mr. Beus Gilbert's rip rap," sent 5:15 PM

The following discussion of the causes and consequences of shoreline erosion at and near 407 First Street, Coronado is based upon my review of the above referenced documents, site inspections, bathymetric survey comparisons, and general knowledge of coastal processes.

The Federal Government has recognized for many years that the shoreline in the area of 407 First Street in Coronado is eroding. Because of the likelihood that the erosion and resulting damage to public and privately owned shores was a result of Federal navigation works the US Army Corps of Engineers Los Angeles District was authorized to conduct an initial appraisal report. I have reviewed US Army Corps of Engineers, Los Angeles District, Coronado Shoreline Initial Appraisal Report, dated December 7, 2000 (USACOE, 2000). The purpose of that study was:

*The intent of this study was to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline.*  
(USACOE, 2000, p. 1.)

The USACOE was authorized to perform the following:

*This authority authorizes the planning and design of a justified level of work for prevention or mitigation of damages to both non-Federal public and privately owned shores to the extent that such damages can be directly identified and attributed to Federal navigation works located along the coastal and Great Lakes shorelines of the United States.*  
(USACOE, 2000, p. 1.)

The project team responsible for the study had access to a variety of information and data sources, including the input of defendants named in this litigation.

*The project team obtained a variety of information regarding the shoreline and surrounding area with the assistance of the Los Angeles District of the U.S. Army Corps of Engineers, The Port of San Diego (POSD), and the City of Coronado.*  
(USACOE, 2000, p. 1.)

The study area consisted of the Coronado Island shoreline along which the subject property is located.

*The study area consists of approximately 2,800 linear feet of shoreline along First Street between Orange Avenue and Alameda Avenue in Coronado, California.*  
(USACOE, 2000, p. 1.)

This report provides a clear description of the erosion problem and the causes of the erosion. The USACOE 2000 report identifies two basic reasons for the erosion that is occurring along the shoreline where the subject property is located. The first reason is the presence of shipping channels and a fairly steep offshore gradient.

*Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep off-shore gradient will have an affect on coastal erosion.*  
(USACOE, 2000, p. 3.)

The other reason for the erosion along the shoreline, which the subject property is located, is the ship wake (breaking along the shoreline) caused by the shipping traffic within the harbor breaking along the shoreline.

*Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an affect on the shoreline.*  
(USACOE, 2000, p. 3.),

*Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline.*  
(USACOE, 2000, p. 3.).

Wind driven waves were determined NOT to play a major role in the erosion.

*Wave heights were computed for a range of wind speeds, with a maximum of 60 miles per hour. This resulted in a maximum wave height of 2.2 feet. See Appendix D for these calculations. Since winds of this magnitude occur infrequently and result in relatively small waves, wind-driven waves were determined to not play a major role in erosion. (USACOE, 2000, p. 2.).*

*Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. (USACOE, 2000, p. 3.)*

In addition, the report does not identify tides or tidal currents as contributors to erosion of the shoreline.

The report is definitive in its conclusion by stating that wake driven waves and the steep offshore gradient are the two primary causes of the erosion.

*Therefore, it is the conclusion of this investigation that the primary mechanism by which erosion occurs along this shore is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic. This erosion is assisted by the relatively steep off-shore gradient and the presence of deep water sinks. (USACOE, 2000, p. 3.)*

The dredging of the Naval Air Station North Island (NASNI) turning basin just to the north west of the subject shoreline has resulted in a significant increase in the adjacent shoreline gradient.

*The problem identification for this investigation determined that the source of erosion was primarily due to wave energy created by boat and ship traffic within the navigable channel off-shore of the study area. This erosion is assisted by a relatively steep off-shore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years. (USACOE, 2000, p. 10.)*

The impact of this erosion along the affected shoreline is significant. Not only has the shoreline eroded as much as 25 ft. from 1985 to 2000; the current rate of erosion will

begin to destroy residential foundations by the year 2010. As the USACOE Report stated:

*Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. (USACOE, 2000, p. 3.).*

*Continuation of the erosion process will eventually render the yards unstable and begin to place structures in jeopardy in approximately 10 years. (USACOE, 2000, p. 4.)*

*Based upon an examination of aerial photos of the project site, it is our estimate that, if the erosion continues, structures will begin to be undermined in about 10 to 15 years. Present rates of erosion indicate that, within 15 to 25 years, approximately 12 residences could be lost or become to hazardous for occupancy. (USACOE, 2000, Appendix B, p. 1.)*

*If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode house foundations in approximately 10 years. (USACOE, 2000, p. 3.).*

As noted in the USACOE 2000 Initial Appraisal Report, the area most significantly impacted by the erosion consists of the residences closest to the base.

*The areas subject to erosion are the backyards are 35 residences along First Street between Alameda and D Avenue. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. (USACOE, 2000, p. 4.)*

This specific area is impacted by both the NASNI turning basin as well as the central navigation channel, given their close proximity. I reviewed a copy of the December 8, 2005 e-mail from Robert Smith who is the Field Officer Supervisor for the Army Corps of Engineers in San Diego to Leo R. Beus. In Mr. Smith's e-mail, he states the following: "The Corps did notice that some of the rock had fallen into the bay and there was some erosion of fines below the existing rock rip-rap that was constructed in 2002/2003."

Mr. Smith's visit was based on a directive from Mark Durham, South Coast Section Chief with the Los Angeles Branch of the USACOE, who instructed Mr. Smith to visit the property based on conversations he had with Mr. Beus, and Mr. Al Morrison, counsel for Plaintiff. In an e-mail dated December 5, 2005, between Mark Durham and Robert Smith, Mr. Durham told Mr. Smith the following, "I advise you not to walk on the rip-rap, but to observe it from above or the side, and especially look for evidence of sustenance." This acknowledgment by Mr. Durham is consistent with my observations during site inspections of the subject property, including the rip rap, retaining wall, and shoreline. Because of the erosion, the rip rap is shifting and unsupported in some places. This is a dangerous condition for humans (or animals) walking across the revetment. During my site inspections I observed the public fishing from, and walking across, the revetment. It is likely that stones will shift and cause bodily injury. This unstable condition is clearly serious and dangerous.

I fully concur with the Corps of Engineers' report conclusions as stated above. That concurrence is based upon not only the comments and quotes set forth herein, but also includes several site inspections. There has been a significant effort to protect the property from erosion by the use of a quarry stone revetment bayward of the subject residence and site improvements. That quarry stone has, and continues to slough off as a result of the over steepened gradient and the continuous boat wakes, see Figure 1. The revetment is in the process of progressive failure. It is difficult to determine exactly how long it will be before the revetment has failed such that it does not provide any protection to the improvements at the subject residence. Failure of shore protection usually accelerates over time, providing less and less protection, as time continues, to the improvements behind it.

It should be noted that there is a negative edge pool near the property line on the subject property, just behind the revetment, and that pool filled with water, if not supported, will in the near future be jeopardized. In addition, to the northwest side of the pool, there is an underground chamber where the pool equipment is located.

As stated above, it is difficult to ascertain exactly how far and how much erosion will continue to occur; but the erosion that is now occurring is accelerated on the northwest side of the subject property, which is the same side that the chamber for the pool equipment is buried near the property line. That pool equipment is also going to be in jeopardy unless the shore protection of the subject property is improved in the near future.

In an effort to look at changes in the slope directly offshore of the site, a bathymetric survey was conducted in September 2006. A Garmin 178C dual frequency depth sounder and differential GPS hardware was used with HYPACK hydrographic survey software. This data acquisition and analysis system is approved by the US Army Corps of Engineers for depth measurement. The results of the survey were then overlain on a digital NOAA Bathymetric Chart # 18773-1 (San Diego Bay) which was updated in 1989. The comparison of these two sources of depth measurements provided a before turning basin deepening and after deepening contour changes. Figure 2 shows the overlain depth measurements. The figure clearly shows that the gradient in front of the site was steepened as a result of the basin deepening. The 30 foot depth contour moved about 75 feet landward in front of the site. As determined in the USACOE 2000



study the presence of deepwater sinks in the form of the NASNI turning basin and a fairly steep off shore gradient contributes significantly to shoreline erosion.

In September 2003 the USACOE, in conjunction with the San Diego Unified Port Authority, completed an Environmental Impact Study and Environmental Impact Report. This four-volume report purports to be an exhaustive study of the environmental impacts of the proposed continued dredging of the NASNI Turning Basin and Central Navigation Channel. However, conspicuously absent from these four volumes is any direct reference to the 2000 Initial Appraisal Report, its conclusions relating to the causes of the erosion of the shoreline along the affected area, and its recommendations as stated below.

*It is recommended that this study proceed forward into a cost shared feasibility level evaluation of the shoreline protection alternative for the Coronado Shoreline, at an equal federal/non-federal cost share ration above the initial federally funded \$100,000 study cost, in accordance with Planning Guidance Notebook, ER 1105-2-100 (22 Apr 2000).*

(USACOE, 2000, p. 14.)


In conjunction with the work I have performed in connection with this report of the conditions affecting the subject property, I observed the ship/boat generated waves within the bay as they break upon the subject rip rap revetment. My observations include witnessing the wave suspension and transport offshore of bottom sediments underlying the rip rap structure constructed on the subject property. Elevation measurements of the shoreline of the subject property indicate the presence of an approximate 2 foot drop of the slope of the shoreline running east to west. This drop in elevation runs directly towards the NASNI turning basin.

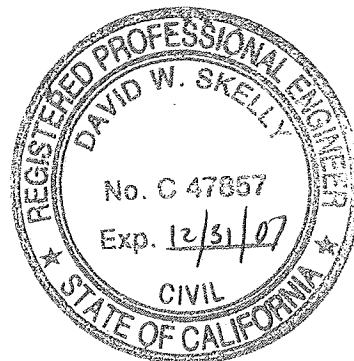
Based on the site inspections, the referenced USACOE reports and email, the bathymetric survey and other comparisons to prior reports and surveys, and my knowledge of the causes and consequences of shoreline erosion, I conclude that the problem is as identified in the USACOE 2000 report and is serious and immediate.

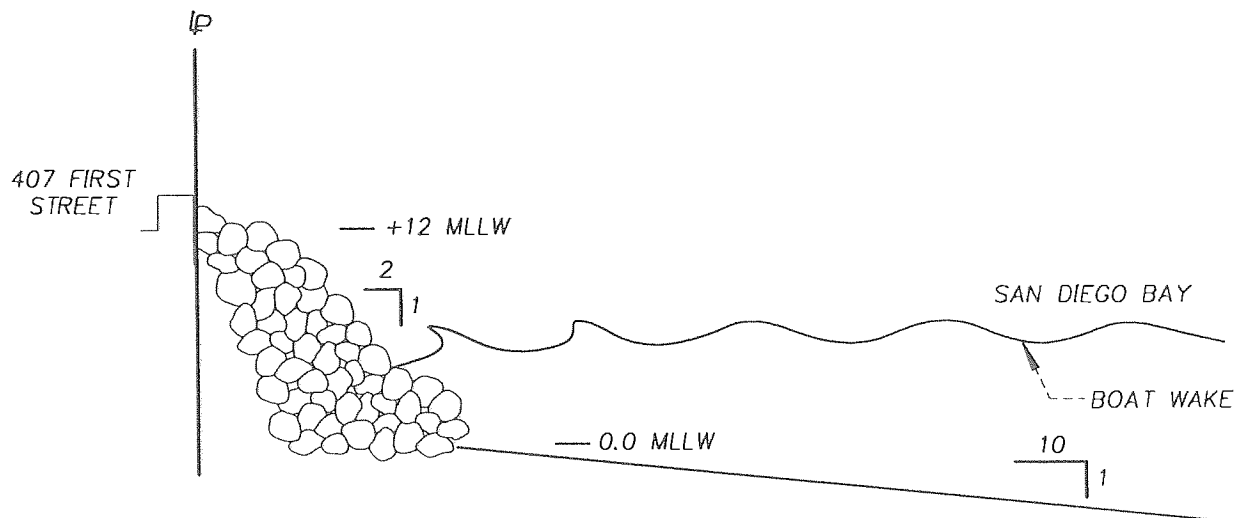
It is my professional opinion that just adding additional revetment or attempting to take the quarry stones that have sloughed off into the steepened gradient is not a satisfactory solution. As long as the turning basin for the Navy exists at the northwest portion of the property as depicted in the attachments, and as long as the dredging continues in the central navigation channel of the bay, revetment will not be a satisfactory permanent response to protect the improvements on the subject property.

The USACOE 2000 report identifies alternatives for mitigating the erosion along this section of shoreline. The forms of shore protection considered were vertical fixed structures, revetments, beach nourishment, groins, and combinations (groin and revetment, etc.). In that the 2000 report is an appraisal report, the alternatives were not taken to the feasibility level of discussion. Based upon what is occurring at the site,

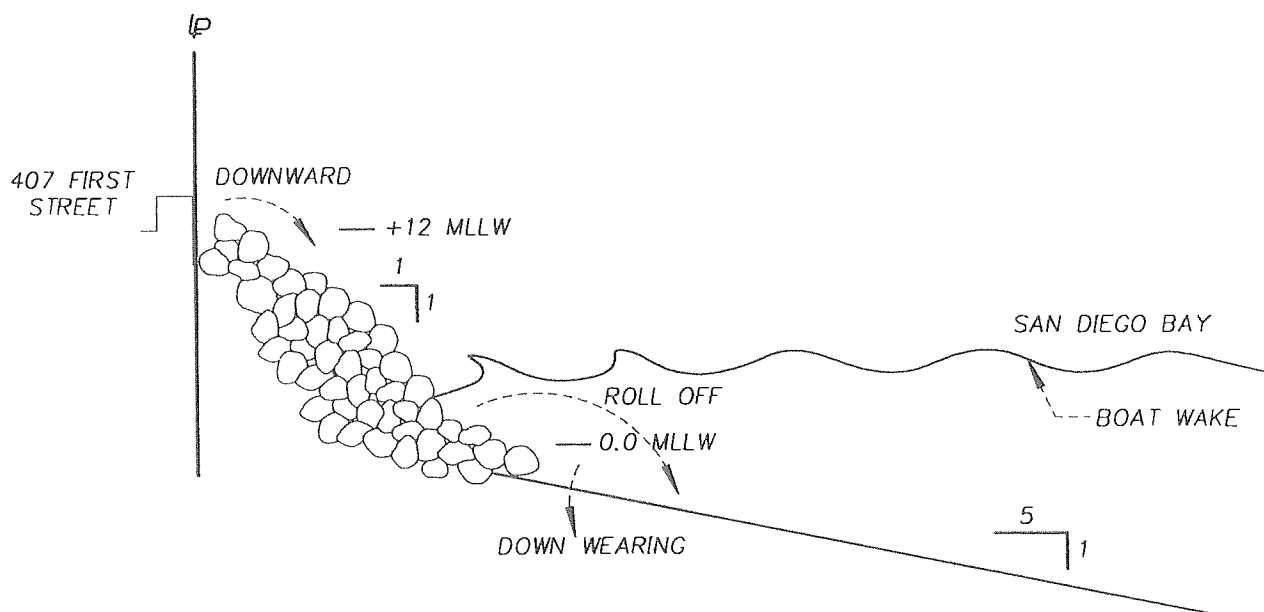
and the likelihood that the sink for sediments (turning basin) will not be allowed to fill, the logical choice for shore protection at the site is a fixed vertical wall.

  
David W. Skelly MS, PE  
RCE#47857





REVTMENT PROFILE  
BEFORE STEEPENED GRADIENT



REVTMENT PROFILE  
AFTER STEEPENED GRADIENT

FIGURE 1

407 FIRST STREET, CORONADO

GeoSoils, Inc.

Geotechnical - Geologic - Coastal - Environmental  
5741 Palmer Way, Carlsbad, CA 92010  
760-438-3155

# NOAA Bathymetric Chart 18773-1 Depth Contours

1836800Y

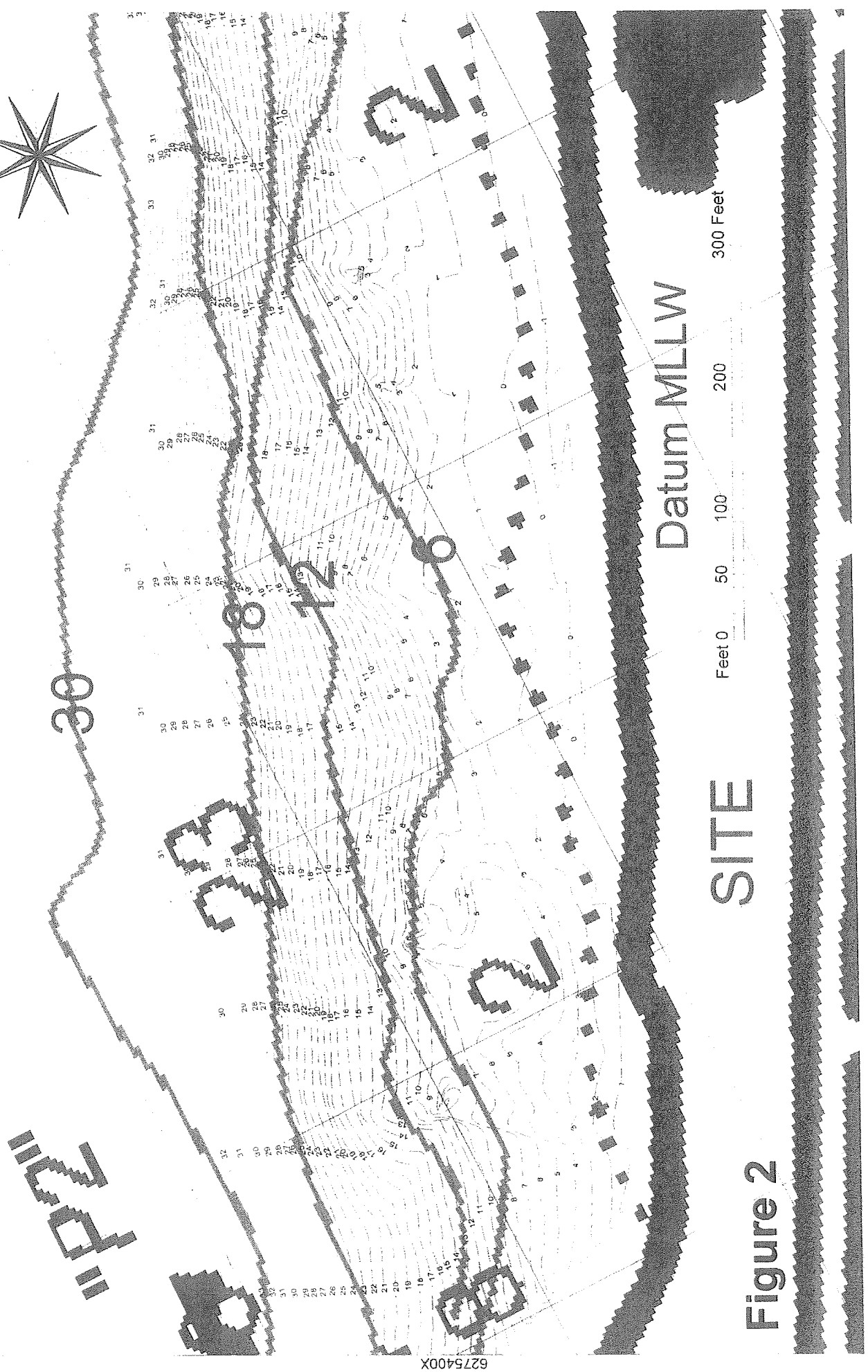
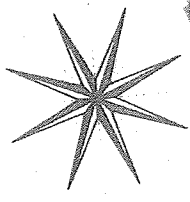
1837000Y

## Bathymetric Survey 9/28/2006 Depth Contours<sup>000X</sup>

6275800X

6275600X

N



Feet 0 50 100 200 300

Datum MLLW

SITE

Figure 2

U.S. Army Corps of Engineers  
Los Angeles District

Coronado Shoreline

INITIAL APPRAISAL REPORT

December 7, 2000



# Coronado Shoreline INITIAL APPRAISAL REPORT

## Table of Contents

Introduction .....	1
Authority .....	1
Descriptions of Study Area .....	1
Available Data .....	1
Problem Identification .....	2
Array of Alternatives .....	4
Study Evaluation .....	6
Report Conclusions .....	10
References .....	11
Feasibility Phase Cost Estimate .....	13
Recommendation .....	14
Appendix A - Drawings (C-01 through C-09)	
Appendix B - Economic Studies	
Appendix C - Environmental Studies	
Appendix D - Calculations and Cost Estimates	

# INITIAL APPRAISAL REPORT

## INTRODUCTION

The intent of this study was to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline. This will consist of an economic evaluation, environmental analysis, and an assessment of the existing baseline conditions. The study area consists of approximately 2,800 linear feet of shoreline along First Street between Orange Avenue and Alameda Avenue in Coronado, California. A site visit and a review of available data were conducted in order to perform an appropriate problem identification. An array of alternatives were then prepared and evaluated on economic, environmental and cost bases.

## AUTHORITY

### Section 111, River and Harbor Act of 1968, as amended:

This authority authorizes the planning and design of a justified level of work for prevention or mitigation of damages to both non-Federal public and privately owned shores to the extent that such damages can be directly identified and attributed to Federal navigation works located along the coastal and Great Lakes shorelines of the United States. This includes shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway. The Corps is authorized to construct such a project if the Federal share of the first cost of construction is \$5,000,000 or less.

## DESCRIPTION OF STUDY AREA

Observations during the site visit indicated erosion of the shore in the western half of the study area. This portion of the shore was littered with concrete debris and some rock, which are the remains of previous attempts to reduce shoreline erosion. Many shoreline structures have been independently constructed by landowners in an attempt to diminish shoreline recession. The shore is characterized in many areas by a steep bluff that is about 4 feet high. In areas where appropriate protection has not been constructed, this bluff shows signs of active erosion below mean higher high water. The slope of the shore diminishes gradually to mean lower low water. The off-shore profile has a uniform slope to a depth of 30 feet that steepens along the western portion of the study area.

## AVAILABLE DATA

The project team obtained a variety of information regarding the shoreline and surrounding area with the assistance of the Los Angeles District of the U.S. Army Corps of Engineers, the Port of San Diego (POSD), and the City of Coronado. This data included historical records, bathymetric surveys, site photographs, aerial photographs, environmental reports and economic reports. The Reference section of this report contains a majority of the data utilized within the preparation of the report.

### Dredge Screening:

Since fill sand will be needed to construct the alternatives within this report, the potential use of dredge material was investigated. This material is expected to be available from maintenance dredging activities within the San Diego Bay. Dredged material in the bay is suspected to be contaminated with munitions, which would require removal prior to use. The feasibility and cost of screening these objects was evaluated in comparison to the cost of deep water disposal of the contaminated dredge material.

Discussions with a number of dredging contractors indicated that screening of objects from dredge material has been done in the past. Several factors were identified that will affect the cost of this operation. These include the type and amount of material being dredged, the size of the munitions being screened, and the efficiency with which the munitions need to be removed. The type of material being dredged will affect the rate at which the material can be screened, since more cohesive spoils will require additional water in order to pass through the screen. Some materials, like sand, are more easily screened and may allow a sluice box to be used, making the segregation of the munitions more efficient. A decrease in the volume to be dredged will increase the cost since mobilization costs are fixed. Smaller munitions will require smaller screens, which will likely require multiple screens to be used in series and result in additional costs. A higher percent removal of munitions from the dredge spoils will also increase the operational costs. The following table provides a probable dredging cost range for screening 22 millimeter munitions (which is assumed to require initial and secondary screening) and a range if screening is not required. These costs assume that the material will be disposed through a pipeline with a maximum length of 2 miles. The off-shore disposal assumes the use of LA5 as the dump site. Both of these costs assume that at least 500,000 cubic yards of material will be dredged.

Operation	Probable Cost
Dredge without Screening	\$4 to \$6 per cubic yard
Dredge and Screen	\$12 to \$18 per cubic yard
Dredge and Off-Shore Disposal	\$8 to \$10 per cubic yard

### **PROBLEM IDENTIFICATION**

#### Wave Climatology:

Since wave energy can be a primary source of erosion along shorelines, a determination of the wave climatology for this shoreline was necessary. The possible wind generated wave heights were computed. Since the maximum fetch for the site is approximately 3,500 feet (0.66 miles), these waves were determined to be fetch limited. Wave heights were computed for a range of wind speeds, with a maximum of 60 miles per hour. This resulted in a maximum wave height of 2.2 feet. See Appendix D for these calculations. Since winds of this magnitude occur infrequently and result in relatively small waves, wind-driven waves were determined to not play a major role in erosion.

Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline. In addition, there are no speed limits for vessels traveling in the area. However, according to the Coast Guard Rules of the Road, boaters are liable for any damages to other boats or structures due to wake. As a result, a possibly significant amount and size of boat and ship wake is incident upon this stretch of the shore. Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an affect on the shoreline.

#### Off-Shore Profile:

Another contributing factor when evaluating erosion is the off-shore profile. For this stretch of coast, this profile appears to be fairly steep according to the available NOAA Nautical Chart, particularly along the western half of the study area. Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep off-shore gradient will have an affect on coastal erosion.

#### Source of Erosion:

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the up-drift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the primary mechanism by which erosion occurs along this shore is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic. This erosion is assisted by the relatively steep off-shore gradient and the presence of deep water sinks.

#### Erosion Rate Determination:

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured. This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evident within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode house foundations in approximately 10 years.

### Economic Studies:

Economic studies conducted for this report consisted of estimating the benefits from the reduction in future losses of land and property due to erosion, and an evaluation of recreation visitors that would occur if recreation and public access facilities were provided in conjunction with the erosion control structures. The economic evaluation of reduced losses from erosion was accomplished by using the generally accepted "With" and "Without" project framework. The "Without" condition assumes landowners will attempt to stop erosion by dumping concrete rubble in a random manner. This "Without" project condition would be equivalent to a "No Action" alternative. Types of benefits considered were: elimination of the current maintenance and replacement of erosion control measures by individual land owners; reduction of erosion damages to land and improvements; and increased opportunity for the public to enjoy outdoor recreation activities along the shoreline through increased access and improved hiking and picnic facilities. There are few areas in Coronado that offer the viewing perspective of the study area. Visitors to the site enjoy an unobstructed view of the San Diego skyline across the bay, and also have opportunity to observe activities at the nearby naval docks. At present public access and facilities are very limited.

### "Without" Project Condition:

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix B for a more complete economic evaluation of the study area.

### Environmental Evaluation:

An evaluation of the shore in the study area indicates an impacted site, not pristine. The biological communities identified for the study area are plankton, eel grass and algae/seaweed, invertebrates, fish, birds, and marine mammals. The primary communities to be considered in the development of solutions within this study are the eel grass beds that may be present. These beds may be used as foraging areas by the California least tern and brown pelican, the only sensitive or endangered species that might use the area. Marine mammals and the threatened green turtle may be occasional visitors to the area. See Appendix C for a more exhaustive environmental evaluation.

## ARRAY OF ALTERNATIVES

### Alternative No. 1 - Rip-Rap Revetment:

This alternative consists of the installation of a quarry-stone revetment along the existing bluff face as shown on Sheet C-06 within Appendix A. This will provide protection from erosion along the portion of the study area that has been identified as having an erosion problem that appears to pose



a threat to shoreline improvements. The revetment is shown with a slope of 2 to 1 and will incorporate toe and splash aprons to minimize the effects of scour and overtopping. Filter fabric is recommended beneath the revetment to reduce the loss of soil through the structure. Underlayment is shown to protect the fabric during the placement of the armor stone, to provide a stable base for the armor stone, and to allow proper drainage through the structure. One-quarter ton armor stone has been determined to be adequate in size. See Appendix D for these calculations. The layout of the revetment on Sheet C-06 shows the splash apron extending landward of the existing bluff. Although this does not appear to extend into private property at this location, other areas of the revetment may extend into private property. To avoid the possible purchase this property, the revetment would have to be constructed outward of the existing bluff which would require additional fill costs. The elevation of the top of the revetment is shown to match the existing bluff. This results in an elevation of approximately 8 feet at this location which will result in overtopping of the structure during extreme high tide and storm surge events. Increasing the height of the structure will reduce overtopping while increasing the area of the revetment and cost of construction.

#### Alternative No. 2 - Rip-rap Revetment with Access Trail:

Alternative 2 utilizes the same quarry-stone revetment as Alternative 1, but includes the addition of a 10-foot wide asphalt concrete, multi-use trail (see Sheet C-07, Appendix A). This will give the added benefit of public access to this stretch of shoreline. The trail is shown as sloping away from shore at 2% in order to minimize water flow and possible erosion behind the revetment. A fence along the private property and a guard rail along the revetment slope have also been incorporated. The addition of the trail will increase the overall width of this alternative and, therefore, increase land acquisition and fill costs.

#### Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail:

As an alternative to rock revetment, a sheetpile wall could be utilized. This would provide adequate shoreline protection while reducing land acquisition. The sheetpile could consist of steel or vinyl. Stone toe protection is recommended in either case. Steel sheetpile will be evaluated within this report. Vinyl may provide a more cost effective alternative if it can be determined to have the appropriate strength and durability. The amount of fill required behind the structure is dependant upon the location in which the sheetpile is driven. Sheet C-08 of Appendix A shows the pile just beyond the toe of the existing bluff. This allows sufficient area for an access trail, as well as picnic areas. Tie-backs are shown anchored to a concrete footing. This footing will run the length of the wall and should provide adequate structural support while eliminating the need for batter piles. A fence along the private property and a guard rail have also been provided. The elevation (8 feet) of the wall has again been shown to match the existing bluff and could be increased to minimize possible overtopping during extreme tide events and storm surge.

#### Alternative No. 4 - Combination Groin Beach and Rip-Rap Revetment:

This is the most extensive alternative evaluated for the shoreline and provides the most public access benefit. A quarry-stone revetment with access trail, as provided in Alternative 2, would provide shoreline protection from erosion and public access to the area. This could be replaced with

Alternative 3, if the benefits of sheetpile were determined to be adequate. A quarry-stone groin would be extended from the western end of the study area at an elevation of 8.5 feet for approximately 320 feet. At this location the groin would be continued at a 6 to 1 slope for approximately 150 feet to the existing sub-grade, where a key is provided for structural support of the rock slope. The inner and outer slopes of the groin are shown with a 2 to 1 slope, also with toe keys. The armor stone will also consist of quarter ton (500 pound) quarry-stone with appropriately sized underlayment as recommended by USACOE, 1986. Filter fabric is recommended beneath the groin to minimize the effects of settlement. After the groin is completed, sand could be placed to an elevation of 8 feet between the shore and the 8.5 feet elevation portion, and then added to match the 6 to 1 slope until the sub-grade is reached. The loss of sand is expected over an undetermined length of time and could be replenished using material from the maintenance dredging of nearby shipping channels. See the Available Data section of this report for a discussion of possible sources of sand.

## STUDY EVALUATION

### Costs:

Alternative	Total Cost	Average Annual Cost	Annual Maintenance Cost	Total Annual Cost
No. 1 - Rip-Rap Revetment	\$513,000.00	\$35,419	\$25,650	\$61,069
No. 2 - Rip-Rap Revetment with Access Trail	\$710,100.00	\$49,028	\$35,505	\$84,533
No. 3 - Steel Sheetpile with Access Trail	\$1,495,800.00	\$103,275	\$74,790	\$178,065
No. 4 - Rip-Rap Revetment with Trail and Groin Beach	\$3,342,600.00	\$230,785	\$183,130	\$413,915

See Appendix D for breakdown of estimated costs. Annual costs determined using a discount rate of 6-5/8 over a 50 year period.

### Economic:

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: bayside walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is a lack of local data, and the fact that no data for the project area was available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore,

using the 1,000,000 annual daytime visitations, and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations, plus the estimated number of bicyclists that would use the proposed recreation area, amount to 78,225 recreation days (55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

The average annual benefits for the alternatives are summarized below. See Appendix B for details concerning these benefits.

Alternative 1:

Property and Land Damage Reduction:	\$868,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
Total:	\$873,000

Alternatives 2, 3 and 4:

Property and Land Damage Reduction:	\$868,000
Recreational Benefits:	\$210,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
Total:	\$1,083,000

Environmental:

In the Environmental Evaluation section of this report, it was noted that the site is not pristine and is an impacted area that has likely seen many perturbations in its history. Three generalized habitats occur along this short shoreline: the rubble and rocky inter-tidal to the west, sandy inter-tidal to the east, and the submerged sub-tidal. Concerning endangered or protected species, the endangered California least tern and brown pelican have been observed in the study site and may use submerged eelgrass beds as foraging areas. Even if the alternatives were to reduce the density of eelgrass beds (which is unlikely) there are adjacent eelgrass beds off Centennial Park that are unlikely to be impacted by this small (2,800 feet) shoreline change, so an alternative habitat area is nearby for these species.

❖ Alternative No. 1 - Rip-Rap Revetment

This alternative would result in a steeper slope for the inter-tidal community with no sandy areas. The size of the inter-tidal zone would be reduced. The rip-rap would stop/end past the sandy beach east of the SG&E park, so this sandy inter-tidal would remain. Most likely, the present intertidal invertebrates and algae in the rubble and sand area would be able to recolonize the rip-rap quarry-stone. Impacts would be temporary during construction, when the communities would be disturbed and lost in the immediate project area. However, natural recolonization processes would result in any impact being less than significant. Subtidal communities would be even less impacted.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization. No significant impact.
- C. Invertebrates: localized and temporary effects during construction. Reduced surface area for re-colonization. No significant impact.
- D. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.
- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.

❖ **Alternative No. 2 - Rip-Rap Revetment with Access Trail:** Adding an access road would probably result in more human disturbance of inter-tidal organisms, but the environmental impact would be the same as for Alternative 1.

❖ **Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail:** This alternative would reduce the size and position of the inter-tidal space. This would likely reduce the diversity of inter-tidal invertebrates and seaweed species, and it is more likely that benthic encrusting organisms would colonize such an upright inert structure, compared to the shallow rubble that is present now. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1 and 2.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization, metal or vinyl material may inhibit colonization.
- C. Invertebrates: localized and temporary effects during construction. Reduced surface area for recolonization. Change in population likely toward encrusting species. No infaunal invertebrates.

- D. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.
- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.



**Alternative No. 4 - Combination Groin Beach and Rip-Rap Revetment:** This alternative would change the present inter-tidal habitat substrate from rocky to sandy and provide increased inter-tidal slope than at present. This would probably result in similar organisms colonizing as occur at the beach area near Colonial Park to the east of the study site. This alternative may increase the density of eelgrass beds that seem to be more abundant near sandy rather than rocky shores in this region. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1, 2 and 3.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization that prefer rock substrate. May increase density of eelgrass that prefers sandy/muddy substrate.
- C. Invertebrates: localized and temporary effects during construction. Changed substrate for recolonization, except in rip-rap area where surface area would be reduced from present.
- D. Fishes: species are mobile, so there would be a temporary and localized effect during construction. No significant impact. If eelgrass density increased, fish that use this for reproduction and foraging would increase.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.



- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. If the increased sandy beach area enhances eelgrass beds, this would be a positive effect for the endangered birds that use these beds for foraging.

All four alternatives would result in localized and temporary effects during construction. The mobile organisms should be able to avoid the area during this time and natural recolonization of sessile inter-tidal invertebrates and algae should result in no significant impact from construction activities. In the long term, Alternatives 1, 2, and 3 would all reduce the surface area and slope of the inter-tidal habitat, and Alternatives 3 and 4 would alter the substrate for the inter-tidal organisms. None of the alternatives should impact the sub-tidal populations, except through an impact on the inter-tidal organisms.

## REPORT CONCLUSIONS

The purpose of this study was to develop information to be used in future decision documents that would determine the Federal Interest in providing protection from erosion to about one-half mile of San Diego Bay shoreline on the northeast side of the City of Coronado, California. The problem identification for this investigation determined that the source of erosion was primarily due to wave energy created by boat and ship traffic within the navigable channel off-shore of the study area. This erosion is assisted by a relatively steep off-shore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years.

Four alternatives were presented and evaluated on economic, environmental, and cost bases. The economic evaluations included benefits from added recreational access and benefits due to protection of property. These were used to determine benefit-cost ratios (or B/C ratios) for the four alternatives, which are given in the following table.

Alternative	Annual Benefit	Annual Cost	B/C Ratio
No. 1 - Rip-Rap Revetment	\$873,000	\$61,069	14.3
No. 2 - Rip-Rap Revetment with Access Trail	\$1,083,000	\$84,533	12.8
No. 3 - Steel Sheetpile with Access Trail	\$1,083,000	\$178,065	6.1
No. 4 - Rip-Rap Revetment with Trail and Groin Beach	\$1,083,000	\$413,915	2.6

## REFERENCES

### Bathymetric & Topographic Data

- Investigation of Beach Erosion at 409 First Street in Coronado by POSD
- City of Coronado GIS (1980)
- NOAA Nautical Chart 18773.

### Photographs

- Aerial from 1928/1929, 3-31-53, 3-6-70, 1-1-85, 1-4-00.
- Site photographs from visit on May 25, 2000.

### Environmental

Allen, L.G. 1998. Fisheries Inventory and Utilization of San Diego Bay, San Diego, California. 4th Annual Report, FY 1997-98. Summary of sampling period July 1994-April 1998. Prepared for the U.S. Navy, Naval Facilities Engineering Command Southwest Division and San Diego Unified Port District. 25 pp + figures, tables and appendices.

Dawson, E.Y and M.S. Foster. 1982. Seashore Plants of California, U.C. Berkeley Press.

DON 1994a Waterbird Survey, North and Central San Diego Bay, 1993. Prepared for Naval Air Station North Island, by Southwest Division, Naval Facilities Engineering Command, U.S. Department of the Navy.

DON 1995a Final Environmental Impact Statement for the Development of facilities in San Diego/Coronado to Support the Homeporting of One Nimitz Class Aircraft Carrier. Naval Facilities Engineering Command, Southwest Division

DON (US Department of Navy). 1999 Final Impact Statement for Developing Home Port facilities for Three Nimitz-Class Aircraft Carriers in Support of the US Pacific Fleet. Volume 1 (Chapters 1-10), Volume 2 (Chapters 11-15, Appendices), Volume 3 (NASNI Supplemental information- data collected), Volume 4 (PSNS Bretherton Supplemental Info), Volume 5 (NAVSTA Everett Supplemental Info), Volume 6 (Pearl Harbor Supplemental Information), Volumes 7-10, Comments and Responses.

Ford, R.F. 1968. Marine Organisms of South San Diego Bay and the Ecological Side Effects of Power Station Cooling Water. A pilot study conducted for San Diego Gas & Electric Co. California. Environmental Engineering Laboratory Technical Report on Contract C-188.

Largier, J.L. 1995. San Diego Bay Circulation. Final Report prepared for the California State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region.

- McDonald, D., P. Dutton, D. Mayer and K. Merkel 1994. Review of the Green Turtles of South San Diego Bay in Relation to Operations of the SDG&E south Bay Power Plant Document 94-045-01. Prepared for SDG&E Co. C941210311
- MEC 1997 Marine Biological reconnaissance Field Survey Report: MILCON P-700A and PIER BRAVO, prepared for SAIC, December 1997
- SAIC 1994. Draft Environmental Impact Statement for Dredged Material Disposal, San Diego Bay, California. report submitted to Navy Southwest Division, San Diego, CA.
- SDG&E (San Diego Gas and Electric Company) 1980. South Bay Power Plant Cooling Water Intake System Demonstration [in accordance with Section 316b, Federal Water Pollution Control Act Amendment of 1972]. Prepared by SDGEC and the Lockheed Center for Marine Research, San Diego, CA for the San Diego Regional Water Quality Control Board.
- SDUPD (San Diego Unified Port District). 1990. South San Diego Bay Enhancement Plan, San Diego, CA.
- Woodward Clyde Consultants 1994b Geotechnical Investigation, Proposed Aircraft Carrier Wharf (P-700), Naval Air Station, North Island Coronado CA (draft report). Prepared for US Department of Navy Naval Facilities Engineering Command Southwest Division.

## FEASIBILITY PHASE COST ESTIMATE

FEASIBILITY PHASE COST ESTIMATE		
WBS#	DESCRIPTION	COST
JAA00	Feasibility - Surveys and mapping except Real Estate	\$8,400.00
JAB00	Feasibility - Coastal Studies/Report	\$36,000.00
JAC00	Feasibility - Geotechnical Studies/Report	\$24,600.00
JAE00	Feasibility - Engineering and Design Analysis Report	\$32,400.00
JB000	Feasibility - Socioeconomic Studies	\$6,400.00
JC000	Feasibility - Real Estate Analysis/Report	\$2,000.00
JD000	Feasibility - Environmental Studies/Report (Except USF&WL)	\$16,400.00
JE000	Feasibility - Fish and Wildlife Coordination Act Report	\$1,000.00
JG000	Feasibility - Cultural Resources Studies/Report	\$1,000.00
JH000	Feasibility - Cost Estimates	\$1,200.00
JI000	Feasibility - Public Involvement Documents	\$4,200.00
JJ000	Feasibility - Plan Formulation and Evaluation	\$18,000.00
JL000	Feasibility - Final Report Documentation	\$1,000.00
JLD00	Feasibility - Technical Review Documents	\$2,400.00
JM000	Feasibility - Washington Level Report Approval (Review Support)	\$2,000.00
JPA00	Project Management and Budget Documents	\$5,000.00
JPB00	Supervision and Administration	\$18,000.00
JPC00	Contingencies	\$17,000.00
L0000	Project Management Plan (PMP)	\$1,000.00
Q0000	PED Cost Sharing Agreement	\$2,000.00
TOTAL		\$200,000.00

## RECOMMENDATION

The primary cause of erosion damage to the shoreline is a result of wave wash due to ship traffic in the adjacent federal navigation channel under Section 111 of The River and Harbor Act of 1968 (PL 90-483). It is recommended that this study proceed forward into a cost shared feasibility level evaluation of shoreline protection alternative for the Coronado Shoreline, at an equal federal/non-federal cost share ratio above the initial federally funded \$100,000 study cost, in accordance with Planning Guidance Notebook, ER 1105-2-100 (22 Apr 2000). Estimate of feasibility study cost is \$200,000 with duration of 18 months at time of execution of the cost sharing agreement.

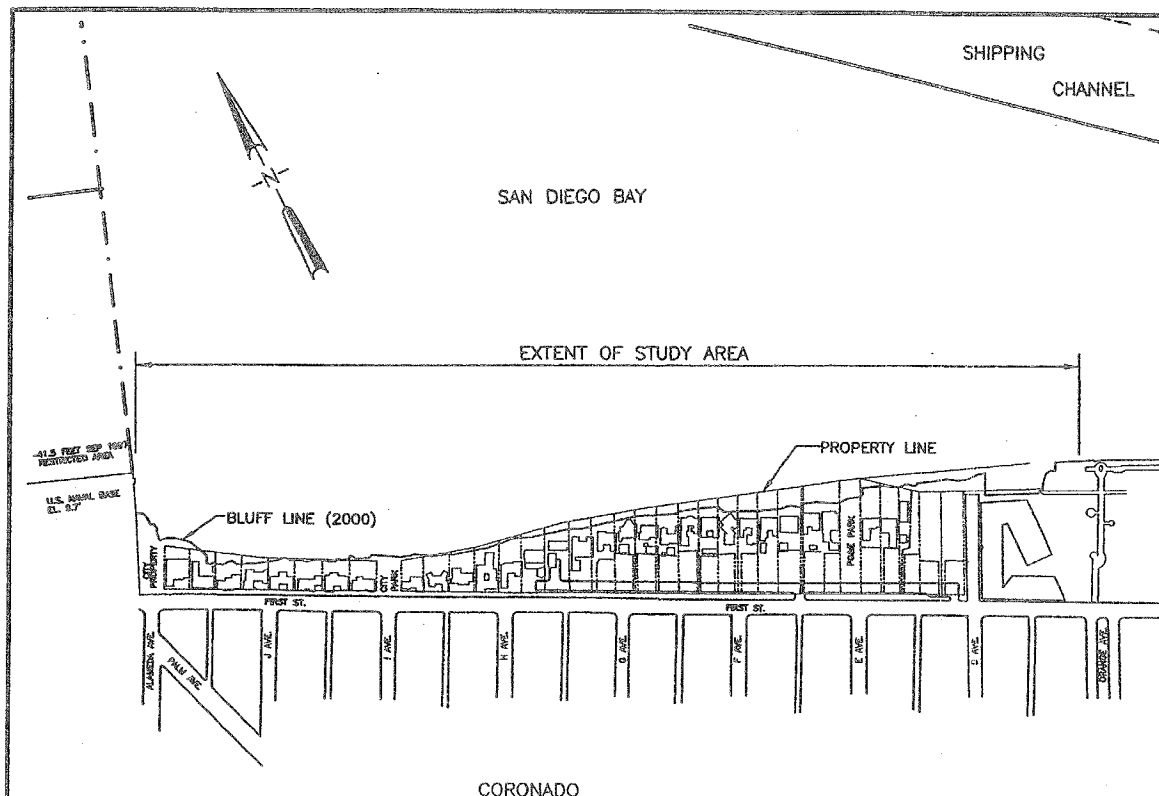
07 December 2000

//s//  
John P. Carroll  
Colonel Corps of Engineers  
District Engineer

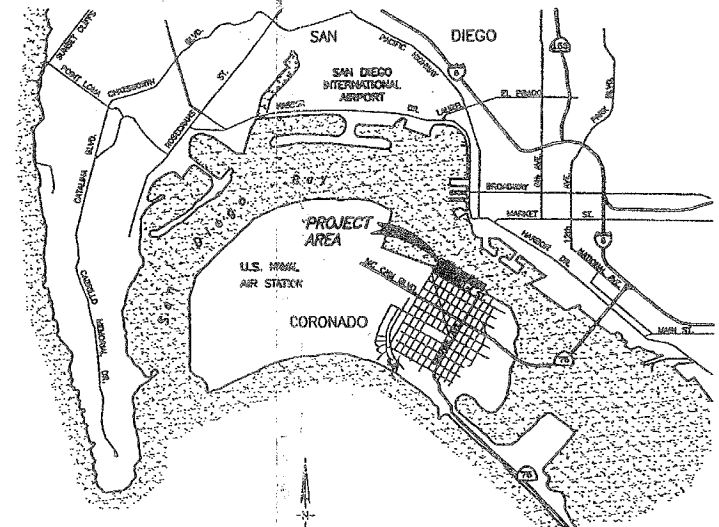


## APPENDIX A

Drawings (C-01 through C-09)



LOCATION MAP  
SCALE: 1" = 400'

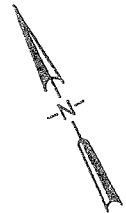


VICINITY MAP  
SCALE: AS SHOWN

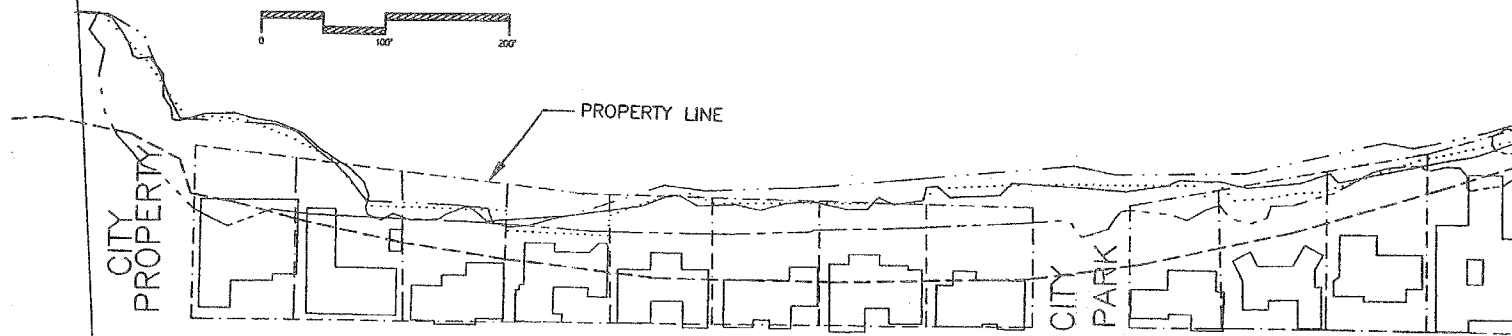
STUDY AREA				C-01	
CORONADO SHORELINE				1 OF 9 SHEETS	
INITIAL APPRAISAL REPORT					
REV.	DATE	DESCRIPTION	BY		
0	10/27/00		GR		

-41.5 FEET SEP 1997  
RESTRICTED AREA

U.S. NAVAL BASE  
EL. 8.7'



1929 ———  
1953 ———  
1970 .....  
1985 ———  
2000 ———



FIRST ST.

ALAMEDA AVE.

PALM AVE.

J AVE.

I AVE.

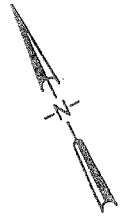
0	10/27/00		GR
REV.	DATE	DESCRIPTION	BY

## SHORELINE CHANGE (WEST)

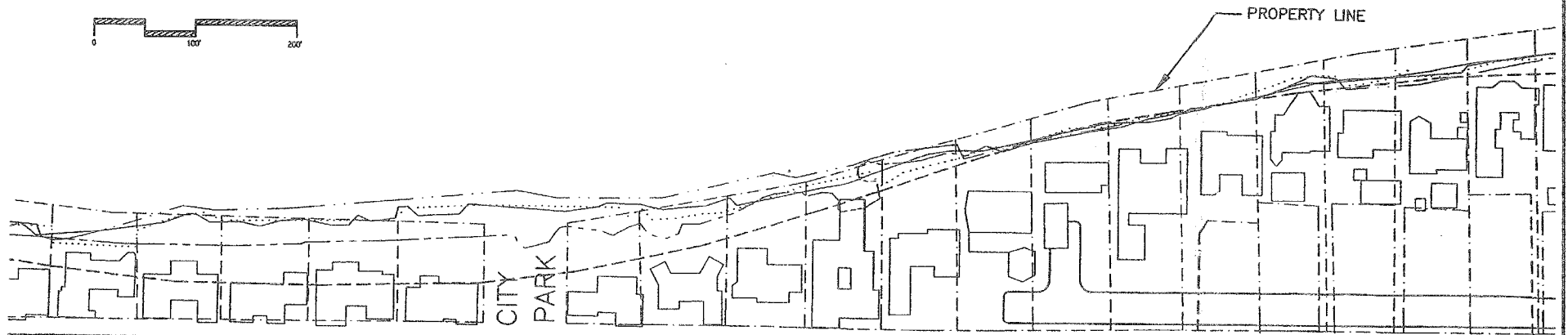
CORONADO SHORELINE  
INITIAL APPRAISAL REPORT

C-02

2 OF 9 SHEETS



1929 ———  
 1953 ———  
 1970 .....  
 1985 ———  
 2000 ———



FIRST ST.

J AVE.

I AVE.

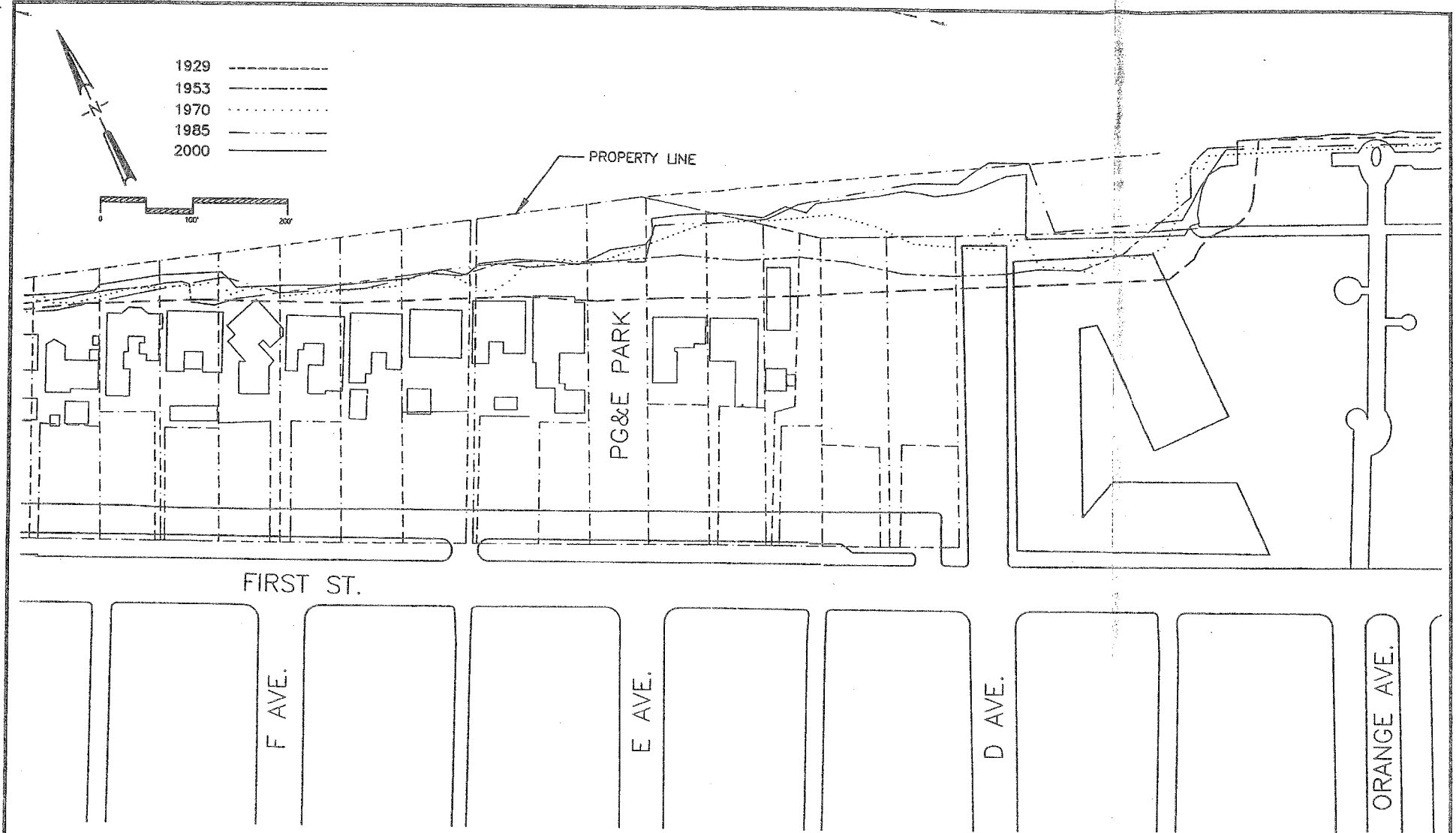
H AVE.

G AVE.

0	10/27/00		GR
REV.	DATE	DESCRIPTION	BY

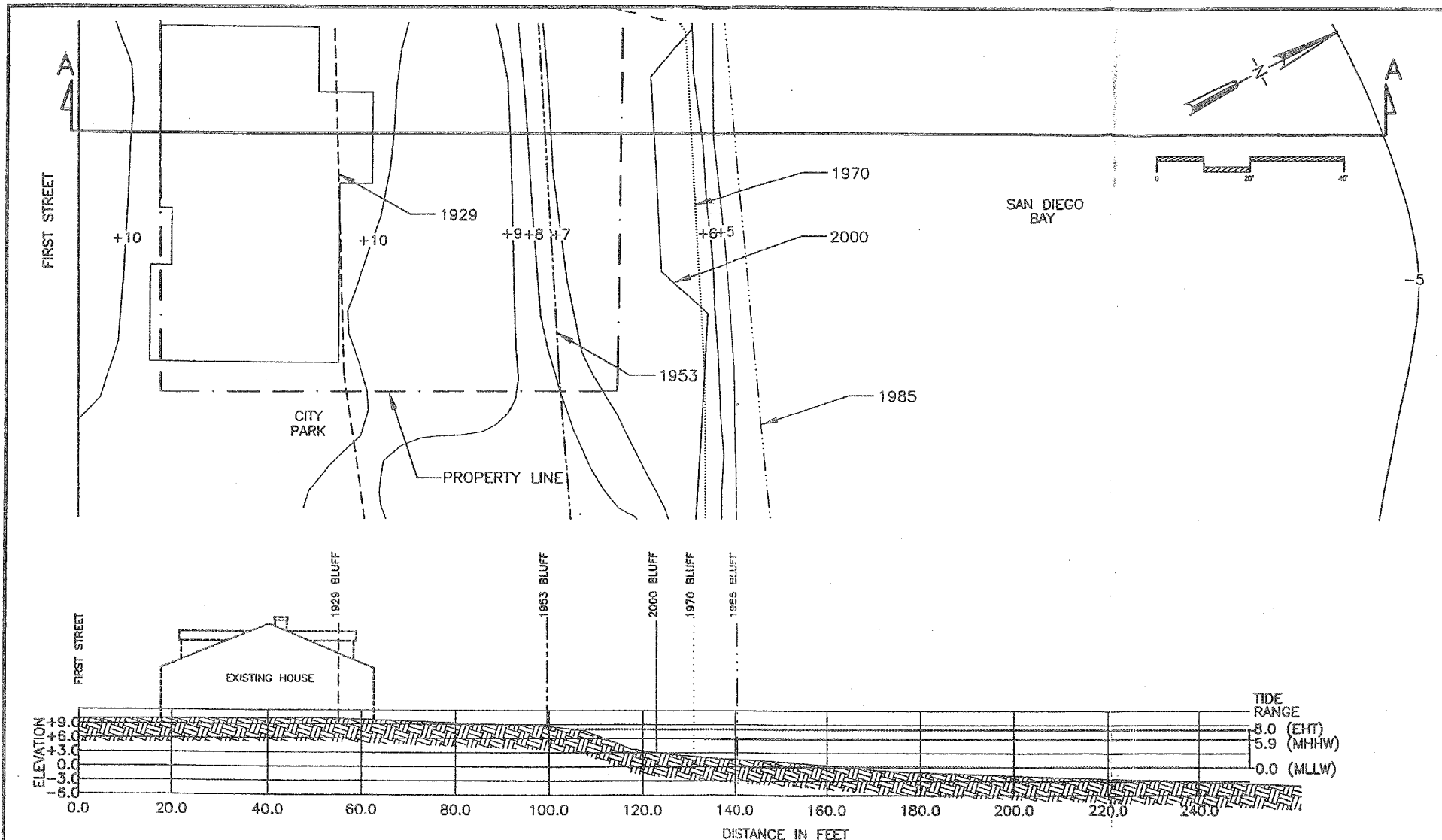
**SHORELINE CHANGE (MIDDLE)**  
 CORONADO SHORELINE  
 INITIAL APPRAISAL REPORT

**C-03**  
 3 OF 9 SHEETS

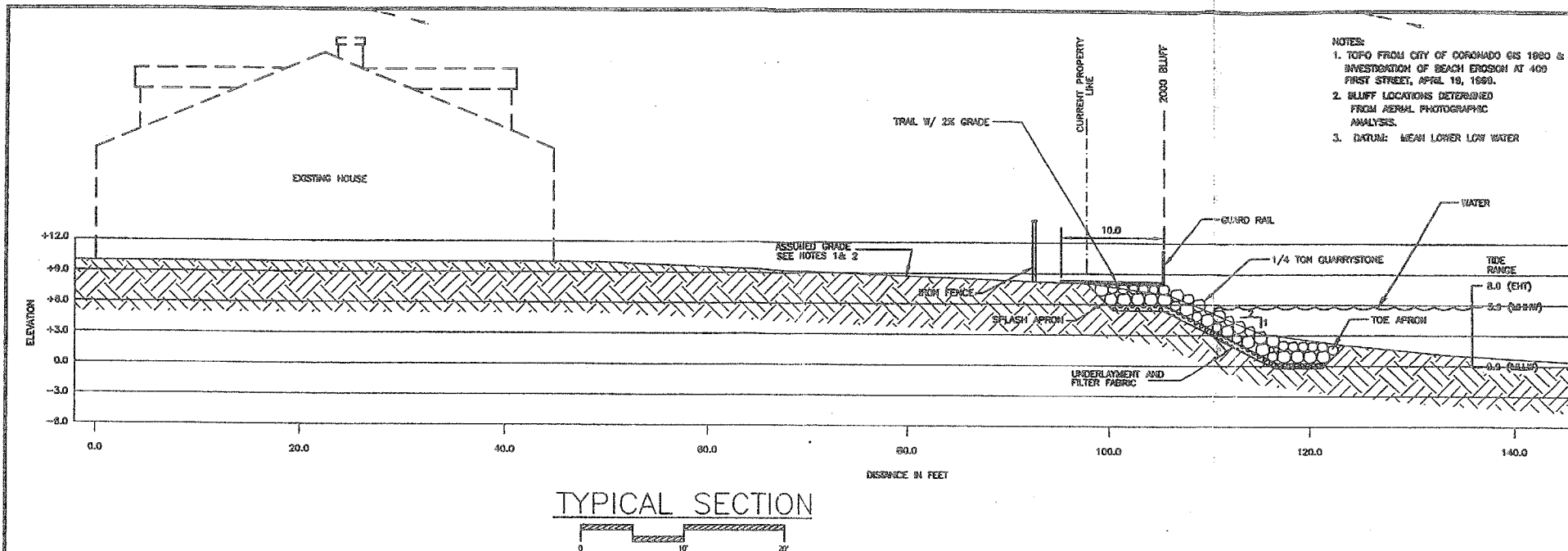


				SHORELINE CHANGE (EAST)		C-04
0	10/27/00		GR			
REV.	DATE	DESCRIPTION	BY	CORONADO SHORELINE INITIAL APPRAISAL REPORT		4 OF 9 SHEETS

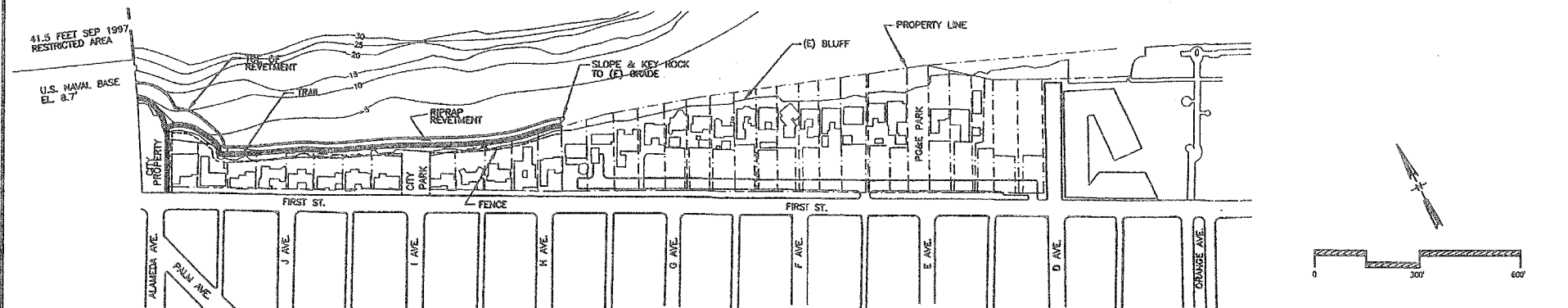




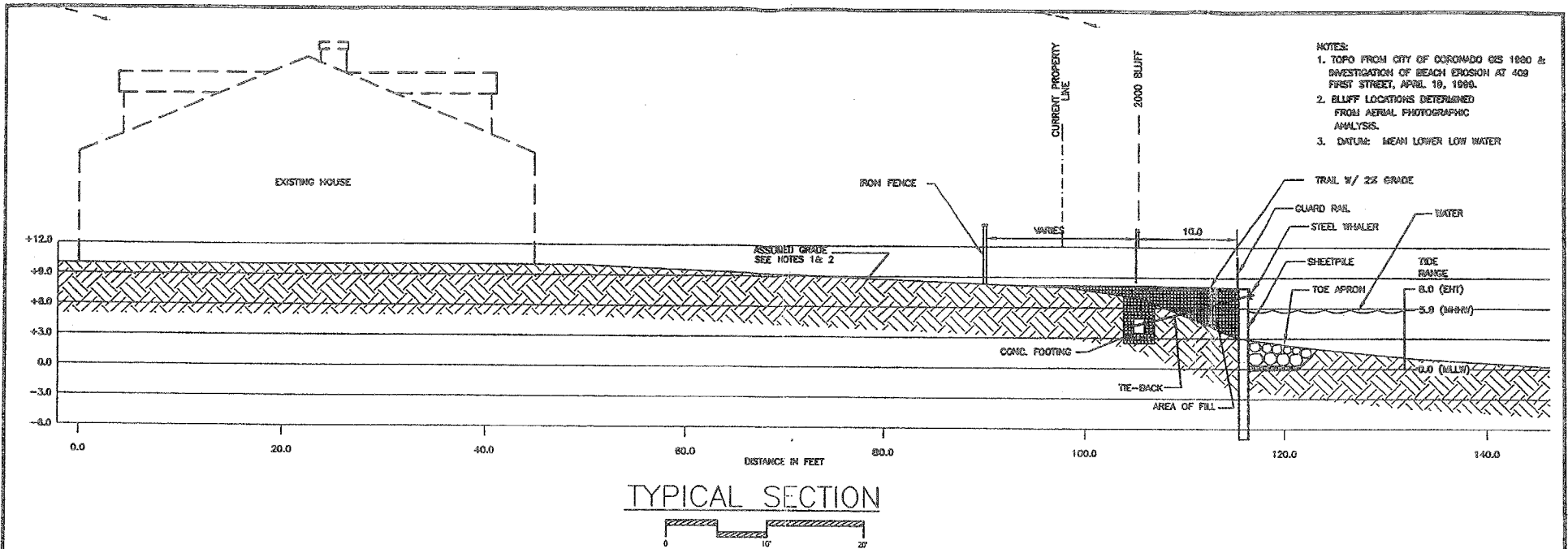
				<b>TYPICAL SHORELINE CHANGE</b> <b>HAVE TO ALAMEDA AVE.</b>		<b>C-05</b>  <b>5 OF 9 SHEETS</b>
0	10/27/00		GR/JH			
REV.	DATE	DESCRIPTION	BY	<b>CORONADO SHORELINE</b> <b>INITIAL APPRAISAL REPORT</b>		



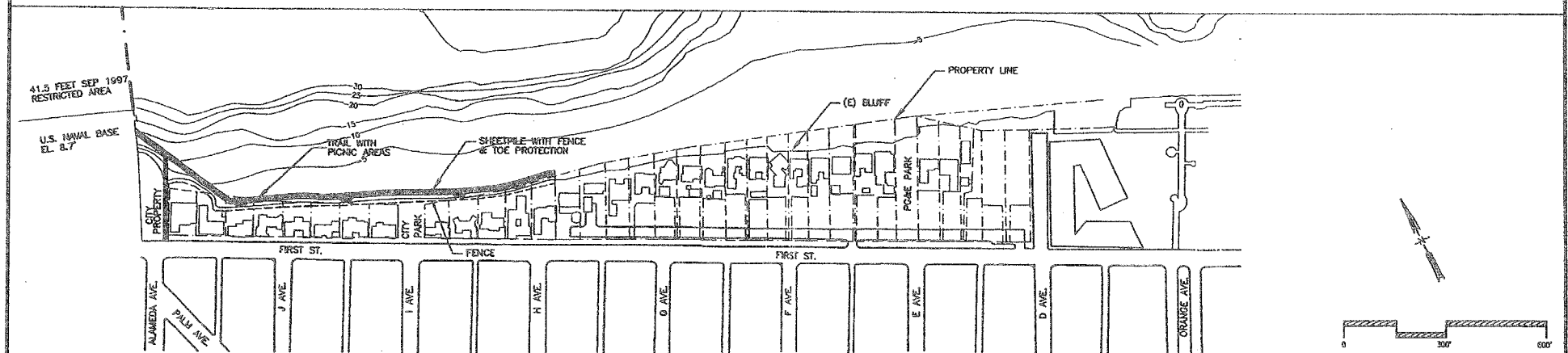
- NOTES:
1. TOPO FROM CITY OF CORONADO GIS 1990 & INVESTIGATION OF BEACH EROSION AT 400 FIRST STREET, APRIL 19, 1999.
  2. BLUFF LOCATIONS DETERMINED FROM AERIAL PHOTOGRAPHIC ANALYSIS.
  3. DATUM: MEAN LOWER LOW WATER



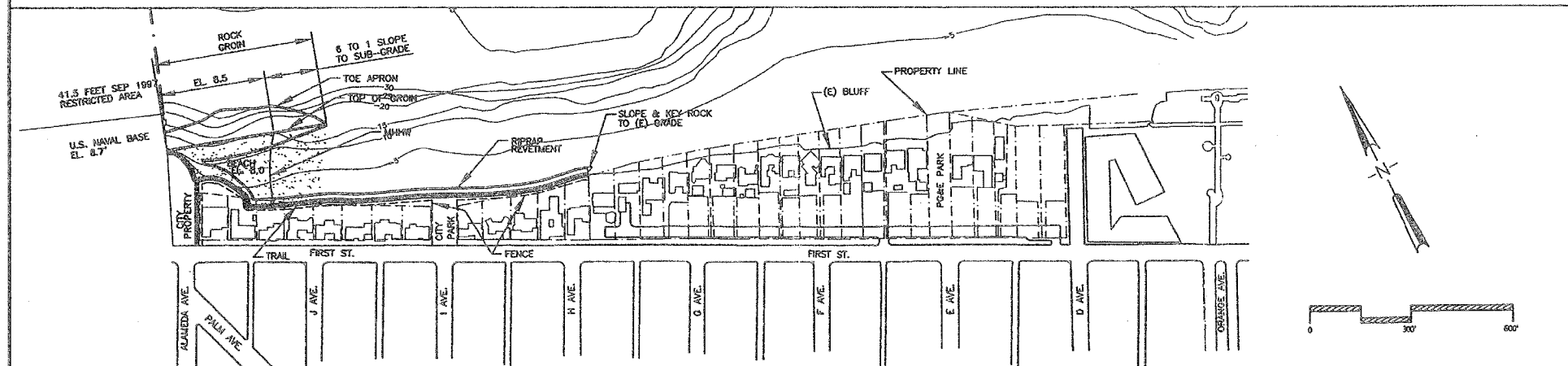
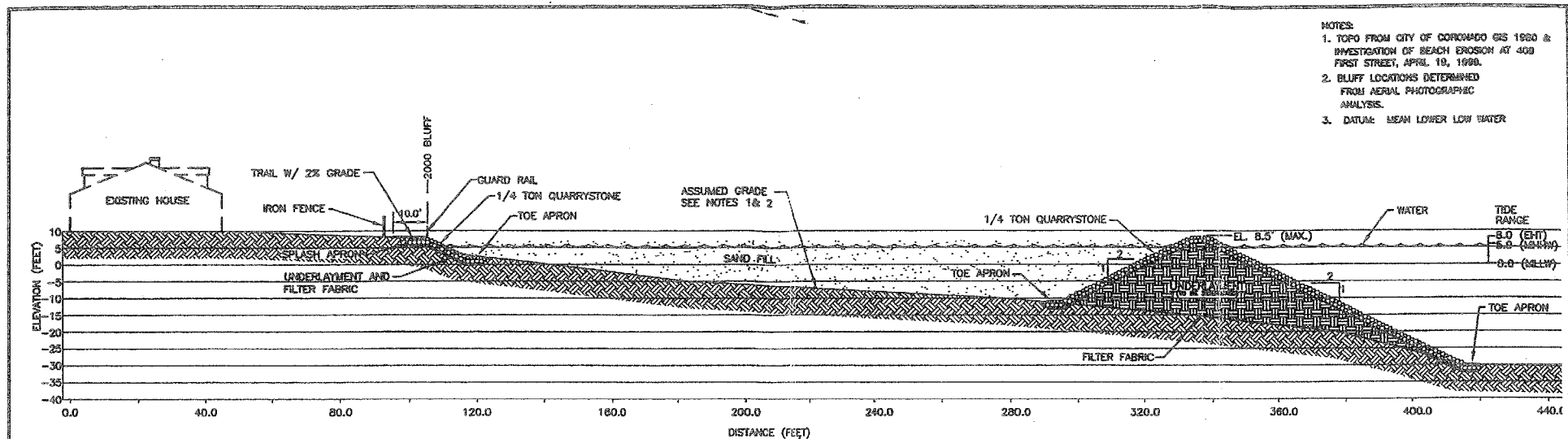
					ALTERNATIVE #2	C-07 7 OF 9 SHEETS
0	10/27/00		GR		CORONADO SHORELINE	
REV.	DATE	DESCRIPTION	BY		INITIAL APPRAISAL REPORT	



- NOTES:
1. TOPO FROM CITY OF CORONADO CS 1980 & INVESTIGATION OF BEACH EROSION AT 408 FIRST STREET, APRIL 19, 1999.
  2. BLUFF LOCATIONS DETERMINED FROM AERIAL PHOTOGRAPHIC ANALYSIS.
  3. DATUM: MEAN LOWER LOW WATER



					ALTERNATIVE #3	C-08 8 OF 9 SHEETS
0	10/27/00		GR		CORONADO SHORELINE	
REV.	DATE	DESCRIPTION	BY		INITIAL APPRAISAL REPORT	



					ALTERNATIVE #4	C-09
					CORONADO SHORELINE	
					INITIAL APPRAISAL REPORT	
0	10/27/00		GR			
REV.	DATE	DESCRIPTION	BY			
						9 OF 9 SHEETS

## **APPENDIX B**

### **Economic Studies**



## ECONOMIC STUDIES

### INTRODUCTION

#### The Study Area:

The study area, as shown in Appendix A, extends from the boundary line of the Naval Air Station, North Island and the City of Coronado, extending along the shoreline of San Diego Bay towards Ferry Landing Market Place for a distance of about 2,800 feet. The areas subject to erosion are the backyards of 35 residences that front First Street that have backyards that front the bay. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. In this reach developers have apparently begun to fill out the shoreline to construct the waterfront homes along 1st Street from Alameda Avenue to B Street. Eight to ten houses were constructed on what was the shoreline prior to 1929. Aerial photographs of this reach indicate random filling taking place over a period of twenty to twenty-five years to raise and extend the back yards. Informed local individuals have confirmed this. This filling continued through the 1970's into the early 1980's. Aerial photos and topographic maps of the area confirmed these statements. Since 1985 the shoreline has receded about 25 feet. It is only during the last several years that erosion has been considered to be a problem. There is no evidence of an organized approach to solving the erosion problem in the area. There is scattered evidence of maintenance by the dumping of concrete rubble that now remains scattered along the shore. Besides the 35 residences whose backyards front the bay, there are three streets that dead-end into the water's edge that are used by the public. At present, the erosion does not threaten any of the residential structures, but wave action is eroding away the backyards. Continuation of the erosion process at some point in time will render the yards unusable and begin to place structures in jeopardy. Based upon an examination of aerial photos of the project site, it is our estimate that, if the erosion continues, structures will begin to be undermined in about 10 to 15 years. Present rates of erosion indicate that, within 15 to 25 years, approximately 12 residences could be lost or become too hazardous for occupancy.

#### Problem Identification:

A field examination of the project area reveals that there is an erosion problem in the project site. From an examination of the area, it appears that development has been taking place over a 60-year period since development of the shoreline property began. Until the early 1980's continued filling had mitigated the erosion. Since filling has been stopped, continued erosion will endanger some residences located in the study area. Public access is limited to street rights of way, which has been converted to parks and a municipal maintenance yard. These public rights of way have considerable development thereon, some of which will be lost to erosion. Two of the street rights of ways provide limited recreational access to the shoreline. It is estimated that the 12 houses expected to be lost in the next twenty-five years have a nominal value of \$27,780,000.

### General Background For Evaluation:

The economic evaluation for the benefit categories considered in this report were accomplished in the generally accepted "With" and "Without" project framework. The "Without" condition is that the local interest will attempt to stop the erosion by dumping concrete rubble in a random manner. In this connection, the "Without" project Condition is equivalent to the "No Action" alternative,

### Alternatives Evaluated:

1. Rip-rap Revetment. This alternative consists of a quarry-stone revetment slope along the shoreline.
2. Revetment with Access. This alternative consists of a quarry-stone revetment. It will incorporate a trail along the top of the revetment to provide maintenance and recreational access.
3. Sheetpile Wall with Access. This alternative incorporates a sheetpile (steel or vinyl) wall with quarry stone as toe protection. Access will be provided. This alternative will create both private and public lands where recreational facilities such as a walking trail and picnic facilities can be constructed.
4. Combination of Beach Fill, Groin and Rip-rap Revetment. This alternative utilizes a quarry stone groin at the West End of the shoreline that holds a beach along a portion of the shoreline. The remainder of the shore would have Rip-Rap revetment. This alternative provides all the recreation uses that would accrue to Alternatives 2 and 3 and in addition to has some beach uses.

### Types of Economic Benefits Evaluated:

1. Elimination of present maintenance. The random maintenance expenses along the study area are relatively nominal, estimated at about \$5,000 per year. This category of costs, eliminated by any of the alternatives, could be counted as a project benefit.
2. Erosion Damages to Land And Improvements. The four alternatives cited above prevent future losses to land and improvements.
3. Recreation Benefits. Due the configuration of the Alternatives 2, 3, and 4, recreation uses could accrue to these Alternatives. The space and facilities on each of these alternatives are different and therefore the amount of recreational uses will vary. Alternative 2 has space for a walkway and a shoreline access, Alternative 3 has the walkway, shoreline access and space to picnic. Alternative 4 will have all that Alternative 3 has and in addition a beach area. The recreation experience of the three alternatives would be different because each one has a different configuration of recreational facilities; hence each would have a different value. For this report, however, a single unit day value is used for Alternatives 2, 3, and 4.

## EROSION DAMAGES TO LAND AND IMPROVEMENTS

While there are 35 properties located along the reach, it appears that only 12 houses would require protection. Please see the maps in Appendix A of this report. The values of these properties were based upon data from the Tax Assessors Office. Particular attention was paid to recent sales to take into account the recent phenomenal run-up (2 to 5) in land values in the project area. Additional information on recent sales was obtained from real estate industry sources. The information on recent sales is for the property as a whole; they do not disaggregate the sale price as between land and improvements. However, the records from the Assessor's office do disaggregate the total value as between land and improvements. The improvement data from the Assessor's office were adjusted from the record dates to current conditions for improvements only, by use of a Marshall Swift index for construction cost in the San Diego area. Land values were determined by taking an average of the most recent sales that included the value of the improvements, then deducting the updated value of the improvements from the average sales price of the most recent sales. The residual was used as the updated land value (see Table 1). This procedure was used on all properties, except one where there were no improvements. Because it was recent, this sale price was used. The total value of the properties, with and without improvements, has been estimated to be \$26,368,000. It should be noted that, once a property is sold, the date of sale become the new record date. The Assessor's office does not update the property value, other than making minor adjustments annually, ranging between one and two percent a year, to the property as a whole. If the property is sold again, the date of that sale becomes the new record date. See Table 1. For purposes of discounting, computing present worth, annual cost, and average annual equivalent values, the current Federal discount rate of 6-5/8 percent for the evaluation of water resource projects was used.

The year when a property or properties would be damaged was based upon the rate of erosion studies contained in the Erosion Rate Determination section of this report. Table 1 is a tabulation of the properties located in the project area that would be damaged withing a 20 to 25 year period in the "without" project condition. The properties total \$26,368,000 on a nominal basis, \$12,548,000 on a present worth basis, and \$868,349 on an average annual equivalent basis. The average annual equivalent value represents the amount of damage that would be sustained on an annual basis over the 50 year life of the project in the absence of a plan of protection. As stated earlier, the values are based upon data from the Tax Assessor's office, and recent sales data obtained from real estate sources. The present worth and average annual equivalent values were determined using the current Federal discount rate used in the evaluation of water resource projects of 6-5/8 percent. The study period is 50 years.

## RECREATION

For reasons stated above, recreation uses on the three street rights-of-way that dead-end into the water's edge provide a small amount of recreation uses. The dumping of concrete rubble and roughness of the surface area long the entire study area is not conducive for recreational uses. For reasons stated above, at present recreational uses along the study area is minimal. The lack of any public land area with recreational amenities, and private ownership rights, has precluded the development of any recreational activity in the project area. With any one of the alternatives, 2, 3,

and 4, in place, it is expected that some recreation benefits could accrue to anyone of the alternatives because provisions will be made to accommodate recreation uses such as trails for walking, development of shoreline parks, picnic facilities and beach areas. The extent to which facilities will be developed depends in large measure upon the desires of local interests. Access to the areas could be through the streets that dead end into the Bay that already provides a limited amount of recreational use.

The project site is on the San Diego Bay side of the island. Coronado is highly developed recreational tourist oriented community. There are numerous overnight accommodations located on the island; the Ferry Landing Market Plaza has a large number of tourist oriented businesses. There are a number of water ferry type services that provide excellent transportation to Coronado from the San Diego area. The San Diego Metropolitan Transit has the Coronado 904 Shuttle. It stops at a number of locations such as Ferry Landing market-plaza, the Hotel del Coronado, and the Coronado Visitor Center, Loews Coronado Bay Resort, and the Coronado Cays. The San Diego Bay Ferry leaves San Diego's B street pier every hour for a 15-minute trip across the bay. The ferry docks at the Ferry Landing Market Plaza. Fares are \$2.00 per person and 50 cents for bikes each way and operates 14 hours a day, from 9:00 am to 10:00 PM. The ferry departs from Coronado to San Diego every hour, on the half-hour, 9:30 am to 10:30 PM. The ferry departs San Diego to Coronado every hour on the hour. The San Diego Water Taxi offers on-call transportation service along San Diego, Coronado Island Marriott Resort Water Taxi provides daily water taxi between the Coronado Island Marriott Resort and the San Diego Marriott. leaving every hour on the half-hour.

Information furnished by the Coronado Chamber of Commerce indicate that tourist visitations to Coronado average 2,000,000 per year divided between 1,000,000 who stay overnight and 1,000,000 who are day-timers. People come to Coronado by auto and by the various San Diego Bay ferry services. For purposes of evaluation and estimation of recreational uses, only the day-timer visitations are used in the analysis as they were considered the group most likely to walk around to site see. While some of the overnigher may use the planned project area, they are not included in the recreation benefit evaluation.

The present bicycle path, as shown on the map (Figure 1), is not an official bike trail and has not been adopted by the City. It offers a certain recreational experience and a destination point. This experience is somewhat different from the one that would have a path as part of the proposed plan of improvement. From the present bicycle path, the recreationist does not have an unobstructed sweeping view of San Diego Bay and the San Diego skyline as there are buildings in front of them.

Whether the recreation uses will accrue to the proposed plan of improvement or an alternative depends on what is constructed to permit recreation uses to occur. The desires of the local interests are of prime importance because the recreation facilities would be in an area that would be in back of where private property interest terminate, that is beyond the property line. If homeowners object to that portion of the plan where recreation benefits would accrue and that part of the plan is omitted, then no recreation benefits would accrue. The project economic evaluation, a comparison of benefits and annual cost, could be accomplished with and without recreation benefits on the benefit side as well as the cost side.

If a plan of improvement included features where recreation uses could accrue, then general recreation uses could take place. With the proposed plan in place, and with the path on the outer edge of the protective works, the recreationists would have a clear unobstructed view of the Bay and the skyline. They would be able to see the skyline and the vessels going and coming up the San Diego Bay. The persons would consist of bicyclist and those walking for pleasure. Based upon information furnished by local interest it was estimated that during the summer vacation season (90 days) 115 persons per day ( $90 \times 115 = 10,350$ ) rent bicycles and during the off season (275 days) 45 persons per day ( $275 \times 45 = 12,375$ ) rent bicycles for an annual total of 22,725 recreation days. Due to the uniqueness of the recreation area, it was assumed all of the cyclists would ride through this part of the trail.

Excluding the North Island Naval Air Station from consideration, there are no other areas so geographically and strategically situated as the project area. With the exception of the project area, there is a very limited area from Coronado that offers such view as from the project area. That area is adjacent to the Ferry Landing Market-plaza where one can look towards the San Diego sky line and San Diego Bay without obstructions in the view corridor. Harbor Island and Shelter Island do not have the perspective that is offer by the project area. In conjunction the bicycle path, the project addition, would provide public recreational opportunities within the boundaries of Coronado.

The State of California Department of Parks and Recreation's studies, "Public Opinions and Attitudes on Outdoor Recreation In California--1987, its 1992 publication "Public Opinion's and Attitudes On Outdoor Recreation in California, and its 1997 study were consulted for information on the demand for recreation in the San Diego Area. While the three studies and surveys do not address the demand for recreation specifically in the Coronado- San Diego Area, they do present preferences for various types of outdoor recreation. Some of these observations are:

- ❖ Outdoor recreation areas and facilities are very important to the quality of life of most Californians.
- ❖ Californians spent approximately 2.2 billion days participating in outdoor recreation activities in 1997.
- ❖ In Table 34 of the 1997 study, a comparison of visitations was made for the years 1987, 1992, and 1997. It found the following:

	Once Per Week			At Least 2-3 Times Per Week		
	1987 %	1992 %	1997 %	1987 %	1992 %	1997 %
Highly developed parks and recreation areas:	8.8	10.5	12.0	6.0	7.9	8.5
Private, not public, outdoor recreation areas:	3.3	5.7	7.4	3.7	3.9	5.5



- ❖ Simple inexpensive activities are engaged in far more than those that require considerable expense and skill.
- ❖ Based on latent (unmet) demand and public support, Californians believe that 9 outdoor recreation activities should have top priority for the expenditure of public funds: walking and site seeing, trail hiking, camping in developed sites, camping in primitive sites, general nature study, picnicking in developed areas, freshwater fishing, visiting museums/ historic sites, and zoos and arboretums.

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: Bay side walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is lack of local data, and the fact that data for the project area was not available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore, using the 1,000,000 annual daytime visitations and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations plus the estimated number of bicyclists, who would use the proposed recreation area, amount to 78,225 recreation days (55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

Economic Guidance Memorandum #94-3 specifies that a range of unit day values applicable to Fiscal Year 1994 would be \$2.38 to \$7.15 for General Recreation. The \$2.38 value corresponds to the zero point value, and \$7.15 corresponds to a point value of 100 per ER 1105-2-100 (December 28, 1990). As specified in the ER, the five criteria are used to arrive at a final point value:

	<u>Maximum Points</u>
Recreation Experience	30
Availability of Opportunity	18
Carrying Capacity	14
Accessibility	18
Environmental	20
<b>TOTAL POSSIBLE</b>	<b>100</b>

A review of the recreational activities along the waterfront area formed the basis for assigning point values to the general recreation day values to estimate recreation benefits. A discussion of the assignment point values, General Recreation, follows:

1. Recreation Experience, 30 points maximum: Several general activities take place on the planned bicycle path. These are bicycling, sightseeing, and walking for pleasure. Because of the superb view of the San Diego city-scape, a point value of 20 points was assigned.

2. Availability of Opportunity, 18 points maximum: There are two other locations that are fairly near to the project site. At those two locations, there are no dedicated pathways for sightseeing, jogging, bicycling, and walking for pleasure. Assignable value range: 0-3. A point value of 2 was assigned.
3. Carrying Capacity, 14 points maximum: The planned addition to the bike path is classified as a Basic Facility at which to engage in shoreline recreational activities. A point value of 4 was assigned.
4. Accessibility, 18 points maximum: The study areas have good access, with a high quality road leading to the site. Public transportation is not available to the site. A point value of 14 was assigned.
5. Environmental, 18 points maximum: The study area has above average to outstanding aesthetic quality. The proposed plan of improvement would add to the quality of the area. A point value of 10 was assigned.

The total adds up to 50 points and equates to a value of \$5.11, or \$399,730. However, to allow time for build-up and development of facilities, the recreation values were deferred for 10 years so that the value used in this analysis is \$210,000. The addition of the prevention of damages to land and improvement, \$868,000, and the elimination of the present local maintenance cost of \$5,000, amounts to a total of \$1,083,000 ( $\$210,000 + \$868,000 + \$5,000$ ).

The average annual benefits for the four alternatives are summarized below:

Alternative 1:

Property and Land Damage Reduction:	\$868,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
Total:	\$873,000

Alternatives 2, 3 and 4:

Property and Land Damage Reduction:	\$868,000
Recreational Benefits:	\$210,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
Total:	\$1,083,000

**Table 1**  
**Evaluation of Properties in Project Area**  
**Coronado Shoreline**

Year	Value of Land	Value of Improvement	Total Value	Present Worth SP Factor	Present Worth
1	2233856	81144	213500	0.87959	2036250.85
2					
3	2109913	205087	213500	0.77368	1791069.20
4					
5	2271436	43564	213500	0.68053	1575426.95
6					
7	2071712	243288	213500	0.59859	1385735.85
8					
9	1018530	0	1018530	0.52651	536266.23
10					
11	1987971	212029	2200000	0.46312	1018864.00
12					
13	2222131	92869	213500	0.40736	943038.40
14					
15	1817960	497040	213500	0.35831	829487.65
16					
17	2257950	57050	213500	0.31516	729595.40
18					
19	2106388	208612	213500	0.27722	641764.30
20					
21	2126080	188920	213500	0.24384	564489.60
22					
23	2167569	147431	213500	0.21448	496521.20
	\$24,391,496.00	\$1,977,034.00	\$26,368,530.00		\$12,548,509.63

### Figure 1

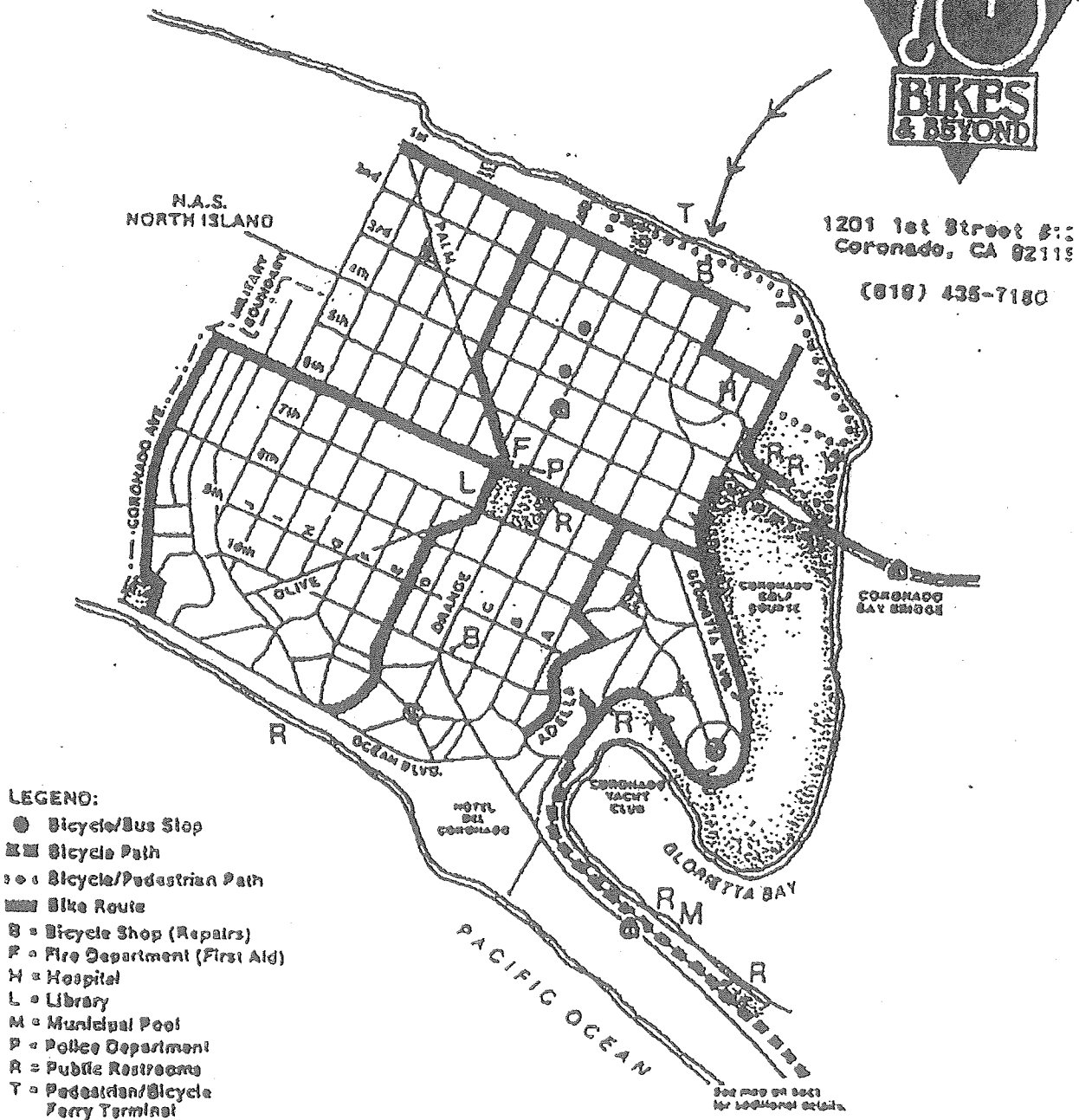
## City of Coronado Bicycle Routes

These bicycle routes are proposed for City adoption.



1201 1st Street S.E.  
Coronado, CA 92118

(010) 435-7180



## **APPENDIX C**

### **Environmental Evaluation**



## ENVIRONMENTAL EVALUATION

### General Description of Shore Study Site:

Observations at the site visit indicated the west end of the shore-line to be steep with rubble, old cement, and some rocks but little sand making up the beach cover. Beach erosion seems more apparent here. The beach shallows out at the waterline. In contrast, the east end is a sloping beach and sandy-pink/yellow sand that almost looks like it has been added with ice-plant being used at Centennial Park to hold it in place. This continues to the Ferry Landing Park and Tidelands Park below Coronado Bridge.

Quaternary Bay Fault Formation makes up Coronado with artificial fill apparently contributing much to the coastline areas abutting San Diego (SD) Bay to the north (Woodward-Clyde 1994a) probably including the beach study site. There are no natural streams, major drainage or surface water sources, storm drains or sewers discharge into SD Bay. It was not determined if any occur in the beach study site although they are located in adjacent NASNI site. All water used in this area is imported from San Diego via a single pipeline across San Diego Bay that is located in center of the beach study site at the SDG&E Park. This pipe can be observed as a rusting structure in the sand encrusted with limpets. Circulation patterns in this portion of central San Diego Bay are primarily influenced by tides (mixed, semi-diurnal), with approximately one third of the bay volume exchanged during a tidal cycle. Water may stay in the Bay from one tidal cycle up to weeks (Largier, 1995). Within the main channel of San Diego Bay there is good mixing whereas lower current speeds near shore result in less mixing.

### Overview of Existing Ecosystems and Communities:

The biological communities that are addressed in the Homeporting EIS and will be reviewed here are:

- A. Plankton.
- B. Eel grass and algae/seaweed.
- C. Invertebrates.
- D. Fishes.
- E. Birds.
- F. Marine mammals.
- G. Threatened or endangered species.

These contribute to the two major ecosystems that occur in the beach study site, the coastal inter-tidal area and the sub-tidal (deep) where populations are completely submerged. The inter-tidal (or littoral) region includes the upper beach zone (or supra-littoral or splash zone) where organisms are unlikely to be exposed to seawater except during very high tides or storm conditions and the more seaward area (true inter-tidal) where organisms are exposed during low tide. No wetlands were observed or have been described for the beach study site. Inter-tidal communities will tend to include some of the seaweeds (algae), invertebrates, and visits by some birds. The sub-tidal will be dominated by the plankton, eel grass, fishes, marine mammals and feeding visits by birds.

#### A. Plankton.

Plankton are free-floating or weakly swimming plants (phyto-plankton) and animals (zoo-plankton) that form the base of the marine food chain. Some phytoplankton are highly productive and form dense concentrations called blooms. These may be harmful algal blooms (HAB's) such as red tides that harm or kill marine life. No information is available on either phyto- or zooplankton assemblages at the project site or the neighboring NASNI site but it is expected that species composition at this site is similar to other parts of San Diego Bay, since currents distribute these organisms throughout the bay. Based on extensive data summarized by Ford (1968), SDGE (1980) and SDUPD (1990) from south SD Bay in the Homeporting EIS, phytoplankton are dominated by the diatoms including *Pleurosigma* and *Gyrosigma* and dinoflagellates such as *Gymnodinium* spp. dominate the phytoplankton. These are typically larger celled primary producers that are the food source for various invertebrates and fishes. No recent record of harmful algal blooms in SD Bay have been described. Calanoid and harpacticoid copepods (small shrimp like animals) predominate in SD Bay (SDG&E, 1980, SDUPD 1990). The juvenile larval stages of many invertebrates also occur. Both are food sources for fish and invertebrates. Ichthyoplankton (larval fish) probably occur as some fish breed in these waters.

#### B. Eelgrass Beds and Seaweed.

Eelgrass (*Zostera marina*) is a flowering plant and is less abundant at the study site than further south in San Diego Bay and is found at water depths of 1 to 24 feet. It is a valuable resource in southern California Bays and estuaries as it provides refuge for numerous species of algae, invertebrates and fishes as well as a nursery habitat for juvenile fishes. It may provide limiting foraging habitat for the endangered California least tern. During the site visit the eelgrass was underwater and could not be assessed. However the Homeporting EIS reports that east of the NASNI (i.e. near the project site) eelgrass covers approx. 20% of the area surveyed, occurring at water depths of 0-10 feet below MLLW, with maximum densities at 5 ft below MLLW. Eel beds could not be observed during the site visit (May 2000) at the west end of the beach study site although towards the sandier eastern end patches in the deeper water could be observed, and broken eelgrass strands were distributed along the water-line. A recent survey in the vicinity of Ferry Landing Park by MEC for the Port of San Diego (Maher, pers, comm) may have included part of the beach study site but this was not evaluated here. Eelgrass distributions in the area have been shown to fluctuate with climatic

conditions and were reduced during the 1997 El Niño event when water temperatures were elevated.

Seaweeds are macro-algae that are important photosynthetic marine plants that provide food and refuge to other marine organisms. Several common species were described in the CNS Homeporting EIS as occurring on soft bottom habitats in San Diego bay. These included mats of the red alga *Gracilaria verrucosa*, a cylindrical species found most commonly in quiet water (Dawson and Foster, 1982) and green algae such as *Ulva* sp, *Chaetomorpha*, *Cladophora* spp. and *Enteromorpha* spp. (SDUPD, 1990). *Sargassum muticum* was also observed along the hard substrate along the side of the NAS turning basin. During the site visit (May 2000) *Ulva* and *Gracilaria* were fairly well distributed, especially along the rockier west end of the beach study site, with some *Cladophora* and *Chaetomorpha* spp. found detached along the water-line in the sandy area. No *Sargassum* was observed in May 2000 in the study site.

### C. Invertebrates.

These organisms consist mostly of infauna that live in the sediment or epifauna living on the sediment and represent an important food source for vertebrates, especially fish and birds.

Infaunal communities at the shore study site are likely similar to others found in rest of San Diego Bay with similar sediment type and depth, and the circulation resulting in homogeneous distribution of the juvenile larval forms of these animals. Surveys near NASNI (DON 1995a) collected 33 infaunal species with polychaetes representing 84% of total number of individuals and highest densities. Polychaete worms (bristled segmented worms) occurring in this area include the Opheliidae (e.g. *Armandia*), Capitellidae (e.g. *Capitella* and *Mediomastus*), Cirratulidae, Phyllodocidae (*Eteone*), Sabellidae (*Fabricia*), Syllidae (*Exogone*), Glyceridae (*Glyceria*), Lumbrineridae (*Lumbrineris*), Eunicidae (*Marphysa*), Neriidae (*Neanthes*) and Spionidae (*Prionospio*, *Rhynchospio* and *Streblospio*), (SAIC, 1994) families.

Epifaunal invertebrates were described during the eelgrass surveys for the Navy (DON 1995a) and 80 organisms were identified with molluscs dominating in the CNS Homeporting study. This study lists Japanese mussel, *Musculista senhousii* (observed on muddy bottoms in areas lacking eelgrass), cnidarians (hydroids and anemones), arthropods (barnacles, shrimp and crabs) and sponges as the most common epifauna. Others included the glass palm hydroid, *Corymorpha palma*, the mud tube anemone *Pachycerianthus fimbriatus*, western mud whelk *Nassarius tegula*, the native oyster *Ostrea lucida* and the bubble snail *Bulla gouldiana*. Other species in lower abundance included chione bivalves, snails, nudibranchs and sea slugs, bryozoans, tunicates. Invertebrates typically inhabiting the eelgrass beds are anemones, polychaetes, gastropods, mysid shrimp).

The most dominant epifauna observed during the May 2000 visit to the beach study site were the aggregating anemone *Anthopleura elegantissima* which was very abundant in the shallow hard substrate rubble areas to the west of the site along with the Californian mussel (*Mytilus californianus* or *M. edulis*). Further to the east to the center of the shore study site where

sand was more dominant, the bubble snail, *Bulla gouldiana* and native oyster shells (*O. lucida*) were common in the sand. Limpets covered the pipeline at the SDG&E Park. Most of these are detritovore or plankton feeders and are robust organisms that can withstand a variety of conditions.

#### D. Fishes.

Fish assemblages have been better documented for this area of San Diego Bay. Allen (1998) collected a total of 72 fish-species over a four-year period in SD Bay including pelagic (water column dwellers) and demersal (bottom-dwellers) species, with 39 species collected near the NASDI Homeporting site, and probably occurring in the beach study site. Allen (1998), SAIC (1994) and DON (1995a) list the most common pelagic species as topsmelt (*Aterinops affinis*), jacksmelt (*A. californiensis*), northern anchovy (*Engraulis mordax*), chum mackerel (*Scomber japonicus*) and Pacific sardine (*Sardinops sagax*).

Demersal fish common in non vegetated parts of SD Bay (i.e. similar to the most of the deep-water ecosystem of the beach study site) include stingray (*Urolophus halleri*), spotted sand bass (*Paralabrax maculatofasciatus*), barred sand bass (*P. nebulifer*), yellowfin goby (*Acanthogobius flavimanus*), arrow goby (*Clevelandia ios*), bay goby (*Lepidogobius lepidus*), diamond turbot (*Hypsopsetta guttulata*) and California halibut (*Paralichthys californicus*). Diver surveys in 1997 for Homeporting document observed similar species. Other fish listed on a descriptive natural history poster (prepared by the Port of San Diego, at the Ferry Landing Park as occurring in the beach study site) were the yellowfin croaker (*Umbrina roncadore*, spawns locally) and bonito. The only commercial fish species amongst these is the California halibut. It is the juvenile fish that move into SD bay, using various habitats as nursery grounds (Allen, 1998). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996), (P.3.5-4, CVN Homeporting EIS, Vol 1).

#### E. Birds.

The structures and shallow water habitat along the beach study site are heavily used by waterbirds-numerous birds seen during the May site visit. The structures leading from shore to water are used for resting while the intertidal and shallow areas provide foraging and on-water resting habitats (DON, 1994a). The open waters and shore-lines of SD Bay provide important foraging and roosting habitats for migratory, wintering and resident-breeding marine birds (including shore-birds), waterfowl, wading and diving birds, generalist waterbirds (e.g. gulls) and several raptors. The Navy conducted grid surveys covering the northern part of the bay from Ballast Point at the entry point to Pacific Ocean to Coronado Bridge (i.e. includes beach study site), at weekly intervals throughout 1993 (DON, 1994a). Peak numbers of birds occurred from fall through spring, as migratory birds (including endangered California brown pelican) and wintering species used the Bay.

Combining all surveys, 15 most abundant species were Heermann's gull, Brandt's



cormorant, California brown pelican, surf scoter, bufflehead, western grebe, elegant tern, lesser and greater scaup, double -crested cormorant (nests in area), mallard, great blue heron (nests in area), Forsters tern, snowy egret, endangered California least tern (nests here) and eared grebe. Other birds listed on the Port of San Diego informational board at Ferry Landing Park included the California gull (nests here), the endangered light footed clapper rail- that nests locally, marbled godwit, western sandpiper, peregrine falcon (nests here), and the black skimmer (nests here). These were not listed in the CVN Homeporting EIS document.

California Department of Fish and game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern.

#### F. Marine Mammals.

No marine mammals were observed during the beach site visit in May 2000. Occasional sightings of the California sea lion (*Zalophus californianus*) and the harbor seal (*Phoca vitulina richardsi*) are recorded in the CVN Homeporting EIS document, using marker buoys etc as haul-out areas. Bottlenose dolphin (*Tursiops* sp.) and California grey whales occasionally wander into the north end of SD Bay (to west of beach study site). Most of these mammals are fish eaters although the grey whale sifts the benthos for benthic invertebrates.

#### G. Threatened or Endangered Species.

The CVN Homeporting EIS document describes that the Navy informally consulted with USFWS, NMFS, CDFG about the threatened and endangered species that may occur in the NASDI study site (adjacent to the beach study site). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996), (P.3.5-4, CVN Homeporting EIS, Vol 1). Two state and federally listed endangered bird species, the California brown pelican and the California least tern occur along the shore-line and nearshore waters. The brown pelican rests and forages in the area whereas the least tern nests in the area. DON (1994a) report that the NASDI site receives a low to medium level of use by foraging terns. Other listed threatened or endangered bird species whose transient occurrence is possible but unlikely are the peregrine falcon and western snowy plover. The California Department of Fish and Game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern. An informational board posted by Port of San Diego in Ferry Landing Park also lists the endangered light-footed clapper rail as a bird that nests locally. However this was not verified with other documentation.

Approximately 72 green sea turtles (*Chelonia mydas*), a federally threatened species are year round residents in south SD bay (McDonald et al. 1994) near the SDG & E plant and they have been known to move around the bay during periods of high sea temperatures. This species might enter the beach study site in deeper waters in summer.

Conclusion:

The beach or shore study site at Coronado north shore appears to be an impacted site- not pristine. The major communities to be concerned about are the eel grass beds that may be present, since they are important nursery habitats and foraging areas, especially for the endangered California least tern. Concerning sensitive or endangered species, only two birds- the California least tern and California brown pelican are likely to consistently use the area. Marine mammals, protected under the Marine Mammal Act and the federally threatened green turtles are occasional visitors only to the area only and are not reliant on the study site ecosystem for survival.

## **APPENDIX D**

### Calculations and Cost Estimates

Coronado Shoreline  
Initial Appraisal Report  
Wave and Rock Calculations

Wave Height:

	Wind Direction (From)	Wind Speed (MPH)	UA (MPH)	Fetch (mi)	Fetch Limited		Required
					Wave Height (ft)	Period (sec.)	Time/Duration (hr.)
Estimated	Northwest	20	23.46	0.66	0.57	1.39	0.42
Estimated	Northeast	30	38.63	0.66	0.94	1.65	0.36
Estimated	Northwest	40	55.04	0.66	1.35	1.85	0.32
Estimated	Northwest	50	72.42	0.66	1.77	2.03	0.29
Estimated	Northwest	60	90.62	0.66	2.22	2.19	0.27

Quarystone Weight:

	Aarmor Unit Wt. (lb/ft <sup>3</sup> )	Wave Height (ft)	Rock Sp. Gravity (lb/ft <sup>3</sup> )	Unit Wt. H <sub>2</sub> O (lb/ft <sup>3</sup> )	Slope (deg.)	Sability Coef.	Weight Rock (lb.)
Wind	140	0.57	2.18	64.2	26.57	1.6	5.029143107
Wind	140	0.94	2.18	64.2	26.57	1.6	22.45281199
Wind	140	1.35	2.18	64.2	26.57	1.6	64.90746949
Wind	141	1.77	2.18	64.2	26.57	1.6	148.930519
Wind	140	2.22	2.18	64.2	26.57	1.6	289.7820122
Ship	140	2.50	2.18	64.2	26.57	1.6	416.0562606
Ship	140	3.00	2.18	64.2	26.57	1.6	718.9452184
Ship	140	3.50	2.18	64.2	26.57	1.6	1141.658379
Ship	140	4.00	2.18	64.2	26.57	1.6	1704.166444

Notes: 1. Calculations made utilizing formulations from US Army Corp of Engineers' Shore Protection Manual, 1984.

2. Wave heights computed assuming fetch limited wave generation.

3. Stability coefficient determined using randomly placed, rough angular quarystone at a slope of 2 to 1 with breaking waves.

**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #1: Rip-Rap Revetment**

Concept *Marine*  
 Job No. 10002  
 Date: 10/17/00

No	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$40,000.00	\$40,000.00	
					\$40,000.00
<b>B</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	
					\$205,000.00
<b>C</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	
					\$24,000.00
<b>D</b>	<b>Misc. Grading</b>				
1.	Excavate Material	3,000 CY	\$10.00	\$30,000.00	
					\$30,000.00
<b>E</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	
					\$81,000.00
<b>Breakwater Repair Subtotal</b>				<b>Subtotal</b>	<b>\$380,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>					
				Estimate Subtotal	\$380,000.00
A & E Services +15%					\$57,000.00
Construction Contingency +20%					\$76,000.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$513,000.00</b>



**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #2: Rip-Rap Revetment with Access Trail**

**ConceptMarine**  
**Job No. 10002**  
**Date: 10/17/00**

No.	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$45,000.00	\$45,000.00	
					\$45,000.00
<b>B</b>	<b>Graded Fill</b>				
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	
					\$2,000.00
<b>C</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	
					\$205,000.00
<b>D</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	
					\$24,000.00
<b>E</b>	<b>Misc. Grading</b>				
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	
					\$35,000.00
<b>F</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	
					\$81,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	
					\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	
					\$78,000.00
				<b>Subtotal</b>	<b>\$526,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>					<b>Estimate Subtotal \$526,000.00</b>
	<b>A&amp;E Services +15%</b>				<b>\$78,900.00</b>
	<b>Construction Contingency +20%</b>				<b>\$105,200.00</b>
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$710,100.00</b>

**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #3: Steel Sheetpile with Access Trail**

**ConceptMarine**  
**Job No. 10002**  
**Date: 10/17/00**

No	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$75,000.00	\$75,000.00	\$75,000.00
<b>B</b>	<b>Steel Sheetpile</b>				
1.	Material	24,300 FT <sup>2</sup>	\$20.00	\$486,000.00	\$486,000.00
<b>C</b>	<b>Sheetpile &amp; Tie-back Installation</b>				
1.	Installation & Tie-back Material	1,350 FT	\$200.00	\$270,000.00	\$270,000.00
<b>D</b>	<b>Quarry-stone (Toe)</b>				
1.	Installation & Material	1,500 CY	\$50.00	\$75,000.00	\$75,000.00
<b>E</b>	<b>Underlayment (Toe)</b>				
1.	Installation & Material	250 CY	\$40.00	\$10,000.00	\$10,000.00
<b>F</b>	<b>Graded Fill</b>				
1.	Installation, Compaction & Material	3100 CY	\$10.00	\$31,000.00	\$31,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Materials	1,400 LF	\$40.00	\$56,000.00	\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Materials	15,600 SF	\$5.00	\$78,000.00	\$78,000.00
<b>I</b>	<b>Filter Fabric</b>				
1.	Installation & Materials	13,500 SF	\$2.00	\$27,000.00	\$27,000.00
				<b>Subtotal</b>	<b>\$1,108,000.00</b>
<b>ESTIMATE SUBTOTALS</b>					<b>Estimate Subtotal \$1,108,000.00</b>
<b>A&amp;E Services +15%</b>					<b>\$166,200.00</b>
<b>Construction Contingency +20%</b>					<b>\$221,600.00</b>
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$1,495,800.00</b>

# Coronado Shoreline - Initial Appraisal Report

## Preliminary Estimate of Probable Construction Costs

Alternative #4: Rip-Rap Revetment with Trail & Groin Beach

ConceptMarine

Job No. 10002

Date: 10/17/00

NO.	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$80,000.00	\$80,000.00	
					\$80,000.00
<b>B</b>	<b>Graded Fill</b>				
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	
					\$2,000.00
<b>C</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	10,500 CY	\$50.00	\$525,000.00	
					\$525,000.00
<b>D</b>	<b>Underlayment</b>				
1.	Installation & Material	18,000 CY	\$40.00	\$720,000.00	
					\$720,000.00
<b>E</b>	<b>Misc. Grading</b>				
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	
					\$35,000.00
<b>F</b>	<b>Filter Fabric</b>				
1.	Installation & Material	90,000 SF	\$2.00	\$180,000.00	
					\$180,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	
					\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	
					\$78,000.00
<b>I</b>	<b>Fill Sand (Dredged)</b>				
1.	Installation & Material	40,000 CY	\$20.00	\$800,000.00	
					\$800,000.00
				<b>Subtotal</b>	<b>\$2,476,000.00</b>

### ESTIMATE SUBTOTALS

Estimate Subtotal \$2,476,000.00

A&E Services +15%

\$371,400.00

Construction Contingency +20%

\$495,200.00

**ESTIMATE TOTAL**

**TOTAL**

**\$3,342,600.00**

# **ATTACHMENT D**

**Sandra Fisher**

**From:** Smith, Robert R SPL [Robert.R.Smith@spl01.usace.army.mil]  
**Sent:** Thursday, December 08, 2005 8:35 AM  
**To:** lbeus@beusgilbert.com; Eileen Maher; Durham, Mark SPL; Large, Burke S SPL; Coler, Kari J SPL  
**Subject:** Emergency permit request for new wall/rip project for Mr. Beus in San Diego Bay

Leo/Fred

I prepared this meeting summary for your info. Thanks for allowing me to review the site and we hope we can find a solution within your timeframe and will continue to work with you and Fred.

On 12/7/05 the Corps representative (robert smith) met with Mr. Leo Beus and his contractor Mr. Fred Perry onsite at this property. We met onsite and reviewed the extent of erosion of the riprap wall currently built on the property. The Corps did notice that some of the rock had fallen into the bay and there was some erosion of fines below the existing rock riprap that was constructed in 2002/2003. No damage to the wall or the backyard or pool was noted. Mr. Perry stated that they had a mid January deadline to start the wall project due to an access possibility that would use another downstream property to construct both the riprap along the other properties (already permitted under another permit done by Kari Coler in the SD Corps office) and save costs relating to the potential use of a barge instead of by land.

1) The Corps requested a copy of the Corps permit for the original work to see how we had permitted it originally and Mr. Perry agreed to fax a copy to the Corps. If the existing permit is still valid we agreed to examine other ways to utilize the existing permit. To date the Corps is unable to locate the permit in our system but we will continue to search for the permit.

2) Mr. Smith told Mr. Beus that the RGP63 permit request was still being reviewed by Corps management and no decision had been made as we were still gathering info.

Mr. Smith did state that ordinarily the Corps could not use RGP63 for new work but only for the minimal amount of work necessary to remedy the emergency problem. Mr. Smith also stated that other Nationwide permits could be utilized if the RGP63 permit was not appropriate but would require other agency approvals as well.

3) Mr. Smith also asked if the Port had given Mr. Beus anything in writing concerning either the need for a CEQA document, a right of entry permit, a temporary use and occupancy permit, or a Coastal Zone Management Act consistency determination since some of Mr. Beus' project was on Port land. Mr. Beus said they had met with the Port and had gotten info back from them but nothing in writing was done by the Port.

4) The Corps agreed to contact the Port and see where they were with their permits and approvals and possibly set up a meeting to discuss Mr. Beus' project. Mr. Smith also requested that a new cross section be submitted to the Corps that showed the High Tide Line and Mean High Water on the cross section so that the Corps could quantify impacts to waters of the U.S.

Robert Revo Smith Jr., P.E.  
Environmental Engineer/Civil Engineer  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
(858) 674-6784  
fax (858) 674-5388  
email:robert.r.smith@usace.army.mil

12/08/2005



U.S. Army Corps of Engineers  
Los Angeles District

Coronado Shoreline

INITIAL APPRAISAL REPORT

December 7, 2000

# Coronado Shoreline INITIAL APPRAISAL REPORT

## Table of Contents

Introduction .....	1
Authority .....	1
Descriptions of Study Area .....	1
Available Data .....	1
Problem Identification .....	2
Array of Alternatives .....	4
Study Evaluation .....	6
Report Conclusions .....	10
References .....	11
Feasibility Phase Cost Estimate .....	13
Recommendation .....	14
Appendix A - Drawings (C-01 through C-09)	
Appendix B - Economic Studies	
Appendix C - Environmental Studies	
Appendix D - Calculations and Cost Estimates	

# **INITIAL APPRAISAL REPORT**

## **INTRODUCTION**

The intent of this study was to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline. This will consist of an economic evaluation, environmental analysis, and an assessment of the existing baseline conditions. The study area consists of approximately 2,800 linear feet of shoreline along First Street between Orange Avenue and Alameda Avenue in Coronado, California. A site visit and a review of available data were conducted in order to perform an appropriate problem identification. An array of alternatives were then prepared and evaluated on economic, environmental and cost bases.

## **AUTHORITY**

### **Section 111, River and Harbor Act of 1968, as amended:**

This authority authorizes the planning and design of a justified level of work for prevention or mitigation of damages to both non-Federal public and privately owned shores to the extent that such damages can be directly identified and attributed to Federal navigation works located along the coastal and Great Lakes shorelines of the United States. This includes shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway. The Corps is authorized to construct such a project if the Federal share of the first cost of construction is \$5,000,000 or less.

## **DESCRIPTION OF STUDY AREA**

Observations during the site visit indicated erosion of the shore in the western half of the study area. This portion of the shore was littered with concrete debris and some rock, which are the remains of previous attempts to reduce shoreline erosion. Many shoreline structures have been independently constructed by landowners in an attempt to diminish shoreline recession. The shore is characterized in many areas by a steep bluff that is about 4 feet high. In areas where appropriate protection has not been constructed, this bluff shows signs of active erosion below mean higher high water. The slope of the shore diminishes gradually to mean lower low water. The off-shore profile has a uniform slope to a depth of 30 feet that steepens along the western portion of the study area.

## **AVAILABLE DATA**

The project team obtained a variety of information regarding the shoreline and surrounding area with the assistance of the Los Angeles District of the U.S. Army Corps of Engineers, the Port of San Diego (POSD), and the City of Coronado. This data included historical records, bathymetric surveys, site photographs, aerial photographs, environmental reports and economic reports. The Reference section of this report contains a majority of the data utilized within the preparation of the report.

### Dredge Screening:

Since fill sand will be needed to construct the alternatives within this report, the potential use of dredge material was investigated. This material is expected to be available from maintenance dredging activities within the San Diego Bay. Dredged material in the bay is suspected to be contaminated with munitions, which would require removal prior to use. The feasibility and cost of screening these objects was evaluated in comparison to the cost of deep water disposal of the contaminated dredge material.

Discussions with a number of dredging contractors indicated that screening of objects from dredge material has been done in the past. Several factors were identified that will affect the cost of this operation. These include the type and amount of material being dredged, the size of the munitions being screened, and the efficiency with which the munitions need to be removed. The type of material being dredged will affect the rate at which the material can be screened, since more cohesive spoils will require additional water in order to pass through the screen. Some materials, like sand, are more easily screened and may allow a sluice box to be used, making the segregation of the munitions more efficient. A decrease in the volume to be dredged will increase the cost since mobilization costs are fixed. Smaller munitions will require smaller screens, which will likely require multiple screens to be used in series and result in additional costs. A higher percent removal of munitions from the dredge spoils will also increase the operational costs. The following table provides a probable dredging cost range for screening 22 millimeter munitions (which is assumed to require initial and secondary screening) and a range if screening is not required. These costs assume that the material will be disposed through a pipeline with a maximum length of 2 miles. The off-shore disposal assumes the use of LA5 as the dump site. Both of these costs assume that at least 500,000 cubic yards of material will be dredged.

Operation	Probable Cost
Dredge without Screening	\$4 to \$6 per cubic yard
Dredge and Screen	\$12 to \$18 per cubic yard
Dredge and Off-Shore Disposal	\$8 to \$10 per cubic yard

## **PROBLEM IDENTIFICATION**

### Wave Climatology:

Since wave energy can be a primary source of erosion along shorelines, a determination of the wave climatology for this shoreline was necessary. The possible wind generated wave heights were computed. Since the maximum fetch for the site is approximately 3,500 feet (0.66 miles), these waves were determined to be fetch limited. Wave heights were computed for a range of wind speeds, with a maximum of 60 miles per hour. This resulted in a maximum wave height of 2.2 feet. See Appendix D for these calculations. Since winds of this magnitude occur infrequently and result in relatively small waves, wind-driven waves were determined to not play a major role in erosion.

Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline. In addition, there are no speed limits for vessels traveling in the area. However, according to the Coast Guard Rules of the Road, boaters are liable for any damages to other boats or structures due to wake. As a result, a possibly significant amount and size of boat and ship wake is incident upon this stretch of the shore. Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an affect on the shoreline.

#### **Off-Shore Profile:**

Another contributing factor when evaluating erosion is the off-shore profile. For this stretch of coast, this profile appears to be fairly steep according to the available NOAA Nautical Chart, particularly along the western half of the study area. Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep off-shore gradient will have an affect on coastal erosion.

#### **Source of Erosion:**

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the up-drift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the primary mechanism by which erosion occurs along this shore is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic. This erosion is assisted by the relatively steep off-shore gradient and the presence of deep water sinks.

#### **Erosion Rate Determination:**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured. This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evident within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode house foundations in approximately 10 years.



## **Economic Studies:**

Economic studies conducted for this report consisted of estimating the benefits from the reduction in future losses of land and property due to erosion, and an evaluation of recreation visitors that would occur if recreation and public access facilities were provided in conjunction with the erosion control structures. The economic evaluation of reduced losses from erosion was accomplished by using the generally accepted "With" and "Without" project framework. The "Without" condition assumes landowners will attempt to stop erosion by dumping concrete rubble in a random manner. This "Without" project condition would be equivalent to a "No Action" alternative. Types of benefits considered were: elimination of the current maintenance and replacement of erosion control measures by individual land owners; reduction of erosion damages to land and improvements; and increased opportunity for the public to enjoy outdoor recreation activities along the shoreline through increased access and improved hiking and picnic facilities. There are few areas in Coronado that offer the viewing perspective of the study area. Visitors to the site enjoy an unobstructed view of the San Diego skyline across the bay, and also have opportunity to observe activities at the nearby naval docks. At present public access and facilities are very limited.

## **"Without" Project Condition:**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix B for a more complete economic evaluation of the study area.

## **Environmental Evaluation:**

An evaluation of the shore in the study area indicates an impacted site, not pristine. The biological communities identified for the study area are plankton, eel grass and algae/seaweed, invertebrates, fish, birds, and marine mammals. The primary communities to be considered in the development of solutions within this study are the eel grass beds that may be present. These beds may be used as foraging areas by the California least tern and brown pelican, the only sensitive or endangered species that might use the area. Marine mammals and the threatened green turtle may be occasional visitors to the area. See Appendix C for a more exhaustive environmental evaluation.

## **ARRAY OF ALTERNATIVES**

### **Alternative No. 1 - Rip-Rap Revetment:**

This alternative consists of the installation of a quarry-stone revetment along the existing bluff face as shown on Sheet C-06 within Appendix A. This will provide protection from erosion along the portion of the study area that has been identified as having an erosion problem that appears to pose

a threat to shoreline improvements. The revetment is shown with a slope of 2 to 1 and will incorporate toe and splash aprons to minimize the effects of scour and overtopping. Filter fabric is recommended beneath the revetment to reduce the loss of soil through the structure. Underlayment is shown to protect the fabric during the placement of the armor stone, to provide a stable base for the armor stone, and to allow proper drainage through the structure. One-quarter ton armor stone has been determined to be adequate in size. See Appendix D for these calculations. The layout of the revetment on Sheet C-06 shows the splash apron extending landward of the existing bluff. Although this does not appear to extend into private property at this location, other areas of the revetment may extend into private property. To avoid the possible purchase of this property, the revetment would have to be constructed outward of the existing bluff which would require additional fill costs. The elevation of the top of the revetment is shown to match the existing bluff. This results in an elevation of approximately 8 feet at this location which will result in overtopping of the structure during extreme high tide and storm surge events. Increasing the height of the structure will reduce overtopping while increasing the area of the revetment and cost of construction.

#### **Alternative No. 2 - Rip-rap Revetment with Access Trail:**

Alternative 2 utilizes the same quarry-stone revetment as Alternative 1, but includes the addition of a 10-foot wide asphalt concrete, multi-use trail (see Sheet C-07, Appendix A). This will give the added benefit of public access to this stretch of shoreline. The trail is shown as sloping away from shore at 2% in order to minimize water flow and possible erosion behind the revetment. A fence along the private property and a guard rail along the revetment slope have also been incorporated. The addition of the trail will increase the overall width of this alternative and, therefore, increase land acquisition and fill costs.

#### **Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail:**

As an alternative to rock revetment, a sheetpile wall could be utilized. This would provide adequate shoreline protection while reducing land acquisition. The sheetpile could consist of steel or vinyl. Stone toe protection is recommended in either case. Steel sheetpile will be evaluated within this report. Vinyl may provide a more cost effective alternative if it can be determined to have the appropriate strength and durability. The amount of fill required behind the structure is dependant upon the location in which the sheetpile is driven. Sheet C-08 of Appendix A shows the pile just beyond the toe of the existing bluff. This allows sufficient area for an access trail, as well as picnic areas. Tie-backs are shown anchored to a concrete footing. This footing will run the length of the wall and should provide adequate structural support while eliminating the need for batter piles. A fence along the private property and a guard rail have also been provided. The elevation (8 feet) of the wall has again been shown to match the existing bluff and could be increased to minimize possible overtopping during extreme tide events and storm surge.

#### **Alternative No. 4 - Combination Groin Beach and Rip-Rap Revetment:**

This is the most extensive alternative evaluated for the shoreline and provides the most public access benefit. A quarry-stone revetment with access trail, as provided in Alternative 2, would provide shoreline protection from erosion and public access to the area. This could be replaced with

Alternative 3, if the benefits of sheetpile were determined to be adequate. A quarry-stone groin would be extended from the western end of the study area at an elevation of 8.5 feet for approximately 320 feet. At this location the groin would be continued at a 6 to 1 slope for approximately 150 feet to the existing sub-grade, where a key is provided for structural support of the rock slope. The inner and outer slopes of the groin are shown with a 2 to 1 slope, also with toe keys. The armor stone will also consist of quarter ton (500 pound) quarry-stone with appropriately sized underlayment as recommended by USACOE, 1986. Filter fabric is recommended beneath the groin to minimize the effects of settlement. After the groin is completed, sand could be placed to an elevation of 8 feet between the shore and the 8.5 feet elevation portion, and then added to match the 6 to 1 slope until the sub-grade is reached. The loss of sand is expected over an undetermined length of time and could be replenished using material from the maintenance dredging of nearby shipping channels. See the Available Data section of this report for a discussion of possible sources of sand.

## STUDY EVALUATION

### Costs:

Alternative	Total Cost	Average Annual Cost	Annual Maintenance Cost	Total Annual Cost
No. 1 - Rip-Rap Revetment	\$513,000.00	\$35,419	\$25,650	\$61,069
No. 2 - Rip-Rap Revetment with Access Trail	\$710,100.00	\$49,028	\$35,505	\$84,533
No. 3 - Steel Sheetpile with Access Trail	\$1,495,800.00	\$103,275	\$74,790	\$178,065
No. 4 - Rip-Rap Revetment with Trail and Groin Beach	\$3,342,600.00	\$230,785	\$183,130	\$413,915

See Appendix D for breakdown of estimated costs. Annual costs determined using a discount rate of 6-5/8 over a 50 year period.

### Economic:

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: bayside walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is a lack of local data, and the fact that no data for the project area was available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore,

using the 1,000,000 annual daytime visitations, and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations, plus the estimated number of bicyclists that would use the proposed recreation area, amount to 78,225 recreation days (55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

The average annual benefits for the alternatives are summarized below. See Appendix B for details concerning these benefits.

**Alternative 1:**

Property and Land Damage Reduction:	\$868,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$873,000</b>

**Alternatives 2, 3 and 4:**

Property and Land Damage Reduction:	\$868,000
Recreational Benefits:	\$210,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$1,083,000</b>

**Environmental:**

In the Environmental Evaluation section of this report, it was noted that the site is not pristine and is an impacted area that has likely seen many perturbations in its history. Three generalized habitats occur along this short shoreline: the rubble and rocky inter-tidal to the west, sandy inter-tidal to the east, and the submerged sub-tidal. Concerning endangered or protected species, the endangered California least tern and brown pelican have been observed in the study site and may use submerged eelgrass beds as foraging areas. Even if the alternatives were to reduce the density of eelgrass beds (which is unlikely) there are adjacent eelgrass beds off Centennial Park that are unlikely to be impacted by this small (2,800 feet) shoreline change, so an alternative habitat area is nearby for these species.

❖ **Alternative No. 1 - Rip-Rap Revetment**

This alternative would result in a steeper slope for the inter-tidal community with no sandy areas. The size of the inter-tidal zone would be reduced. The rip-rap would stop/end past the sandy beach east of the SG&E park, so this sandy inter-tidal would remain. Most likely, the present intertidal invertebrates and algae in the rubble and sand area would be able to recolonize the rip-rap quarry-stone. Impacts would be temporary during construction, when the communities would be disturbed and lost in the immediate project area. However, natural recolonization processes would result in any impact being less than significant. Subtidal communities would be even less impacted.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization. No significant impact.
- C. Invertebrates: localized and temporary effects during construction. Reduced surface area for re-colonization. No significant impact.
- D. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.
- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.

❖ **Alternative No. 2 - Rip-Rap Revetment with Access Trail:** Adding an access road would probably result in more human disturbance of inter-tidal organisms, but the environmental impact would be the same as for Alternative 1.

❖ **Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail:** This alternative would reduce the size and position of the inter-tidal space. This would likely reduce the diversity of inter-tidal invertebrates and seaweed species, and it is more likely that benthic encrusting organisms would colonize such an upright inert structure, compared to the shallow rubble that is present now. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1 and 2.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization, metal or vinyl material may inhibit colonization.
- C. Invertebrates: localized and temporary effects during construction. Reduced surface area for recolonization. Change in population likely toward encrusting species. No infaunal invertebrates.

- D. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.
- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.

❖ **Alternative No. 4 - Combination Groin Beach and Rip-Rap Revetment:** This alternative would change the present inter-tidal habitat substrate from rocky to sandy and provide increased inter-tidal slope than at present. This would probably result in similar organisms colonizing as occur at the beach area near Colonial Park to the east of the study site. This alternative may increase the density of eelgrass beds that seem to be more abundant near sandy rather than rocky shores in this region. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1, 2 and 3.

- A. Plankton: localized and temporary effects during construction. No significant impact.
- B. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization that prefer rock substrate. May increase density of eelgrass that prefers sandy/muddy substrate.
- C. Invertebrates: localized and temporary effects during construction. Changed substrate for recolonization, except in rip-rap area where surface area would be reduced from present.
- D. Fishes: species are mobile, so there would be a temporary and localized effect during construction. No significant impact. If eelgrass density increased, fish that use this for reproduction and foraging would increase.
- E. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
- F. Marine mammals: highly mobile and would avoid area during construction. No impact.



- G. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. If the increased sandy beach area enhances eelgrass beds, this would be a positive effect for the endangered birds that use these beds for foraging.

All four alternatives would result in localized and temporary effects during construction. The mobile organisms should be able to avoid the area during this time and natural recolonization of sessile inter-tidal invertebrates and algae should result in no significant impact from construction activities. In the long term, Alternatives 1, 2, and 3 would all reduce the surface area and slope of the inter-tidal habitat, and Alternatives 3 and 4 would alter the substrate for the inter-tidal organisms. None of the alternatives should impact the sub-tidal populations, except through an impact on the inter-tidal organisms.

## REPORT CONCLUSIONS

The purpose of this study was to develop information to be used in future decision documents that would determine the Federal Interest in providing protection from erosion to about one-half mile of San Diego Bay shoreline on the northeast side of the City of Coronado, California. The problem identification for this investigation determined that the source of erosion was primarily due to wave energy created by boat and ship traffic within the navigable channel off-shore of the study area. This erosion is assisted by a relatively steep off-shore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years.

Four alternatives were presented and evaluated on economic, environmental, and cost bases. The economic evaluations included benefits from added recreational access and benefits due to protection of property. These were used to determine benefit-cost ratios (or B/C ratios) for the four alternatives, which are given in the following table.

Alternative	Annual Benefit	Annual Cost	B/C Ratio
No. 1 - Rip-Rap Revetment	\$873,000	\$61,069	14.3
No. 2 - Rip-Rap Revetment with Access Trail	\$1,083,000	\$84,533	12.8
No. 3 - Steel Sheetpile with Access Trail	\$1,083,000	\$178,065	6.1
No. 4 - Rip-Rap Revetment with Trail and Groin Beach	\$1,083,000	\$413,915	2.6

## REFERENCES

### Bathymetric & Topographic Data

- Investigation of Beach Erosion at 409 First Street in Coronado by POSD
- City of Coronado GIS (1980)
- NOAA Nautical Chart 18773.

### Photographs

- Aerial from 1928/1929, 3-31-53, 3-6-70, 1-1-85, 1-4-00.
- Site photographs from visit on May 25, 2000.

### Environmental

Allen, L.G. 1998. Fisheries Inventory and Utilization of San Diego Bay, San Diego, California. 4th Annual Report, FY 1997-98. Summary of sampling period July 1994-April 1998. Prepared for the U.S. Navy, Naval Facilities Engineering Command Southwest Division and San Diego Unified Port District. 25 pp + figures, tables and appendices.

Dawson, E.Y and M.S. Foster. 1982. Seashore Plants of California, U.C. Berkeley Press.

DON 1994a Waterbird Survey, North and Central San Diego Bay, 1993. Prepared for Naval Air Station North Island, by Southwest Division, Naval Facilities Engineering Command, U.S. Department of the Navy.

DON 1995a Final Environmental Impact Statement for the Development of facilities in San Diego/Coronado to Support the Homeporting of One Nimitz Class Aircraft Carrier. Naval Facilities Engineering Command, Southwest Division

DON (US Department of Navy). 1999 Final Impact Statement for Developing Home Port facilities for Three Nimitz-Class Aircraft Carriers in Support of the US Pacific Fleet. Volume 1 (Chapters 1-10), Volume 2 (Chapters 11-15, Appendices), Volume 3 (NASNI Supplemental information- data collected), Volume 4 (PSNS Bretherton Supplemental Info), Volume 5 (NAVSTA Everett Supplemental Info), Volume 6 (Pearl Harbor Supplemental Information), Volumes 7-10, Comments and Responses.

Ford, R.F. 1968. Marine Organisms of South San Diego Bay and the Ecological Side Effects of Power Station Cooling Water. A pilot study conducted for San Diego Gas & Electric Co. California. Environmental Engineering Laboratory Technical Report on Contract C-188.

Largier, J.L. 1995. San Diego Bay Circulation. Final Report prepared for the California State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region.

- McDonald, D., P. Dutton, D. Mayer and K. Merkel 1994. Review of the Green Turtles of South San Diego Bay in Relation to Operations of the SDG&E south Bay Power Plant Document 94-045-01. Prepared for SDG&E Co. C941210311
- MEC 1997 Marine Biological reconnaissance Field Survey Report: MILCON P-700A and PIER BRAVO, prepared for SAIC, December 1997
- SAIC 1994. Draft Environmental Impact Statement for Dredged Material Disposal, San Diego Bay, California. report submitted to Navy Southwest Division, San Diego, CA.
- SDG&E (San Diego Gas and Electric Company) 1980. South Bay Power Plant Cooling Water Intake System Demonstration [in accordance with Section 316b, Federal Water Pollution Control Act Amendment of 1972]. Prepared by SDGEC and the Lockheed Center for Marine Research, San Diego, CA for the San Diego Regional Water Quality Control Board.
- SDUPD (San Diego Unified Port District). 1990. South San Diego Bay Enhancement Plan, San Diego, CA.
- Woodward Clyde Consultants 1994b Geotechnical Investigation, Proposed Aircraft Carrier Wharf (P-700), Naval Air Station, North Island Coronado CA (draft report). Prepared for US Department of Navy Naval Facilities Engineering Command Southwest Division.

## FEASIBILITY PHASE COST ESTIMATE

FEASIBILITY PHASE COST ESTIMATE		
WBS#	DESCRIPTION	COST
JAA00	Feasibility - Surveys and mapping except Real Estate	\$8,400.00
JAB00	Feasibility - Coastal Studies/Report	\$36,000.00
JAC00	Feasibility - Geotechnical Studies/Report	\$24,600.00
JAE00	Feasibility - Engineering and Design Analysis Report	\$32,400.00
JB000	Feasibility - Socioeconomic Studies	\$6,400.00
JC000	Feasibility - Real Estate Analysis/Report	\$2,000.00
JD000	Feasibility - Environmental Studies/Report (Except USF&WL)	\$16,400.00
JE000	Feasibility - Fish and Wildlife Coordination Act Report	\$1,000.00
JG000	Feasibility - Cultural Resources Studies/Report	\$1,000.00
JH000	Feasibility - Cost Estimates	\$1,200.00
JI000	Feasibility - Public Involvement Documents	\$4,200.00
JJ000	Feasibility - Plan Formulation and Evaluation	\$18,000.00
JL000	Feasibility - Final Report Documentation	\$1,000.00
JLD00	Feasibility - Technical Review Documents	\$2,400.00
JM000	Feasibility - Washington Level Report Approval (Review Support)	\$2,000.00
JPA00	Project Management and Budget Documents	\$5,000.00
JPB00	Supervision and Administration	\$18,000.00
JPC00	Contingencies	\$17,000.00
L0000	Project Management Plan (PMP)	\$1,000.00
Q0000	PED Cost Sharing Agreement	\$2,000.00
<b>TOTAL</b>		<b>\$200,000.00</b>

## RECOMMENDATION

The primary cause of erosion damage to the shoreline is a result of wave wash due to ship traffic in the adjacent federal navigation channel under Section 111 of The River and Harbor Act of 1968 (PL 90-483). It is recommended that this study proceed forward into a cost shared feasibility level evaluation of shoreline protection alternative for the Coronado Shoreline, at an equal federal/non-federal cost share ratio above the initial federally funded \$100,000 study cost, in accordance with Planning Guidance Notebook, ER 1105-2-100 (22 Apr 2000). Estimate of feasibility study cost is \$200,000 with duration of 18 months at time of execution of the cost sharing agreement.

*//s//*

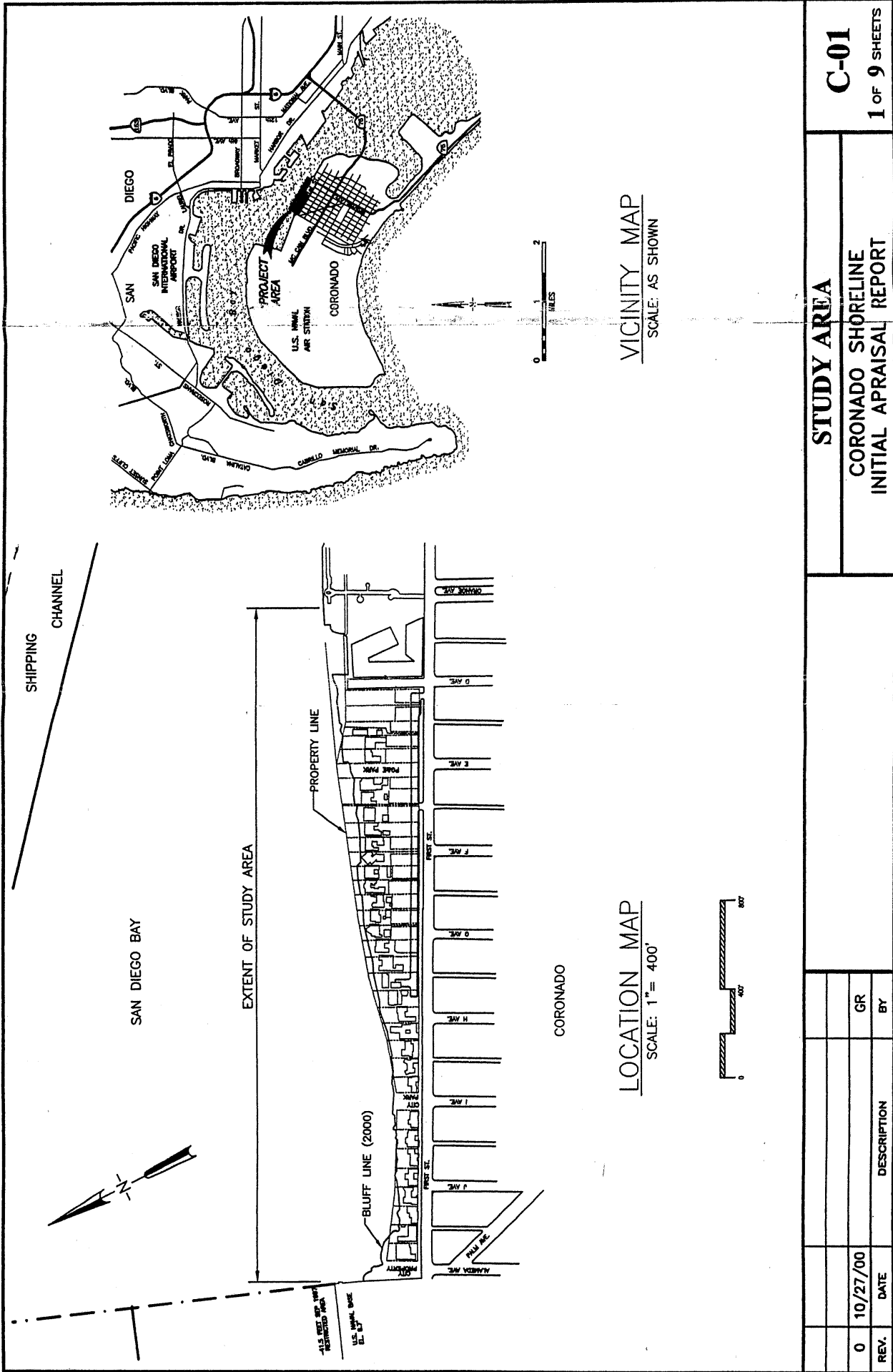
John P. Carroll  
Colonel Corps of Engineers  
District Engineer

07 December 2000

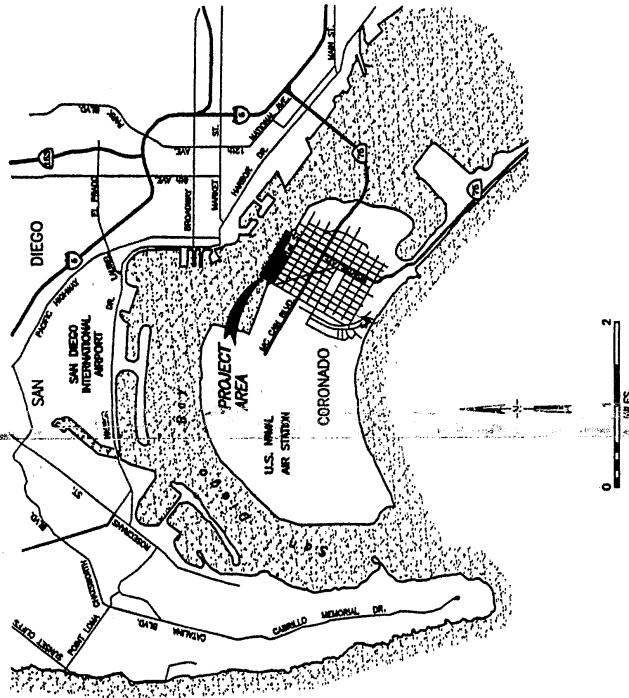
## **APPENDIX A**

Drawings (C-01 through C-09)





**LOCATION MAP**  
SCALE: 1" = 400'

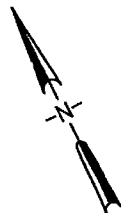


**VICINITY MAP**  
SCALE: AS SHOWN

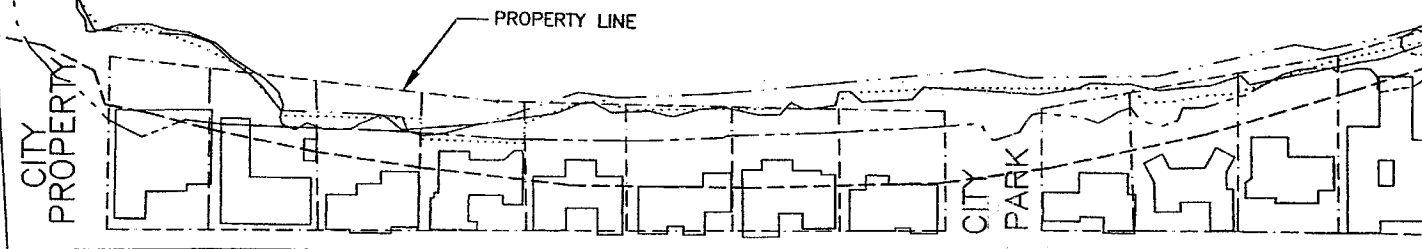
STUDY AREA				C-01	
CORONADO SHORELINE				1 of 9 SHEETS	
INITIAL APPRAISAL REPORT					
REV.	DATE	DESCRIPTION	BY		
0	10/27/00	GR	BY		

-41.5 FEET SEP 1997  
RESTRICTED AREA

U.S. NAVAL BASE  
EL. 8.7'



1929 ———  
1953 ———  
1970 .....  
1985 ———  
2000 ———



FIRST ST.

ALAMEDA AVE.

PALM AVE.

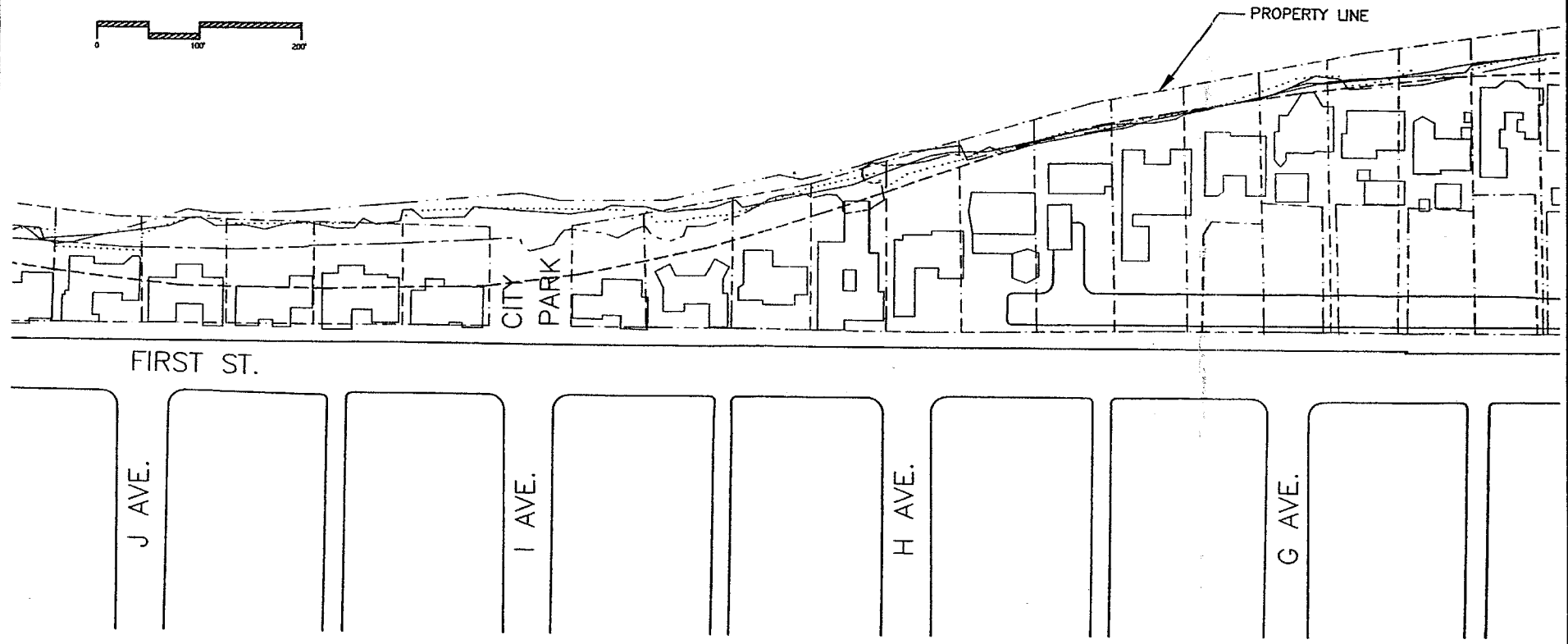
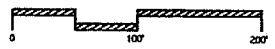
J AVE.

I AVE.

				SHORELINE CHANGE (WEST)	C-02
0	10/27/00		GR		
REV.	DATE	DESCRIPTION	BY		
				CORONADO SHORELINE INITIAL APPRAISAL REPORT	2 OF 9 SHEETS



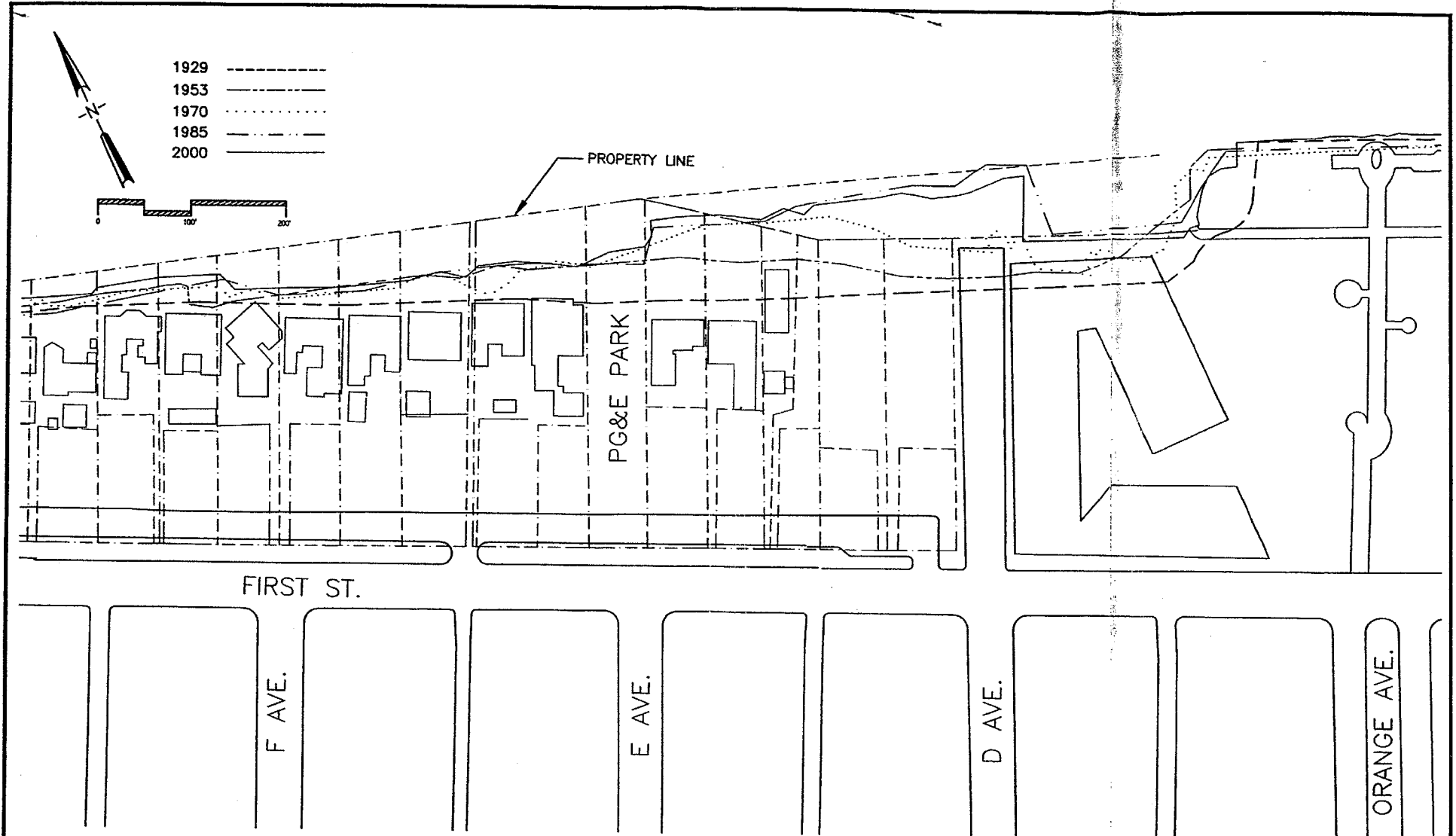
1929 ———  
 1953 ———  
 1970 .....  
 1985 ———  
 2000 ———



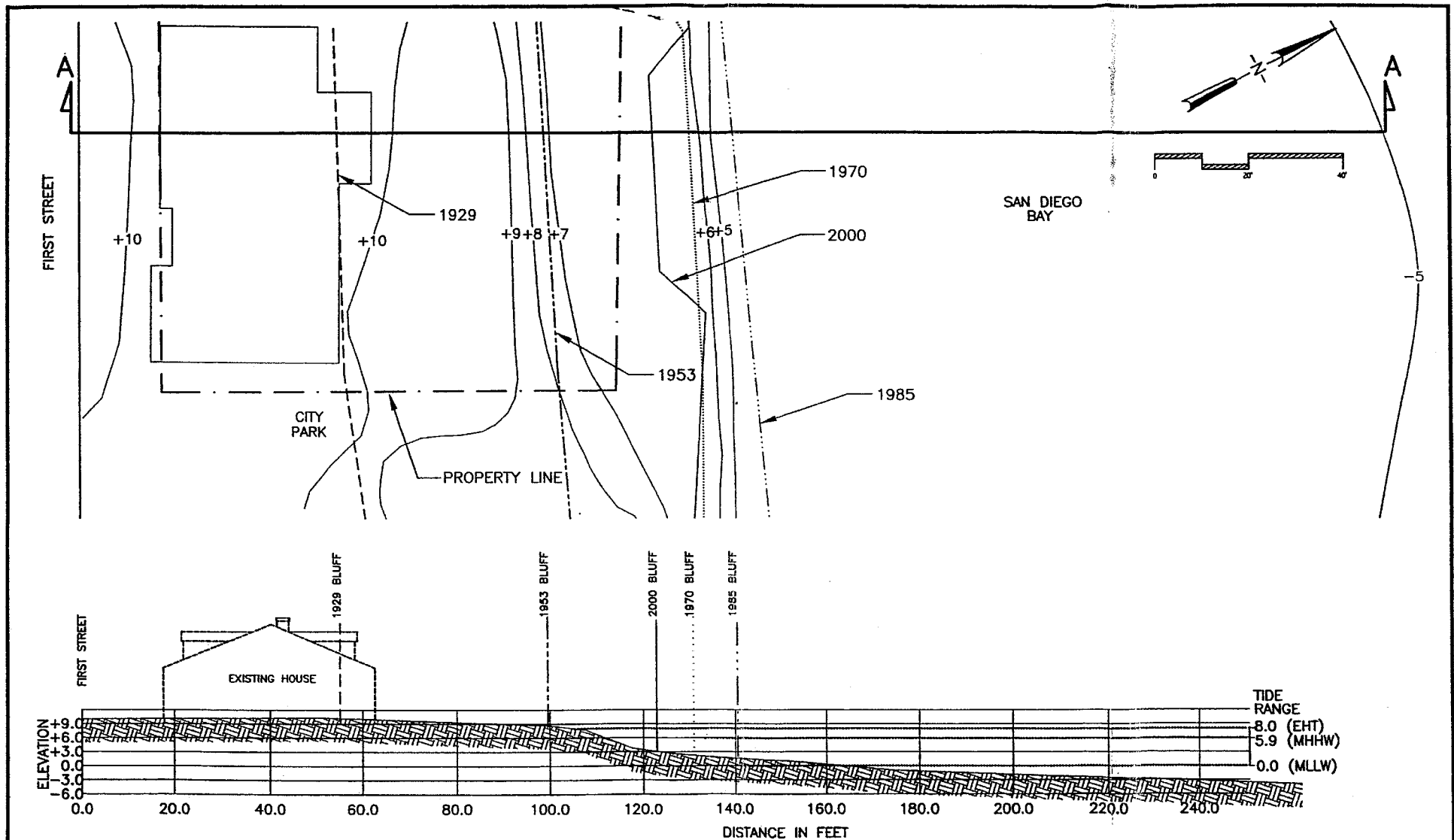
0	10/27/00		GR
REV.	DATE	DESCRIPTION	BY

**SHORELINE CHANGE (MIDDLE)**  
 CORONADO SHORELINE  
 INITIAL APPRAISAL REPORT

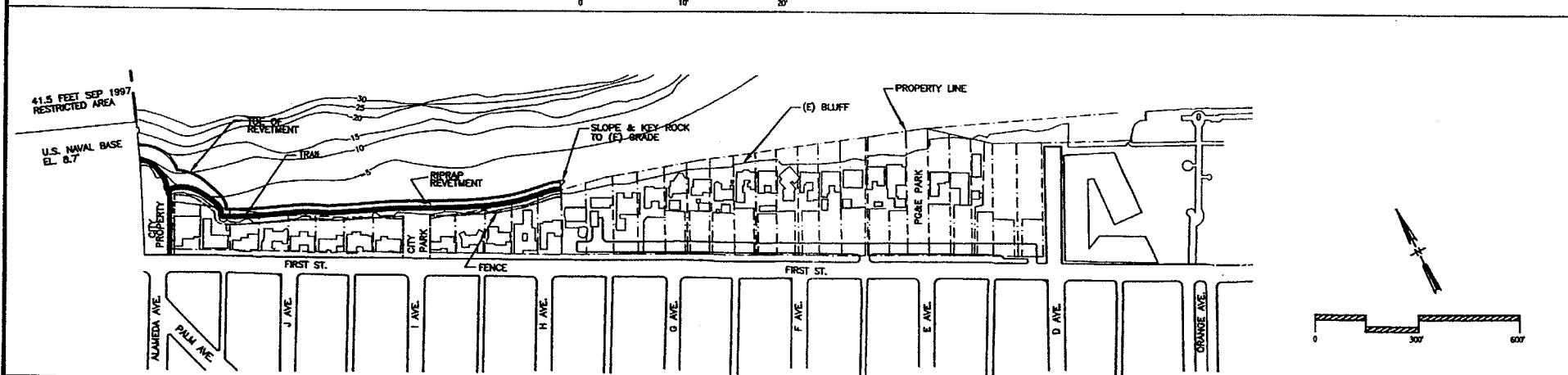
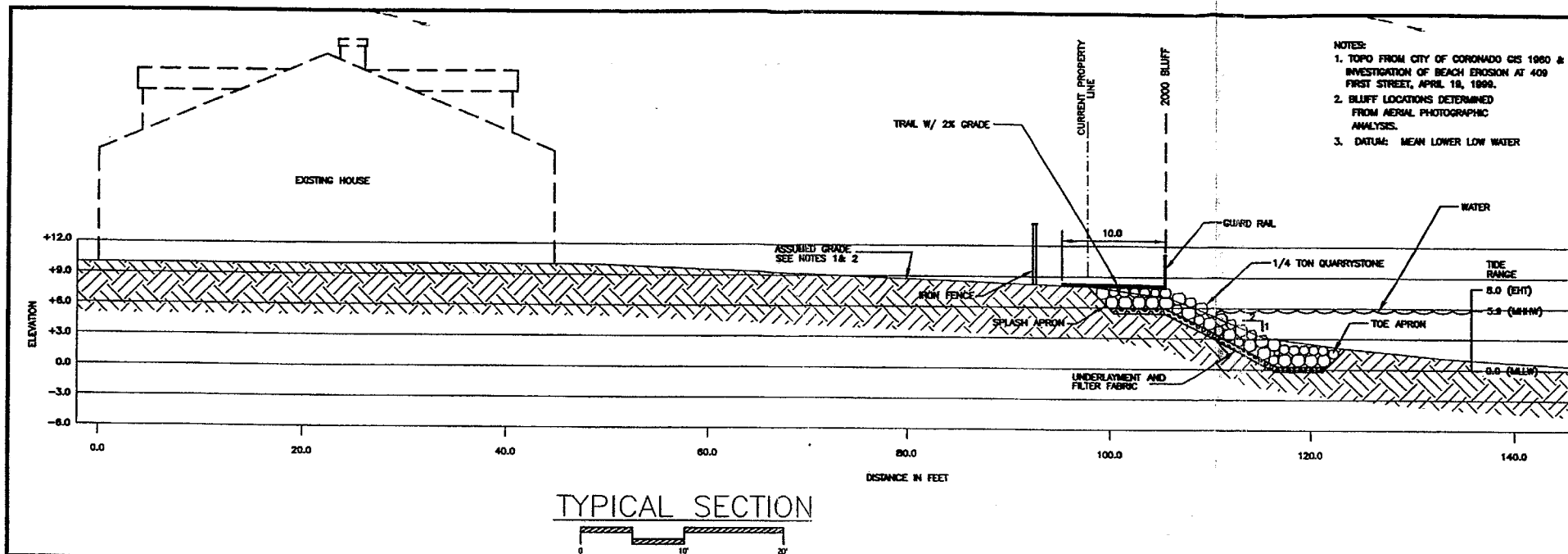
**C-03**  
 3 OF 9 SHEETS



								<b>SHORELINE CHANGE (EAST)</b>		<b>C-04</b>	
0		10/27/00						CORONADO SHORELINE			
REV.		DATE		DESCRIPTION		BY		INITIAL APPRAISAL REPORT		4 OF 9 SHEETS	

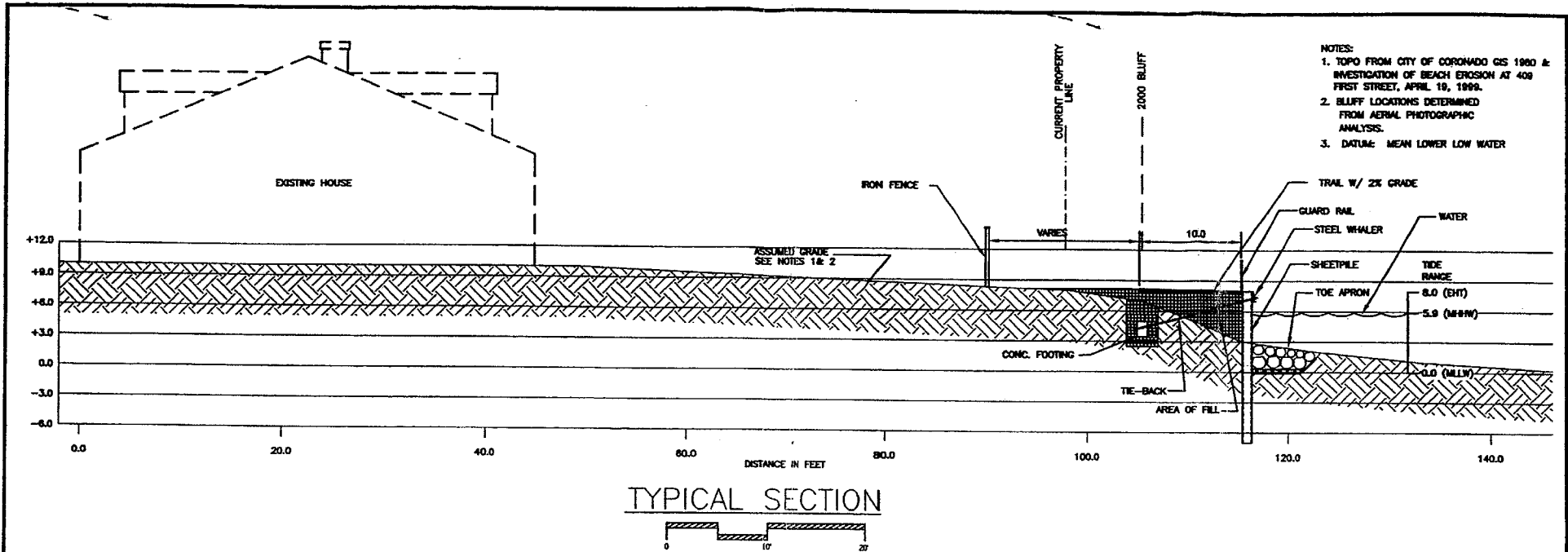


					<b>TYPICAL SHORELINE CHANGE</b> <b>HAVE TO ALAMEDA AVE.</b>	<b>C-05</b>
0	10/27/00		GR/JH		<b>CORONADO SHORELINE</b> <b>INITIAL APPRAISAL REPORT</b>	<b>5 of 9 SHEETS</b>
REV.	DATE	DESCRIPTION	BY			

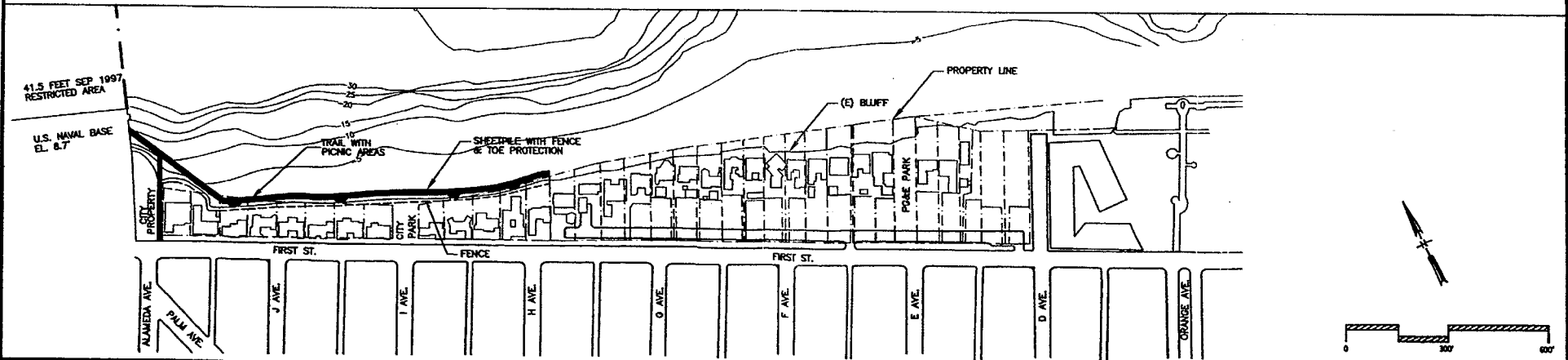


REV.	DATE	DESCRIPTION	BY	ALTERNATIVE #2	C-07
0	10/27/00		GR	CORONADO SHORELINE	7 OF 9 SHEETS
				INITIAL APPRAISAL REPORT	



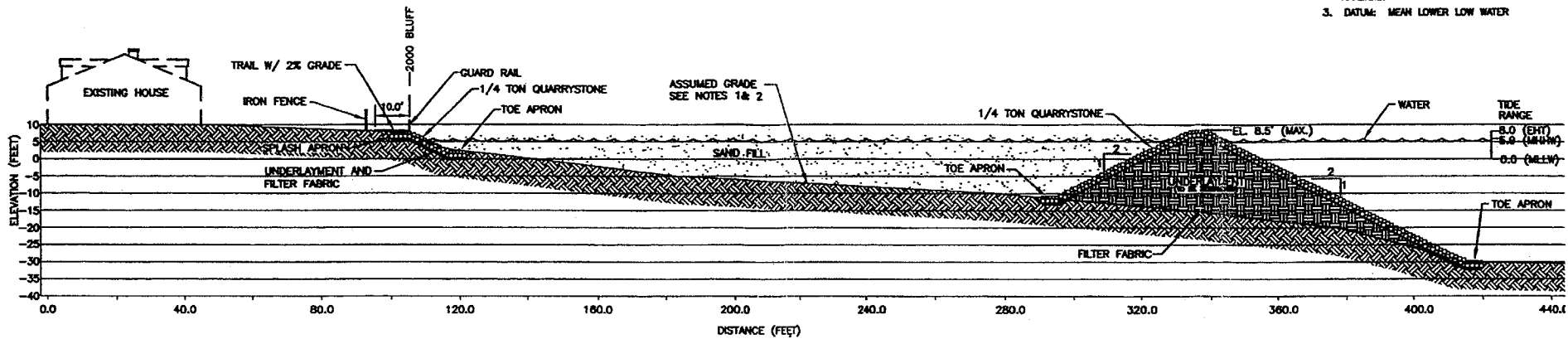


- NOTES:
1. TOPO FROM CITY OF CORONADO GIS 1980 & INVESTIGATION OF BEACH EROSION AT 408 FIRST STREET, APRIL 18, 1999.
  2. BLUFF LOCATIONS DETERMINED FROM AERIAL PHOTOGRAPHIC ANALYSIS.
  3. DATUM: MEAN LOWER LOW WATER

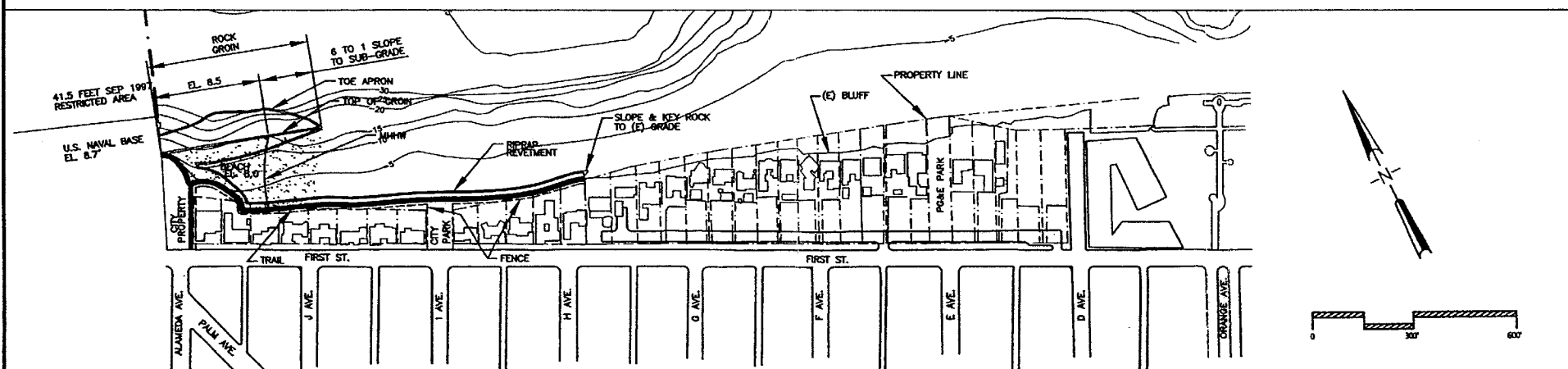
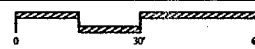


					ALTERNATIVE #3	C-08 8 OF 9 SHEETS
0	10/27/00		GR		CORONADO SHORELINE	
REV.	DATE	DESCRIPTION	BY		INITIAL APPRAISAL REPORT	

- NOTES:
1. TOPO FROM CITY OF CORONADO GIS 1980 & INVESTIGATION OF BEACH EROSION AT 400 FIRST STREET, APRIL 18, 1999.
  2. BLUFF LOCATIONS DETERMINED FROM AERIAL PHOTOGRAPHIC ANALYSIS.
  3. DATUM: MEAN LOWER LOW WATER



TYPICAL SECTION



					<b>ALTERNATIVE #4</b>	<b>C-09</b>
					<b>CORONADO SHORELINE INITIAL APPRAISAL REPORT</b>	
0	10/27/00		GR			<b>9 of 9 SHEETS</b>
REV.	DATE	DESCRIPTION	BY			



## **APPENDIX B**

### **Economic Studies**

## ECONOMIC STUDIES

### INTRODUCTION

#### The Study Area:

The study area, as shown in Appendix A, extends from the boundary line of the Naval Air Station, North Island and the City of Coronado, extending along the shoreline of San Diego Bay towards Ferry Landing Market Place for a distance of about 2,800 feet. The areas subject to erosion are the backyards of 35 residences that front First Street that have backyards that front the bay. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. In this reach developers have apparently begun to fill out the shoreline to construct the waterfront homes along 1st Street from Alameda Avenue to B Street. Eight to ten houses were constructed on what was the shoreline prior to 1929. Aerial photographs of this reach indicate random filling taking place over a period of twenty to twenty-five years to raise and extend the back yards. Informed local individuals have confirmed this. This filling continued through the 1970's into the early 1980's. Aerial photos and topographic maps of the area confirmed these statements. Since 1985 the shoreline has receded about 25 feet. It is only during the last several years that erosion has been considered to be a problem. There is no evidence of an organized approach to solving the erosion problem in the area. There is scattered evidence of maintenance by the dumping of concrete rubble that now remains scattered along the shore. Besides the 35 residences whose backyards front the bay, there are three streets that dead-end into the water's edge that are used by the public. At present, the erosion does not threaten any of the residential structures, but wave action is eroding away the backyards. Continuation of the erosion process at some point in time will render the yards unusable and begin to place structures in jeopardy. Based upon an examination of aerial photos of the project site, it is our estimate that, if the erosion continues, structures will begin to be undermined in about 10 to 15 years. Present rates of erosion indicate that, within 15 to 25 years, approximately 12 residences could be lost or become too hazardous for occupancy.

#### Problem Identification:

A field examination of the project area reveals that there is an erosion problem in the project site. From an examination of the area, it appears that development has been taking place over a 60-year period since development of the shoreline property began. Until the early 1980's continued filling had mitigated the erosion. Since filling has been stopped, continued erosion will endanger some residences located in the study area. Public access is limited to street rights of way, which has been converted to parks and a municipal maintenance yard. These public rights of way have considerable development thereon, some of which will be lost to erosion. Two of the street rights of ways provide limited recreational access to the shoreline. It is estimated that the 12 houses expected to be lost in the next twenty-five years have a nominal value of \$27,780,000.

### **General Background For Evaluation:**

The economic evaluation for the benefit categories considered in this report were accomplished in the generally accepted "With" and "Without" project framework. The "Without" condition is that the local interest will attempt to stop the erosion by dumping concrete rubble in a random manner. In this connection, the "Without" project Condition is equivalent to the "No Action" alternative,

### **Alternatives Evaluated:**

1. Rip-rap Revetment. This alternative consists of a quarry-stone revetment slope along the shoreline.
2. Revetment with Access. This alternative consists of a quarry-stone revetment. It will incorporate a trail along the top of the revetment to provide maintenance and recreational access.
3. Sheetpile Wall with Access. This alternative incorporates a sheetpile (steel or vinyl) wall with quarry stone as toe protection. Access will be provided. This alternative will create both private and public lands where recreational facilities such as a walking trail and picnic facilities can be constructed.
4. Combination of Beach Fill, Groin and Rip-rap Revetment. This alternative utilizes a quarry stone groin at the West End of the shoreline that holds a beach along a portion of the shoreline. The remainder of the shore would have Rip-Rap revetment. This alternative provides all the recreation uses that would accrue to Alternatives 2 and 3 and in addition to has some beach uses.

### **Types of Economic Benefits Evaluated:**

1. Elimination of present maintenance. The random maintenance expenses along the study area are relatively nominal, estimated at about \$5,000 per year. This category of costs, eliminated by any of the alternatives, could be counted as a project benefit.
2. Erosion Damages to Land And Improvements. The four alternatives cited above prevent future losses to land and improvements.
3. Recreation Benefits. Due the configuration of the Alternatives 2, 3, and 4, recreation uses could accrue to these Alternatives. The space and facilities on each of these alternatives are different and therefore the amount of recreational uses will vary. Alternative 2 has space for a walkway and a shoreline access, Alternative 3 has the walkway, shoreline access and space to picnic. Alternative 4 will have all that Alternative 3 has and in addition a beach area. The recreation experience of the three alternatives would be different because each one has a different configuration of recreational facilities; hence each would have a different value. For this report, however, a single unit day value is used for Alternatives 2, 3, and 4.



## EROSION DAMAGES TO LAND AND IMPROVEMENTS

While there are 35 properties located along the reach, it appears that only 12 houses would require protection. Please see the maps in Appendix A of this report. The values of these properties were based upon data from the Tax Assessors Office. Particular attention was paid to recent sales to take into account the recent phenomenal run-up (2 to 5) in land values in the project area. Additional information on recent sales was obtained from real estate industry sources. The information on recent sales is for the property as a whole; they do not disaggregate the sale price as between land and improvements. However, the records from the Assessor's office do disaggregate the total value as between land and improvements. The improvement data from the Assessor's office were adjusted from the record dates to current conditions for improvements only, by use of a Marshall Swift index for construction cost in the San Diego area. Land values were determined by taking an average of the most recent sales that included the value of the improvements, then deducting the updated value of the improvements from the average sales price of the most recent sales. The residual was used as the updated land value (see Table 1). This procedure was used on all properties, except one where there were no improvements. Because it was recent, this sale price was used. The total value of the properties, with and without improvements, has been estimated to be \$26,368,000. It should be noted that, once a property is sold, the date of sale become the new record date. The Assessor's office does not update the property value, other than making minor adjustments annually, ranging between one and two percent a year, to the property as a whole. If the property is sold again, the date of that sale becomes the new record date. See Table 1. For purposes of discounting, computing present worth, annual cost, and average annual equivalent values, the current Federal discount rate of 6-5/8 percent for the evaluation of water resource projects was used.

The year when a property or properties would be damaged was based upon the rate of erosion studies contained in the Erosion Rate Determination section of this report. Table 1 is a tabulation of the properties located in the project area that would be damaged withing a 20 to 25 year period in the "without" project condition. The properties total \$26,368,000 on a nominal basis, \$12,548,000 on a present worth basis, and \$868,349 on an average annual equivalent basis. The average annual equivalent value represents the amount of damage that would be sustained on an annual basis over the 50 year life of the project in the absence of a plan of protection. As stated earlier, the values are based upon data from the Tax Assessor's office, and recent sales data obtained from real estate sources. The present worth and average annual equivalent values were determined using the current Federal discount rate used in the evaluation of water resource projects of 6-5/8 percent. The study period is 50 years.

## RECREATION

For reasons stated above, recreation uses on the three street rights-of-way that dead-end into the water's edge provide a small amount of recreation uses. The dumping of concrete rubble and roughness of the surface area long the entire study area is not conducive for recreational uses. For reasons stated above, at present recreational uses along the study area is minimal. The lack of any public land area with recreational amenities, and private ownership rights, has precluded the development of any recreational activity in the project area. With any one of the alternatives, 2, 3,

and 4, in place, it is expected that some recreation benefits could accrue to anyone of the alternatives because provisions will be made to accommodate recreation uses such as trails for walking, development of shoreline parks, picnic facilities and beach areas. The extent to which facilities will be developed depends in large measure upon the desires of local interests. Access to the areas could be through the streets that dead end into the Bay that already provides a limited amount of recreational use.

The project site is on the San Diego Bay side of the island. Coronado is highly developed recreational tourist oriented community. There are numerous overnight accommodations located on the island; the Ferry Landing Market Plaza has a large number of tourist oriented businesses. There are a number of water ferry type services that provide excellent transportation to Coronado from the San Diego area. The San Diego Metropolitan Transit has the Coronado 904 Shuttle. It stops at a number of locations such as Ferry Landing market-plaza, the Hotel del Coronado; and the Coronado Visitor Center, Loews Coronado Bay Resort, and the Coronado Cays. The San Diego Bay Ferry leaves San Diego's B street pier every hour for a 15-minute trip across the bay. The ferry docks at the Ferry Landing Market Plaza. Fares are \$2.00 per person and 50 cents for bikes each way and operates 14 hours a day, from 9:00 am to 10:00 PM. The ferry departs from Coronado to San Diego every hour, on the half-hour, 9:30 am to 10:30 PM. The ferry departs San Diego to Coronado every hour on the hour. The San Diego Water Taxi offers on-call transportation service along San Diego, Coronado Island Marriott Resort Water Taxi provides daily water taxi between the Coronado Island Marriott Resort and the San Diego Marriott. leaving every hour on the half-hour.

Information furnished by the Coronado Chamber of Commerce indicate that tourist visitations to Coronado average 2,000,000 per year divided between 1,000,000 who stay overnight and 1,000,000 who are day-timers. People come to Coronado by auto and by the various San Diego Bay ferry services. For purposes of evaluation and estimation of recreational uses, only the day-timer visitations are used in the analysis as they were considered the group most likely to walk around to site see. While some of the overnighter may use the planned project area, they are not included in the recreation benefit evaluation.

The present bicycle path, as shown on the map (Figure 1), is not an official bike trail and has not been adopted by the City. It offers a certain recreational experience and a destination point. This experience is somewhat ~~is~~ different from the one that would have a path as part of the proposed plan of improvement. From the present bicycle path, the recreationist~~s~~ does not have an unobstructed sweeping view of San Diego Bay and the San Diego skyline as there are buildings in front of them.

Whether the recreation uses will accrue to the proposed plan of improvement or an alternative depends on what is constructed to permit recreation uses to occur. The desires of the local interests are of prime importance because the recreation facilities would be in an area that would be in back of where private property interest terminate, that is beyond the property line. If homeowners object to that portion of the plan where recreation benefits would accrue and that part of the plan is omitted, then no recreation benefits would accrue. The project economic evaluation, a comparison of benefits and annual cost, could be accomplished with and without recreation benefits on the benefit side as well as the cost side.

If a plan of improvement included features where recreation uses could accrue, then general recreation uses could take place. With the proposed plan in place, and with the path on the outer edge of the protective works, the recreationists would have a clear unobstructed view of the Bay and the skyline. They would be able to see the skyline and the vessels going and coming up the San Diego Bay. The persons would consist of bicyclist and those walking for pleasure. Based upon information furnished by local interest it was estimated that during the summer vacation season (90 days) 115 persons per day ( $90 \times 115 = 10,350$ ) rent bicycles and during the off season (275 days) 45 persons per day ( $275 \times 45 = 12,375$ ) rent bicycles for an annual total of 22,725 recreation days. Due to the uniqueness of the recreation area, it was assumed all of the cyclists would ride through this part of the trail.

Excluding the North Island Naval Air Station from consideration, there are no other areas so geographically and strategically situated as the project area. With the exception of the project area, there is a very limited area from Coronado that offers such view as from the project area. That area is adjacent to the Ferry Landing Market-plaza where one can look towards the San Diego sky line and San Diego Bay without obstructions in the view corridor. Harbor Island and Shelter Island do not have the perspective that is offer by the project area. In conjunction the bicycle path, the project addition, would provide public recreational opportunities within the boundaries of Coronado.

The State of California Department of Parks and Recreation's studies, "Public Opinions and Attitudes on Outdoor Recreation In California--1987, its 1992 publication "Public Opinion's and Attitudes On Outdoor Recreation in California, and its 1997 study were consulted for information on the demand for recreation in the San Diego Area. While the three studies and surveys do not address the demand for recreation specifically in the Coronado- San Diego Area, they do present preferences for various types of outdoor recreation. Some of these observations are:

- ❖ Outdoor recreation areas and facilities are very important to the quality of life of most Californians.
- ❖ Californians spent approximately 2.2 billion days participating in outdoor recreation activities in 1997.
- ❖ In Table 34 of the 1997 study, a comparison of visitations was made for the years 1987, 1992, and 1997. It found the following:

	Once Per Week			At Least 2-3 Times Per Week		
	1987 %	1992 %	1997 %	1987 %	1992 %	1997 %
Highly developed parks and recreation areas:	8.8	10.5	12.0	6.0	7.9	8.5
Private, not public, outdoor recreation areas:	3.3	5.7	7.4	3.7	3.9	5.5

- ❖ Simple inexpensive activities are engaged in far more than those that require considerable expense and skill.
- ❖ Based on latent (unmet) demand and public support, Californians believe that 9 outdoor recreation activities should have top priority for the expenditure of public funds: walking and site seeing, trail hiking, camping in developed sites, camping in primitive sites, general nature study, picnicking in developed areas, freshwater fishing, visiting museums/ historic sites, and zoos and arboretums.

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: Bay side walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is lack of local data, and the fact that data for the project area was not available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore, using the 1,000,000 annual daytime visitations and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations plus the estimated number of bicyclists, who would use the proposed recreation area, amount to 78,225 recreation days (55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

Economic Guidance Memorandum #94-3 specifies that a range of unit day values applicable to Fiscal Year 1994 would be \$2.38 to \$7.15 for General Recreation. The \$2.38 value corresponds to the zero point value, and \$7.15 corresponds to a point value of 100 per ER 1105-2-100 (December 28, 1990). As specified in the ER, the five criteria are used to arrive at a final point value:

	<u>Maximum Points</u>
Recreation Experience	30
Availability of Opportunity	18
Carrying Capacity	14
Accessibility	18
Environmental	20
<b>TOTAL POSSIBLE</b>	<b>100</b>

A review of the recreational activities along the waterfront area formed the basis for assigning point values to the general recreation day values to estimate recreation benefits. A discussion of the assignment point values, General Recreation, follows:

1. Recreation Experience, 30 points maximum: Several general activities take place on the planned bicycle path. These are bicycling, sightseeing, and walking for pleasure. Because of the superb view of the San Diego city-scape, a point value of 20 points was assigned.

2. Availability of Opportunity, 18 points maximum: There are two other locations that are fairly near to the project site. At those two locations, there are no dedicated pathways for sightseeing, jogging, bicycling, and walking for pleasure. Assignable value range: 0-3. A point value of 2 was assigned.
3. Carrying Capacity, 14 points maximum: The planned addition to the bike path is classified as a Basic Facility at which to engage in shoreline recreational activities. A point value of 4 was assigned.
4. Accessibility, 18 points maximum: The study areas have good access, with a high quality road leading to the site. Public transportation is not available to the site. A point value of 14 was assigned.
5. Environmental, 18 points maximum: The study area has above average to outstanding aesthetic quality. The proposed plan of improvement would add to the quality of the area. A point value of 10 was assigned.

The total adds up to 50 points and equates to a value of \$5.11, or \$399,730. However, to allow time for build-up and development of facilities, the recreation values were deferred for 10 years so that the value used in this analysis is \$210,000. The addition of the prevention of damages to land and improvement, \$868,000, and the elimination of the present local maintenance cost of \$5,000, amounts to a total of \$1,083,000 (\$210,000 + \$868,000 + \$5,000).

The average annual benefits for the four alternatives are summarized below:

**Alternative 1:**

Property and Land Damage Reduction:	\$868,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$873,000</b>

**Alternatives 2, 3 and 4:**

Property and Land Damage Reduction:	\$868,000
Recreational Benefits:	\$210,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$1,083,000</b>

**Table 1**  
**Evaluation of Properties in Project Area**  
**Coronado Shoreline**

Year	Value of Land	Value of Improvement	Total Value	Present Worth SP Factor	Present Worth
1	2233856	81144	213500	0.87959	2036250.85
2					
3	2109913	205087	213500	0.77368	1791069.20
4					
5	2271436	43564	213500	0.68053	1575426.95
6					
7	2071712	243288	213500	0.59859	1385735.85
8					
9	1018530	0	1018530	0.52651	536266.23
10					
11	1987971	212029	2200000	0.46312	1018864.00
12					
13	2222131	92869	213500	0.40736	943038.40
14					
15	1817960	497040	213500	0.35831	829487.65
16					
17	2257950	57050	213500	0.31516	729595.40
18					
19	2106388	208612	213500	0.27722	641764.30
20					
21	2126080	188920	213500	0.24384	564489.60
22					
23	2167569	147431	213500	0.21448	496521.20
	\$24,391,496.00	\$1,977,034.00	\$26,368,530.00		\$12,548,509.63



Figure 1

# City of Coronado Bicycle Routes

These bicycle routes are proposed for City adoption.



1201 1st Street #12  
Coronado, CA 92115  
(619) 435-7180



## **APPENDIX C**

### **Environmental Evaluation**

## ENVIRONMENTAL EVALUATION

### General Description of Shore Study Site:

Observations at the site visit indicated the west end of the shore-line to be steep with rubble, old cement, and some rocks but little sand making up the beach cover. Beach erosion seems more apparent here. The beach shallows out at the waterline. In contrast, the east end is a sloping beach and sandy-pink/yellow sand that almost looks like it has been added with ice-plant being used at Centennial Park to hold it in place. This continues to the Ferry Landing Park and Tidelands Park below Coronado Bridge.

Quaternary Bay Fault Formation makes up Coronado with artificial fill apparently contributing much to the coastline areas abutting San Diego (SD) Bay to the north (Woodward-Clyde 1994a) probably including the beach study site. There are no natural streams, major drainage or surface water sources, storm drains or sewers discharge into SD Bay. It was not determined if any occur in the beach study site although they are located in adjacent NASNI site. All water used in this area is imported from San Diego via a single pipeline across San Diego Bay that is located in center of the beach study site at the SDG&E Park. This pipe can be observed as a rusting structure in the sand encrusted with limpets. Circulation patterns in this portion of central San Diego Bay are primarily influenced by tides (mixed, semi-diurnal), with approximately one third of the bay volume exchanged during a tidal cycle. Water may stay in the Bay from one tidal cycle up to weeks (Largier, 1995). Within the main channel of San Diego Bay there is good mixing whereas lower current speeds near shore result in less mixing.

### Overview of Existing Ecosystems and Communities:

The biological communities that are addressed in the Homeporting EIS and will be reviewed here are:

- A. Plankton.
- B. Eel grass and algae/seaweed.
- C. Invertebrates.
- D. Fishes.
- E. Birds.
- F. Marine mammals.
- G. Threatened or endangered species.

These contribute to the two major ecosystems that occur in the beach study site, the coastal inter-tidal area and the sub-tidal (deep) where populations are completely submerged. The inter-tidal (or littoral) region includes the upper beach zone (or supra-littoral or splash zone) where organisms are unlikely to be exposed to seawater except during very high tides or storm conditions and the more seaward area (true inter-tidal) where organisms are exposed during low tide. No wetlands were observed or have been described for the beach study site. Inter-tidal communities will tend to include some of the seaweeds (algae), invertebrates, and visits by some birds. The sub-tidal will be dominated by the plankton, eel grass, fishes, marine mammals and feeding visits by birds.

#### A. Plankton.

Plankton are free-floating or weakly swimming plants (phyto-plankton) and animals (zoo-plankton) that form the base of the marine food chain. Some phytoplankton are highly productive and form dense concentrations called blooms. These may be harmful algal blooms (HAB's) such as red tides that harm or kill marine life. No information is available on either phyto- or zooplankton assemblages at the project site or the neighboring NASNI site but it is expected that species composition at this site is similar to other parts of San Diego Bay, since currents distribute these organisms throughout the bay. Based on extensive data summarized by Ford (1968), SDGE (1980) and SDUPD (1990) from south SD Bay in the Homeporting EIS, phytoplankton are dominated by the diatoms including *Pleurosigma* and *Gyrosigma* and dinoflagellates such as *Gymnodinium* spp. dominate the phytoplankton. These are typically larger celled primary producers that are the food source for various invertebrates and fishes. No recent record of harmful algal blooms in SD Bay have been described. Calanoid and harpacticoid copepods (small shrimp like animals) predominate in SD Bay (SDG&E, 1980, SDUPD 1990). The juvenile larval stages of many invertebrates also occur. Both are food sources for fish and invertebrates. Ichthyoplankton (larval fish) probably occur as some fish breed in these waters.

#### B. Eelgrass Beds and Seaweed.

Eelgrass (*Zostera marina*) is a flowering plant and is less abundant at the study site than further south in San Diego Bay and is found at water depths of 1 to 24 feet. It is a valuable resource in southern California Bays and estuaries as it provides refuge for numerous species of algae, invertebrates and fishes as well as a nursery habitat for juvenile fishes. It may provide limiting foraging habitat for the endangered California least tern. During the site visit the eelgrass was underwater and could not be assessed. However the Homeporting EIS reports that east of the NASNI (i.e. near the project site) eelgrass covers approx. 20% of the area surveyed, occurring at water depths of 0-10 feet below MLLW, with maximum densities at 5 ft below MLLW. Eel beds could not be observed during the site visit (May 2000) at the west end of the beach study site although towards the sandier eastern end patches in the deeper water could be observed, and broken eelgrass strands were distributed along the water-line. A recent survey in the vicinity of Ferry Landing Park by MEC for the Port of San Diego (Maher, pers, comm) may have included part of the beach study site but this was not evaluated here. Eelgrass distributions in the area have been shown to fluctuate with climatic

conditions and were reduced during the 1997 El Niño event when water temperatures were elevated.

Seaweeds are macro-algae that are important photosynthetic marine plants that provide food and refuge to other marine organisms. Several common species were described in the CNS Homeporting EIS as occurring on soft bottom habitats in San Diego bay. These included mats of the red alga *Gracilaria verrucosa*, a cylindrical species found most commonly in quiet water (Dawson and Foster, 1982) and green algae such as *Ulva* sp, *Chaetomorpha*, *Cladophora* spp. and *Enteromorpha* spp. (SDUPD, 1990). *Sargassum muticum* was also observed along the hard substrate along the side of the NAS turning basin. During the site visit (May 2000) *Ulva* and *Gracilaria* were fairly well distributed, especially along the rockier west end of the beach study site, with some *Cladophora* and *Chaetomorpha* spp. found detached along the water-line in the sandy area. No *Sargassum* was observed in May 2000 in the study site.

### C. Invertebrates.

These organisms consist mostly of infauna that live in the sediment or epifauna living on the sediment and represent an important food source for vertebrates, especially fish and birds.

Infaunal communities at the shore study site are likely similar to others found in rest of San Diego Bay with similar sediment type and depth, and the circulation resulting in homogeneous distribution of the juvenile larval forms of these animals. Surveys near NASNI (DON 1995a) collected 33 infaunal species with polychaetes representing 84% of total number of individuals and highest densities. Polychaete worms (bristled segmented worms) occurring in this area include the Opheliidae (e.g. *Armandia*), Capitellidae (e.g. *Capitella* and *Mediomastus*), Cirratulidae, Phyllodocidae (*Eteone*), Sabellidae (*Fabricia*), Syllidae (*Exogone*), Glyceridae (*Glyceria*), Lumbrineridae (*Lumbrineris*), Eunicidae (*Marphysa*), Neriidae (*Neanthes*) and Spionidae (*Prionospio*, *Rhynchospio* and *Streblospio*), (SAIC, 1994) families.

Epifaunal invertebrates were described during the eelgrass surveys for the Navy (DON 1995a) and 80 organisms were identified with molluscs dominating in the CNS Homeporting study. This study lists Japanese mussel, *Musculista senhousii* (observed on muddy bottoms in areas lacking eelgrass), cnidarians (hydroids and anemones), arthropods (barnacles, shrimp and crabs) and sponges as the most common epifauna. Others included the glass palm hydroid, *Corymorpha palma*, the mud tube anemone *Pachycerianthus fimbriatus*, western mud whelk *Nassarius tegula*, the native oyster *Ostrea lucida* and the bubble snail *Bulla gouldiana*. Other species in lower abundance included chione bivalves, snails, nudibranchs and sea slugs, bryozoans, tunicates. Invertebrates typically inhabiting the eelgrass beds are anemones, polychaetes, gastropods, mysid shrimp).

The most dominant epifauna observed during the May 2000 visit to the beach study site were the aggregating anemone *Anthopleura elegantissima* which was very abundant in the shallow hard substrate rubble areas to the west of the site along with the Californian mussel (*Mytilus californianus* or *M. edulis*). Further to the east to the center of the shore study site where



sand was more dominant, the bubble snail, *Bulla gouldiana* and native oyster shells (*O. lucida*) were common in the sand. Limpets covered the pipeline at the SDG&E Park. Most of these are detritovore or plankton feeders and are robust organisms that can withstand a variety of conditions.

#### D. Fishes.

Fish assemblages have been better documented for this area of San Diego Bay. Allen (1998) collected a total of 72 fish-species over a four-year period in SD Bay including pelagic (water column dwellers) and demersal (bottom-dwellers) species, with 39 species collected near the NASDI Homeporting site, and probably occurring in the beach study site. Allen (1998), SAIC (1994) and DON (1995a) list the most common pelagic species as topsmelt (*Aterinops affinis*), jacksmelt (*A. californiensis*), northern anchovy (*Engraulis mordax*), chum mackerel (*Scomber japonicus*) and Pacific sardine (*Sardinops sagax*).

Demersal fish common in non vegetated parts of SD Bay (i.e. similar to the most of the deep-water ecosystem of the beach study site) include stingray (*Urolophus halleri*), spotted sand bass (*Paralabrax maculatofasciatus*), barred sand bass (*P. nebulifer*), yellowfin goby (*Acanthogobius flavimanus*), arrow goby (*Clevelandia ios*), bay goby (*Lepidogobius lepidus*), diamond turbot (*Hypsopsetta guttulata*) and California halibut (*Paralichthys californicus*). Diver surveys in 1997 for Homeporting document observed similar species. Other fish listed on a descriptive natural history poster (prepared by the Port of San Diego, at the Ferry Landing Park as occurring in the beach study site) were the yellowfin croaker (*Umbrina roncadore*, spawns locally) and bonito. The only commercial fish species amongst these is the California halibut. It is the juvenile fish that move into SD bay, using various habitats as nursery grounds (Allen, 1998). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996), (P.3.5-4, CVN Homeporting EIS, Vol 1).

#### E. Birds.

The structures and shallow water habitat along the beach study site are heavily used by waterbirds-numerous birds seen during the May site visit. The structures leading from shore to water are used for resting while the intertidal and shallow areas provide foraging and on-water resting habitats (DON, 1994a). The open waters and shore-lines of SD Bay provide important foraging and roosting habitats for migratory, wintering and resident-breeding marine birds (including shore-birds), waterfowl, wading and diving birds, generalist waterbirds (e.g. gulls) and several raptors. The Navy conducted grid surveys covering the northern part of the bay from Ballast Point at the entry point to Pacific Ocean to Coronado Bridge (i.e. includes beach study site), at weekly intervals throughout 1993 (DON, 1994a). Peak numbers of birds occurred from fall through spring, as migratory birds (including endangered California brown pelican) and wintering species used the Bay.

Combining all surveys, 15 most abundant species were Heermann's gull, Brandt's

cormorant, California brown pelican, surf scoter, bufflehead, western grebe, elegant tern, lesser and greater scaup, double -crested cormorant (nests in area), mallard, great blue heron (nests in area), Forsters tern, snowy egret, endangered California least tern (nests here) and eared grebe. Other birds listed on the Port of San Diego informational board at Ferry Landing Park included the California gull (nests here), the endangered light footed clapper rail- that nests locally, marbled godwit, western sandpiper, peregrine falcon (nests here), and the black skimmer (nests here). These were not listed in the CVN Homeporting EIS document.

California Department of Fish and game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern.

#### **F. Marine Mammals.**

No marine mammals were observed during the beach site visit in May 2000. Occasional sightings of the California sea lion (*Zalophus californianus*) and the harbor seal (*Phoca vitulina richardsi*) are recorded in the CVN Homeporting EIS document, using marker buoys etc as haul-out areas. Bottlenose dolphin (*Tursiops* sp.) and California grey whales occasionally wander into the north end of SD Bay (to west of beach study site). Most of these mammals are fish eaters although the grey whale sifts the benthos for benthic invertebrates.

#### **G. Threatened or Endangered Species.**

The CVN Homeporting EIS document describes that the Navy informally consulted with USFWS, NMFS, CDFG about the threatened and endangered species that may occur in the NASDI study site (adjacent to the beach study site). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996), (P.3.5-4, CVN Homeporting EIS, Vol 1). Two state and federally listed endangered bird species, the California brown pelican and the California least tern occur along the shore-line and nearshore waters. The brown pelican rests and forages in the area whereas the least tern nests in the area. DON (1994a) report that the NASDI site receives a low to medium level of use by foraging terns. Other listed threatened or endangered bird species whose transient occurrence is possible but unlikely are the peregrine falcon and western snowy plover. The California Department of Fish and Game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern. An informational board posted by Port of San Diego in Ferry Landing Park also lists the endangered light-footed clapper rail as a bird that nests locally. However this was not verified with other documentation.

Approximately 72 green sea turtles (*Chelonia mydas*), a federally threatened species are year round residents in south SD bay (McDonald et al. 1994) near the SDG & E plant and they have been known to move around the bay during periods of high sea temperatures. This species might enter the beach study site in deeper waters in summer.

**Conclusion:**

The beach or shore study site at Coronado north shore appears to be an impacted site- not pristine. The major communities to be concerned about are the eel grass beds that may be present, since they are important nursery habitats and foraging areas, especially for the endangered California least tern. Concerning sensitive or endangered species, only two birds- the California least tern and California brown pelican are likely to consistently use the area. Marine mammals, protected under the Marine Mammal Act and the federally threatened green turtles are occasional visitors only to the area only and are not reliant on the study site ecosystem for survival.

## **APPENDIX D**

### **Calculations and Cost Estimates**

Coronado Shoreline  
Initial Appraisal Report  
Wave and Rock Calculations

Wave Height:

	Wind Direction (From)	Wind Speed (MPH)	UA (MPH)	Fetch (mi)	Fetch Limited Wave Height (ft)	Period (sec.)	Time/Duration (hr.)	Required
Estimated	Northwest	20	23.46	0.66	0.57	1.39	0.42	0.42
Estimated	Northeast	30	38.63	0.66	0.94	1.65	0.36	0.36
Estimated	Northwest	40	55.04	0.66	1.35	1.85	0.32	0.32
Estimated	Northwest	50	72.42	0.66	1.77	2.03	0.29	0.29
Estimated	Northwest	60	90.62	0.66	2.22	2.19	0.27	0.27

Quarystone Weight:

	Armor Unit Wt. (lb/ft <sup>3</sup> )	Wave Height (ft)	Rock Sp. Gravity (lb/ft <sup>3</sup> )	Unit Wt. H <sub>2</sub> O (lb/ft <sup>3</sup> )	Slope (deg.)	Stability Coef.	Weight Rock (lb.)
Wind	140	0.57	2.18	64.2	26.57	1.6	5.029143107
Wind	140	0.94	2.18	64.2	26.57	1.6	22.45281199
Wind	140	1.35	2.18	64.2	26.57	1.6	64.90746949
Wind	141	1.77	2.18	64.2	26.57	1.6	148.930519
Wind	140	2.22	2.18	64.2	26.57	1.6	289.7820122
Ship	140	2.50	2.18	64.2	26.57	1.6	416.0562606
Ship	140	3.00	2.18	64.2	26.57	1.6	718.9452184
Ship	140	3.50	2.18	64.2	26.57	1.6	1141.658379
Ship	140	4.00	2.18	64.2	26.57	1.6	1704.166444

Notes: 1. Calculations made utilizing formulations from US Army Corp of Engineers' Shore Protection Manual, 1984.

2. Wave heights computed assuming fetch limited wave generation.

3. Stability coefficient determined using randomly placed, rough angular quarystone at a slope of 2 to 1 with breaking waves.

**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #1: Rip-Rap Revetment**

ConceptMarine  
 Job No. 10002  
 Date: 10/17/00

No	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$40,000.00	\$40,000.00	\$40,000.00
<b>B</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	\$205,000.00
<b>C</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	\$24,000.00
<b>D</b>	<b>Misc. Grading</b>				
1.	Excavate Material	3,000 CY	\$10.00	\$30,000.00	\$30,000.00
<b>E</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	\$81,000.00
<b>Breakwater Repair Subtotal</b>				<b>Subtotal</b>	<b>\$380,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>				Estimate Subtotal	\$380,000.00
<b>A &amp; E Services +15%</b>					\$57,000.00
<b>Construction Contingency +20%</b>					\$76,000.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$513,000.00</b>



**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #2: Rip-Rap Revetment with Access Trail**

Concept **Marine**  
 Job No. 10002  
 Date: 10/17/00

No.	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$45,000.00	\$45,000.00	\$45,000.00
<b>B</b>	<b>Graded Fill</b>				
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	\$2,000.00
<b>C</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	\$205,000.00
<b>D</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	\$24,000.00
<b>E</b>	<b>Misc. Grading</b>				
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	\$35,000.00
<b>F</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	\$81,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	\$78,000.00
				<b>Subtotal</b>	<b>\$526,000.00</b>
<b>ESTIMATE SUBTOTALS</b>					Estimate Subtotal \$526,000.00
A&E Services +15%					\$78,900.00
Construction Contingency +20%					\$105,200.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$710,100.00</b>

**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #3: Steel Sheetpile with Access Trail**

**Concept** Marine  
**Job No.** 10002  
**Date:** 10/17/00

No	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$75,000.00	\$75,000.00	\$75,000.00
<b>B</b>	<b>Steel Sheetpile</b>				
1.	Material	24,300 FT <sup>2</sup>	\$20.00	\$486,000.00	\$486,000.00
<b>C</b>	<b>Sheetpile &amp; Tie-back Installation</b>				
1.	Installation & Tie-back Material	1,350 FT	\$200.00	\$270,000.00	\$270,000.00
<b>D</b>	<b>Quarry-stone (Toe)</b>				
1.	Installation & Material	1,500 CY	\$50.00	\$75,000.00	\$75,000.00
<b>E</b>	<b>Underlayment (Toe)</b>				
1.	Installation & Material	250 CY	\$40.00	\$10,000.00	\$10,000.00
<b>F</b>	<b>Graded Fill</b>				
1.	Installation, Compaction & Material	3100 CY	\$10.00	\$31,000.00	\$31,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Materials	1,400 LF	\$40.00	\$56,000.00	\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Materials	15,600 SF	\$5.00	\$78,000.00	\$78,000.00
<b>I</b>	<b>Filter Fabric</b>				
1.	Installation & Materials	13,500 SF	\$2.00	\$27,000.00	\$27,000.00
				<b>Subtotal</b>	<b>\$1,108,000.00</b>

**ESTIMATE SUBTOTALS**

Estimate Subtotal \$1,108,000.00

**A&E Services +15%**

\$166,200.00

**Construction Contingency +20%**

\$221,600.00

**ESTIMATE TOTAL**

**TOTAL**

**\$1,495,800.00**

**Coronado Shoreline - Initial Appraisal Report**  
**Preliminary Estimate of Probable Construction Costs**  
**Alternative #4: Rip-Rap Revetment with Trail & Groin Beach**

**ConceptMarine**  
**Job No. 10002**  
**Date: 10/17/00**

NO.	DESCRIPTION	Units	Cost/Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$80,000.00	\$80,000.00	
					\$80,000.00
<b>B</b>	<b>Graded Fill</b>				
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	
					\$2,000.00
<b>C</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	10,500 CY	\$50.00	\$525,000.00	
					\$525,000.00
<b>D</b>	<b>Underlayment</b>				
1.	Installation & Material	18,000 CY	\$40.00	\$720,000.00	
					\$720,000.00
<b>E</b>	<b>Misc. Grading</b>				
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	
					\$35,000.00
<b>F</b>	<b>Filter Fabric</b>				
1.	Installation & Material	90,000 SF	\$2.00	\$180,000.00	
					\$180,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	
					\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	
					\$78,000.00
<b>I</b>	<b>Fill Sand (Dredged)</b>				
1.	Installation & Material	40,000 CY	\$20.00	\$800,000.00	
					\$800,000.00
				<b>Subtotal</b>	<b>\$2,476,000.00</b>

**ESTIMATE SUBTOTALS**

Estimate Subtotal \$2,476,000.00

A&E Services +15%

\$371,400.00

Construction Contingency +20%

\$495,200.00

**ESTIMATE TOTAL**

**TOTAL**

**\$3,342,600.00**

### AFFIDAVIT OF RICHARD SEWALL

Richard Sewall, being first duly sworn, deposes and states as follows:

1. I live at 311 First Street on the bay side of the property. I live there with my wife, Barbara. We have been married for 61 years. Our home is the fourth home east of North Island Naval Base.

2. I spent my career as a Naval Aviator. I joined the Navy in 1938. My first four years were spent at the United States Naval Academy, and I graduated in 1941. From there I went to MIT for graduate work. For the next 25 years I served in the U.S. Navy and retired as a Captain.

3. In 1978 my wife Barbara and I bought an old, dilapidated home at 311 First Street. We caused it to be torn down and then built a new home, moving into it in 1980. We used our savings and the proceeds from the sale of a lot in La Jolla, CA to build the home.

4. Since I have lived in the home, almost 35 feet of my shorefront has eroded away. Thus precluding development of that property.

5. In the last two or three years, the erosion has accelerated and the erosion has now undermined the decking of my patio and washed away our garden.

6. We are personally very concerned about this erosion. In approximately 1999 I contacted Don Clark, who was a neighbor and President of San Diego Kelp Co. and Dr. Jim Verneti, a neighbor and local dentist about the proposed dredging of San Diego Bay. We were told that there had been a study done by the Corps of Engineers, a copy of which is attached.

7. Just recently, my neighbor, Ann Goodfellow, informed my wife and myself of the present litigation, and we asked Ann Goodfellow if she would arrange a meeting with our neighbors, Leo and Annette Beus who live at 407 First Street. Annette and Leo came to our

house and we invited them to observe the erosion, which had occurred under our patio, and we explained that we once had a garden but the erosion had washed the garden away.

8. Our deck is now in jeopardy and our home eventually will be.

9. Mr. Beus has shared with me the results of some engineering work that was done and my belief is my home will eventually be lost. According to these findings I have lost approximately 18-35 feet.

10. We would like very much to have this matter resolved without being required to join the litigation. We are prepared, however, to join the lawsuit or file our own suit if necessary.

11. We have given much to our Country and community we would hope that our Country and community would see fit to resolve this matter without ongoing, expensive and difficult litigation.

12. It has been mentioned to me that there is concern by the Port Authority that there are people who are buying properties on the North side (Bay side) of First Street and are building very expensive houses and that they resent it and they want to teach the "rich" people who are buying these homes a lesson. I don't consider myself one of those rich people, but even if I were, it seems to me that that attitude would be totally inappropriate. I strongly urge the Court to do everything in its power to resolve this matter before others of us along First Street are required to join this litigation.

Further affiant sayeth not.

Executed this 16 day of November, 2006.

*Richard H Sewall*

Richard Sewall

STATE OF CALIFORNIA )

COUNTY OF San Diego ) ss:

SUBSCRIBED AND SWORN TO before me this 16 day of November, 2006.

*Jennifer Driesen*  
Notary Public

My Commission Expires:

December 3, 2008





AFFIDAVIT OF ANN GOODFELLOW

I, Ann Goodfellow, declare and state under penalty of perjury as follows:

1. I have owned the property at 409 First Street since 1995. We acquired it from Scott's parents' estate. Last December my husband, A. Scott Goodfellow, passed away. Scott worked in broadcast journalism for three decades. His final assignment was Chief Executive Officer of CNBC Asia Pacific, which operates six financial news networks throughout Asia and Australia. He spent most of the last two decades with Dow Jones & Co., Inc. (publisher of The Wall Street Journal) and NBC News. Scott helped to develop news based television networks in Europe as well as Asia. He is the author of *Conspiracy Within*, a political thriller and co-author of *Make It Now, Bake It Later—the Next Generation*. After retiring, he took an active role in several community endeavors.

2. The single most important asset for myself as a widow is my home.

3. In the year 2001 we contacted the Port of San Diego expressing our concern about serious erosion in front of our home. Two engineers came and surveyed our property and the erosion around us. They told us that a study had been done and they assured us that a seawall would be built to prevent further erosion.

4. I remember on a visit to Grandmother's house we were unable to take the children down to the waters edge to catch crabs because of a large truck driving back and forth dropping rip-rap in front of the Dennett's home (407 First St.) This wide expanse can be seen in picture #56. In picture #54 the road and dirt path between 407 & 409 is very visible and then in the lower right corner you can see that today it is nonexistent. My home is the fifth from the top in the aerial view (#64) and it is quite obvious that today there is no road or area capable of handling a truck, let alone a safe walking path.

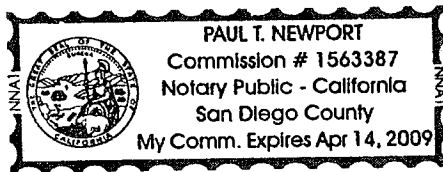
5. I have been very involved in our Community and have shared our home and its beautiful view of the harbor with many groups. I will not stand idly by and watch my property be destroyed. Further affiant sayeth not.

Executed this 16th day of November, 2006.

  
Ann Goodfellow

CALIFORNIA  
STATE OF ~~ARIZONA~~ )  
SAN DIEGO ) ss:  
COUNTY OF ~~MARICOPA~~ )

PAUL T. NEWPORT  
SUBSCRIBED AND SWORN TO before me this 16<sup>TH</sup> day of November, 2006.



  
Notary Public

My Commission Expires:

APRIL 14, 2009



**Sandra Fisher**

**From:** Smith, Robert R SPL [Robert.R.Smith@spl01.usace.army.mil]  
**Sent:** Thursday, December 08, 2005 8:35 AM  
**To:** lbeus@beusgilbert.com; Eileen Maher; Durham, Mark SPL; Large, Burke S SPL; Coler, Kari J SPL  
**Subject:** Emergency permit request for new wall/rip project for Mr. Beus in San Diego Bay

Leo/Fred

I prepared this meeting summary for your info. Thanks for allowing me to review the site and we hope we can find a solution within your timeframe and will continue to work with you and Fred.

On 12/7/05 the Corps representative (robert smith) met with Mr. Leo Beus and his contractor Mr. Fred Perry onsite at this property. We met onsite and reviewed the extent of erosion of the riprap wall currently built on the property. The Corps did notice that some of the rock had fallen into the bay and there was some erosion of fines below the existing rock riprap that was constructed in 2002/2003. No damage to the wall or the backyard or pool was noted. Mr. Perry stated that they had a mid January deadline to start the wall project due to an access possibility that would use another downstream property to construct both the riprap along the other properties (already permitted under another permit done by Kari Coler in the SD Corps office) and save costs relating to the potential use of a barge instead of by land.

- 1) The Corps requested a copy of the Corps permit for the original work to see how we had permitted it originally and Mr. Perry agreed to fax a copy to the Corps. If the existing permit is still valid we agreed to examine other ways to utilize the existing permit. To date the Corps is unable to locate the permit in our system but we will continue to search for the permit.
- 2) Mr. Smith told Mr. Beus that the RGP63 permit request was still being reviewed by Corps management and no decision had been made as we were still gathering info.

Mr. Smith did state that ordinarily the Corps could not use RGP63 for new work but only for the minimal amount of work necessary to remedy the emergency problem. Mr. Smith also stated that other Nationwide permits could be utilized if the RGP63 permit was not appropriate but would require other agency approvals as well.

- 3) Mr. Smith also asked if the Port had given Mr. Beus anything in writing concerning either the need for a CEQA document, a right of entry permit, a temporary use and occupancy permit, or a Coastal Zone Management Act consistency determination since some of Mr. Beus' project was on Port land. Mr. Beus said they had met with the Port and had gotten info back from them but nothing in writing was done by the Port.

- 4) The Corps agreed to contact the Port and see where they were with their permits and approvals and possibly set up a meeting to discuss Mr. Beus' project. Mr. Smith also requested that a new cross section be submitted to the Corps that showed the High Tide Line and Mean High Water on the cross section so that the Corps could quantify impacts to waters of the U.S.

Robert Revo Smith Jr., P.E.  
Environmental Engineer/Civil Engineer  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
(858) 674-6784  
fax (858) 674-5388  
email:robert.r.smith@usace.army.mil

12/08/2005



## CITY OF CORONADO

101 'B' AVENUE  
CORONADO, CALIFORNIA 92118-1510

DEPARTMENT OF PUBLIC SERVICES  
(619) 522-7380

April 7, 2005

Scott and Ann Goodfellow  
409 First Street  
Coronado, California 92118

Dear Mr. and Mrs. Goodfellow:

The City has been examining various options for addressing the erosion along the bay shoreline at Bayview Park and the adjoining residences. We are, however, running into a fair amount of bureaucracy with the various jurisdictions involved. At this point in time, it does not appear that there are many opportunities for public funds to be used for private properties backing onto the San Diego Bay. We will keep pursuing the issue with other local entities.

Please let me know if I can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "S. W. Huth".

Scott W. Huth  
Director of Public Services

## **ATTACHMENT B**





# **SAN DIEGO UNIFIED PORT DISTRICT ACCIDENT OR DAMAGE CLAIM**

Please complete all sections.  
Incomplete submittals will be returned, unprocessed.  
Use typewriter or print in ink.

## **FOR DISTRICT CLERK USE ONLY**

Document No. \_\_\_\_\_

Filed \_\_\_\_\_

1) Claimant Name: Leo R. Beus

2) Address to which claim notices should be sent: 4800 N. Scottsdale Road, Suite 6000  
Scottsdale, AZ 85251  
Attention: Al Morrison

Telephone No.: 480-429-3000

Date: October 5, 2005

3) Date & time of Incident: See attached narrative

4) Location: 407 First Street, Coronado, CA 92118

5) Description of incident resulting in claim:

\*\*\* See attached narrative

6) Name(s) of the District employee(s) causing the injury, damage or loss, if known:

N/A

7) Persons having first-hand knowledge of incident:

Witness(es)

Physician(s)

Name Leo R. Beus

Name

Address 4800 N. Scottsdale Road  
Suite 6000

Address

Scottsdale, AZ 85251

Phone 480-429-3000

Phone

8) Describe property damage or personal injury claimed:

See attached narrative

9) Owner and location of damaged property or name/address of person injured:

Leo R. Beus

407 First Street

Coronado, CA 92118

10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.

See attached narrative

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Dated: 10/7/05

Claimant:

*Allen J. Morrison*  
(Signature)

*Counsel for Claimant*

**Notice to Claimant:**

Where space is insufficient, please use additional paper and identify information by proper section number. If you would like a copy of your claim, please attach a self-addressed stamped envelope. A copy of your claim will be mailed to the address in box 2

Return completed form to:

District Clerk - Records  
San Diego Unified Port District  
P.O. Box 120488  
San Diego, CA 92112-0488

## NARRATIVE

I own a single-family dwelling located at 407 First Street, Coronado CA. The property is bounded by First Street to the south and San Diego Bay to the north. The rear yard, which faces the Bay, is fully landscaped, contains an in-ground negative-edge pool, and is protected from the Bay by a "rip-wrap" barrier installed at my expense.

On or about July 4, 2005, I discovered that dredging adjacent to First Street was compromising the integrity of my "rip-wrap." This buffer material is sliding into the Bay due to soil erosion caused by the Army Corps. of Engineers' dredging just south of the Navy base. This dredging was a joint project between the Port of San Diego and the Army Corps. of Engineers that began on or about October 25, 2004 and ended in February 2005.

My current investment in the "rip-wrap" is \$20,000. I have been advised that the cost of constructing the necessary seawall to prevent further damage to my property is \$40,000.<sup>1</sup> Therefore, my current claim for damages is \$60,000. Unless immediate remedial steps are taken, the "rip-wrap" barrier will be destroyed and additional erosion and destruction to my property could occur. Quantifying this additional damage is not feasible because the amount would be based on evidence not reasonably discoverable at the time this claim is presented.

---

<sup>1</sup> This advisal is based on the fact that I currently have access to the rear of my property via a neighbor's vacant residential lot. However, construction on that lot is beginning soon. Once that occurs, a barge will be needed to install the necessary seawall. That additional cost was not reasonably discoverable at the time this claim is presented.

RECEIVED

NOV 28 2005

**NOTICE**

**DATE:** November 23, 2005

**TO:** Leo R. Beus  
4800 N. Scottsdale Road  
Suite 6000  
Scottsdale, AZ 85251

**FROM:** San Diego Unified Port District  
A Public Corporation

**SUBJECT:** Claim Presented by Leo R. Beus  
District Document No. 49653

Please be advised that notice is hereby given that the claim that you presented to the San Diego Unified Port District on or about October 12, 2005, was reviewed and considered, and said claim was rejected or denied.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was deposited in the mail to file a court action on this claim. See California Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

via U.S. mail

F

**BEUS GILBERT**  
PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

LEO R. BEUS  
DIRECT (480) 429-3001

EMAIL: LBEUS@BEUSGILBERT.COM  
FAX (480) 429-3111

4 October 2005

The Army Corps of Engineers  
Office of Counsel  
Los Angeles District  
915 Wilshire Boulevard  
Los Angeles, CA 90017

Re: Claim for Damages to Real Property

To Whom It May Concern:

I expressly authorize Albert J. Morrison, Esq. (California Bar No. 198047) to represent me on this claim relating to damage to my property at 407 First Street in Coronado, California. He has full authority to act on my behalf for all matters relating to this filing.


Sincerely,

BEUS GILBERT PLLC

Leo R. Beus  
Date: \_\_\_\_\_

  
\_\_\_\_\_

LRB:lar

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		<b>FORM APPROVED</b> OMB NO. 1105-0008 EXPIRES 5-31-05	
1. Submit To Appropriate Federal Agency: Office of Counsel Army Corps of Engineers Los Angeles District 915 Wilshire Blvd. Los Angeles, CA 90017			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, street, city, State and Zip Code) Leo R. Beus, owner/claimant Al Morrison, Representative 4800 N. Scottsdale Road, Suite 6000 Scottsdale, AZ 85251		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH 12/23/43	5. MARITAL STATUS Married	6. DATE AND DAY OF ACCIDENT see attached	7. TIME (A.M. OR P.M.) see attached
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.)  See attached narrative					
<b>9. PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code) Leo R. Beus * see above address					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED (See instructions on reverse side) Property located at 407 First Street, Coronado, CA 92118 *See attached narrative					
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT N/A					
<b>11. WITNESSES</b>					
NAME			ADDRESS (Number, street, city, State, and Zip Code)		
<b>12. (See instructions on reverse) AMOUNT OF CLAIM (in dollars)</b>					
12a. PROPERTY DAMAGE See attached		12b. PERSONAL INJURY N/A		12c. WRONGFUL DEATH N/A	
				12d. TOTAL (Failure to specify may cause forfeiture of your rights) See attached	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side)  CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)				13b. Phone number of signatory 480-429-3000 14. DATE OF CLAIM 10/7/05 CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Imprisonment for not more than five years and shall be subject to a fine of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the United States. (See 18 U.S.C.A. 287.)	

95-108

Previous editions not usable

NSN 7540-00-634-4046

STANDARD FORM 95 (Rev. 7-85)

PRESCRIBED BY DEPT. OF JUSTICE  
28 CFR 14.2



# PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.  
A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. *Principal Purpose:* The information requested is to be used in evaluating claims.  
C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.  
D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

## INSTRUCTIONS

Complete all items - Insert the word NONE where applicable

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF

Any instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated in item #1 on the reverse side. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplemental regulations also. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item #12 of this form.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT, THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

- (b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

- (d) Failure to completely execute this form or to supply the requested material within two years from the date the allegations accrued may render your claim "invalid". A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

Failure to specify a sum certain will result in invalid presentation of your claim And may result in forfeiture of your rights.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or other aspect of this collection of information, including suggestions for reducing this burden,

to Director, Torts Branch  
Civil Division  
U.S. Department of Justice  
Washington, DC 20530

and to the  
Office of Management and Budget  
Paperwork Reduction Project (1105-0008)  
Washington, DC 20503

## INSURANCE COVERAGE

In order that subrogation claims be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? Yes, if yes give name and address of insurance company (Number, street, city, State, and Zip Code) and policy number. No
16. Have you filed claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? 17. If deductible, state amount
18. If claim has been filed with your carrier, what action has your insurer taken or proposes to take with reference to your claim? (It is necessary that you ascertain these facts)
19. Do you carry public liability and property damage insurance? Yes, If yes, give name and address of insurance carrier (Number, street, city, State, and Zip Code) No

## NARRATIVE

I own a single-family dwelling located at 407 First Street, Coronado CA. The property is bounded by First Street to the south and San Diego Bay to the north. The rear yard, which faces the Bay, is fully landscaped, contains an in-ground negative-edge pool, and is protected from the Bay by a "rip-wrap" barrier installed at my expense.

On or about July 4, 2005, I discovered that dredging adjacent to First Street was compromising the integrity of my "rip-wrap." This buffer material is sliding into the Bay due to soil erosion caused by the Army Corps. of Engineers' dredging just south of the Navy base. This dredging was a joint project between the Port of San Diego and the Army Corps. of Engineers that began on or about October 25, 2004 and ended in February 2005.

My current investment in the "rip-wrap" is \$20,000. I have been advised that the cost of constructing the necessary seawall to prevent further damage to my property is \$40,000.<sup>1</sup> Therefore, my current claim for damages is \$60,000. Unless immediate remedial steps are taken, the "rip-wrap" barrier will be destroyed and additional erosion and destruction to my property could occur. Quantifying this additional damage is not feasible because the amount would be based on evidence not reasonably discoverable at the time this claim is presented.

---

<sup>1</sup> This advisal is based on the fact that I currently have access to the rear of my property via a neighbor's vacant residential lot. However, construction on that lot is beginning soon. Once that occurs, a barge will be needed to install the necessary seawall. That additional cost was not reasonably discoverable at the time this claim is presented.

**BEUS GILBERT**  
PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

14019-0034

2 December 2005

**Via Facsimile & Certified U.S. Mail**  
213-452-3954

Burke Large  
Office of Counsel  
Army Corps. Of Engineers  
Los Angeles District  
915 Wilshire Boulevard  
Los Angeles, CA 90017

Re: Claim for Damages, 407 First Street, Coronado, CA 92118

Dear Mr. Large:

On October 12, 2005, your office received a Claim for Damages regarding the above-referenced property. In the narrative attached therein, I indicated that the Claim for Damages was \$60,000. I also indicated that quantifying any additional damage was not feasible at the time of the filing of the Claim because certain evidence was not discoverable at the time the Claim was presented.

I am formally advising the Army Corps. Of Engineers that pursuant to 10 C.F.R. § 14.25, I am amending the Claim to reflect property damage in the amount of \$105,000, based on revisions to the construction bid received. I have attached a copy with this notice.

Also, consistent with the narrative attached to the Claim filed on October 12, 2005, this amount will increase should access to the rear of the property no longer be available via the neighbor's vacant lot.

Sincerely,

BEUS GILBERT PLLC



Albert J. Morrison

LRB:lar  
Enclosure

**GSC CONCRETE CONSTRUCTION, INC.**

1459 W. INDUSTRIAL AVE  
ESCONDIDO, CA 92029-1429  
(760) 739-9177  
(760) 739-0087 FAX

**Date:**

October 17, 2005

**SUBMIT TO:**

Perry-Pappenhausen  
att: Fred

**PROJECT:**

1st Street (Leo's)  
Coronado, ca.

**ESTIMATE**

#4241 rev.

**DESCRIPTION:****AMOUNT:**

Construct concrete sea wall w/ footing as per preliminary design by Orion Engineering received 9/26/05 and discussion w/ engineer regarding reinforcement including		
reinforcement	textured wall finish @ bay side	
formwork	pumping	
3000 psi concrete		
1) wall and footing complete;	\$984.00 00 per lin. Ft. @ 80 lin.ft.	\$78,720.00
note; wall height: approximately 11"		
Exclusions;	excavation and trenching	
	backfill and compaction	
	de-watering	
	permits	
concrete quantity, approximately 150 cubic yards		
<b>Total:</b>		<b>\$78,720.00</b>



DEPARTMENT OF THE ARMY  
US ARMY CLAIMS SERVICE  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
4411 LLEWELLYN AVENUE  
FORT GEORGE G MEADE MARYLAND 20755-5360

REPLY TO  
ATTENTION OF:

JAN 18 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Western U.S. Torts Branch

SUBJECT: Claim of Leo Beus, 06-N03-T026

Mr. Al Morrison  
Beus Gilbert  
4800 N. Scottsdale Road, Suite 6000  
Scottsdale, Arizona 85251-7630

Dear Mr. Morrison:

This notice constitutes final administrative action on the amended claim of your client, Mr. Leo R. Beus, against the United States in the amount of \$105,000 for property damage alleged to have been caused by dredging operations by the U.S. Army Corp of Engineers.

To the extent that your client's claim can be construed as a claim under the Federal Tort Claims Act, the claim is denied. Because your client has filed suit against the United States in state court and the case was later removed to District Court for the Southern District of California, his claim is no longer amenable to administrative resolution.

Although I recognize that your client's claim is in suit, I am nevertheless required by regulation to inform you that if your client is dissatisfied with the action taken on his claim, he may file suit in an appropriate United States District Court no later than six months from the date of mailing of this letter. By law, failure to comply with that time limit forever bars your client from further suit. I am not implying that any such suit, if filed, would be successful.

Sincerely,

Charles D. Hayes, Jr.  
Lieutenant Colonel, US Army  
Chief, Tort Claims Division

cc: LRB

RECEIVED  
JAN 22 2007

## **ATTACHMENT C**



**BEUS GILBERT**  
PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

LEO R. BEUS  
DIRECT (480) 429-3001

EMAIL: LBEUS@BEUSGILBERT.COM  
FAX (480) 429-3111

14019-0034

November 3, 2005

**Via U.S. Mail**

Mr. Mark Durham  
Army Corps. of Engineers  
Regulatory Branch  
P. O. Box 932711  
Los Angeles, CA 90053-2325

Re: 407 First Street, Coronado, California – RGP 63 Permit Application

Dear Mr. Durham:

Thank you for taking the time to discuss my seawall project with me on October 31, 2005. As a courtesy to you, I have enclosed a copy of the RGP 63 Permit Application submitted to your San Diego branch office. Should you have any questions concerning the Application itself or any general questions related to this project, please feel free to contact me.

I look forward to resolving this issue as quickly as possible, given the urgency of the matter.

Sincerely,

BEUS GILBERT PLLC



Leo R. Beus

LRB:lar  
Enclosure

FROM : FRED PERRY CONSTRUCTION  
FROM : JNE

PHONE NO. : 619 562 2488  
FAX NO. : 619 225 753

Nov. 03 2005 05:06PM P6  
Nov 04 2005 05:13PM P1

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-0003 Expires December 31, 2004	
<p>The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
<p><b>PRIVACY ACT STATEMENT</b></p> <p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Use: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.</p> <p>One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
<p><b>(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)</b></p>			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
<p><b>(ITEMS BELOW TO BE FILLED BY APPLICANT)</b></p>			
5. APPLICANT'S NAME <u>SLPR LLC, AN ARIZONA LIMITED LIABILITY COMPANY</u>		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) <u>FRED PERRY</u>	
6. APPLICANT'S ADDRESS <u>4800 N. SCOTTSDALE RD., SUITE 6000</u> <u>SCOTTSDALE, AZ 85251</u>		9. AGENT'S ADDRESS <u>9211 BELLAGIO RD.</u> <u>SANTEE, CA 92071</u>	
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business <u>480-429-3000</u>		10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence Mobil: <u>619 302-0615</u> b. Business <u>619 562-1057</u>	
<p><b>11. STATEMENT OF AUTHORIZATION</b></p> <p>I hereby authorize <u>FRED PERRY</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.</p> <p><u>SLPR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY</u> <u>By: PATTEN, Inc., Its Manager By: [Signature] VICE PRESIDENT 10-25-05</u></p> <p>APPLICANT'S SIGNATURE DATE</p>			
<p><b>NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY</b></p>			
12. PROJECT NAME OR TITLE (see instructions) <u>BENS SEAWALL REPAIR</u>			
13. NAME OF WATERBODY, IF KNOWN (if applicable) <u>SAN DIEGO BAY</u>		14. PROJECT STREET ADDRESS (if applicable) <u>407 FIRST ST</u> <u>SAN DIEGO, CA</u>	
15. LOCATION OF PROJECT <u>SAN DIEGO</u> COUNTY <u>CA</u> STATE			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)			
17. DIRECTIONS TO THE SITE (Bay Bridge) <u>St. Route 180 west, right on Rt. 75 (ORANGE AVE),</u> <u>left on FIRST ST, 6 blocks on right</u>			

## 18. Nature of Activity (Description of project, include all features)

\*\*See addendum A.

## 19. Project Purpose (Describe the reason or purpose of the project, see instructions)

\*\*See addendum B.

## USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

## 20. Reason(s) for Discharge

NA

## 21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

NA

## 22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

NA

23. Is Any Portion of the Work Already Complete? Yes \_\_\_\_\_ No ☒ IF YES, DESCRIBE THE COMPLETED WORK

## 24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

Mr. F. Mahon  
405 First St  
Coronado, CA 92118Mr. S. Gentellon  
409 First St  
Coronado, CA 92118

## 25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Port of San Diego	Access permit				

\*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant. SUPREMACY IN ARIZONA LIMITED LIABILITY COMPANY  
By: FRANK J. L. JR. ITS MANAGER

SIGNATURE OF APPLICANT

DATE

10-25-05

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

### ADDENDUM A

My engineers have been tasked with minimizing the scope of this project. The attached letter (see Exhibit A) details the minimum requirement necessary to ensure an effective barrier. The expense for doing this is significant. Preliminary estimates are somewhere around \$100,000 per lot but we are hoping to reduce that cost. The attached engineering diagram, (see Exhibit B), shows a horizontal 13-foot, 24-inch thick piece of reinforced concrete anchored into the land 10 feet below grade. The actual seawall will be a vertical concrete barrier attached to the 13-foot horizontal portion. The soil pressure required to fully stabilize the horizontal concrete piece, is at least 2,000 pounds per square foot.

The amount of additional space needed in order to safely complete this project is an additional 24 and 48 inches otherwise our swimming pool is at risk of collapse. The backfill will be accomplished with contamination-free soil. The barrier facing the Bay will comply with all necessary requirements.

Mr. Durham expressed concern regarding the potential for a project to exceed the "pier line." We will of course, not go beyond the pier line. Nor will this project exceed the "bulkhead line" which I believe to be 20 feet. All construction activity will be within the bulkhead line and the pier line.

The neighbors to the east have indicated that they want to clean up the asphalt and construction debris already in place along their shorelines and construct the same seawall. This will greatly improve the aesthetics along this portion of the Bay.

**ADDENDUM B**

The proposed project is essential for eliminating the sudden and unexpected erosion of my shoreline at 407 First Street, Coronado, California. The erosion is most critical on the western portion of my lot line. The rip-rap, which I installed at great expense, is falling into the 47-foot hole that was dredged by the Army Corps. of Engineers during the dredging activity in the "Turning Basin" and "Central Navigation Channel" in San Diego Bay. I am not certain when that dredging began, but it continued through February of 2005. Not only is the rip-rap migrating to the west and sloughing into the Bay, but water now "gurgles" underneath the rip-rap. The erosion of soil is accelerating beyond expectations and is becoming critical. Erosion problems along this section of coastline are well documented. (See Exhibit C).

Kelly J. Falk and Eileen Maher, from the Port of San Diego (a copy of their card is attached), visited my property to observe the erosion. The engineering for this project satisfies the ecological and environmental concerns they discussed. In addition, there is no "eelgrass" along my shoreline. I also believe that given the extensive scope of the dredging activities to date, my project is *de minimis* in comparison. Currently I have the ability to access the rear of my property via a neighbor's vacant lot. However, construction on his lot will commence when building permits are issued. Once this occurs, access for seawall construction will be by barge only and at great expense.

I was informed that I need a permit from the Army Corps. of Engineers before this critical work can begin. I have been in contact with Mr. Mark Durham of the Regulatory Branch of the Army Corps. of Engineers in Los Angeles. Based upon our discussion, I

am filing this Permit Application. During the discussion with Mr. Durham, I indicated that my neighbors would likely require similarly engineered seawalls to prevent continued erosion to their properties. Mr. Durham suggested that if a single contractor were to do the work for my neighbors as well, it would likely reduce the per-unit cost. Based on conversation with my neighbors, they are hereby requesting that this permit also govern their properties. I am submitting a RGP 63 and am prepared to begin the work within seventy-two (72) hours of the receipt of a permit. A duplicate of this application will be submitted by each neighbor who is also prepared to proceed. Their projects will be consistent with mine.



# EXHIBIT A

ORION STRUCTURAL ENGINEERING, INC.  
12257 OLD POMERADO ROAD SUITE A  
POWAY, CA 92064  
P (858)-679-1974  
F (858)-679-1975

DATE: November 2, 2005

TO: Fred C. Perry, Jr.  
9211 Bellagio Road  
Santee, CA 92071

RE: Beus Residence

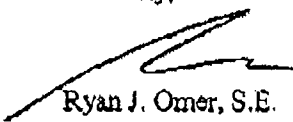
Subject: Sea Wall

It is our professional opinion that without the construction of a sea barrier wall, the subject property will sustain damage from further retreat of the shoreline. The attached design appears to be the most appropriate design. Not only will it be the least disruptive to the existing improvements and provide the most secure buffer against future erosion but also without a "toe" protruding beyond the wall face, the potential of a large partially exposed concrete footing is reduced.

It should be noted that in order to provide the above conditions, the footing should not be constructed beneath the existing improvements. Additionally, during construction, all existing improvements should be shored and/or braced to prevent damage due to the construction activities.

If you have any questions or feel that there are additional issues that need to be addressed, please do not hesitate to contact our office.

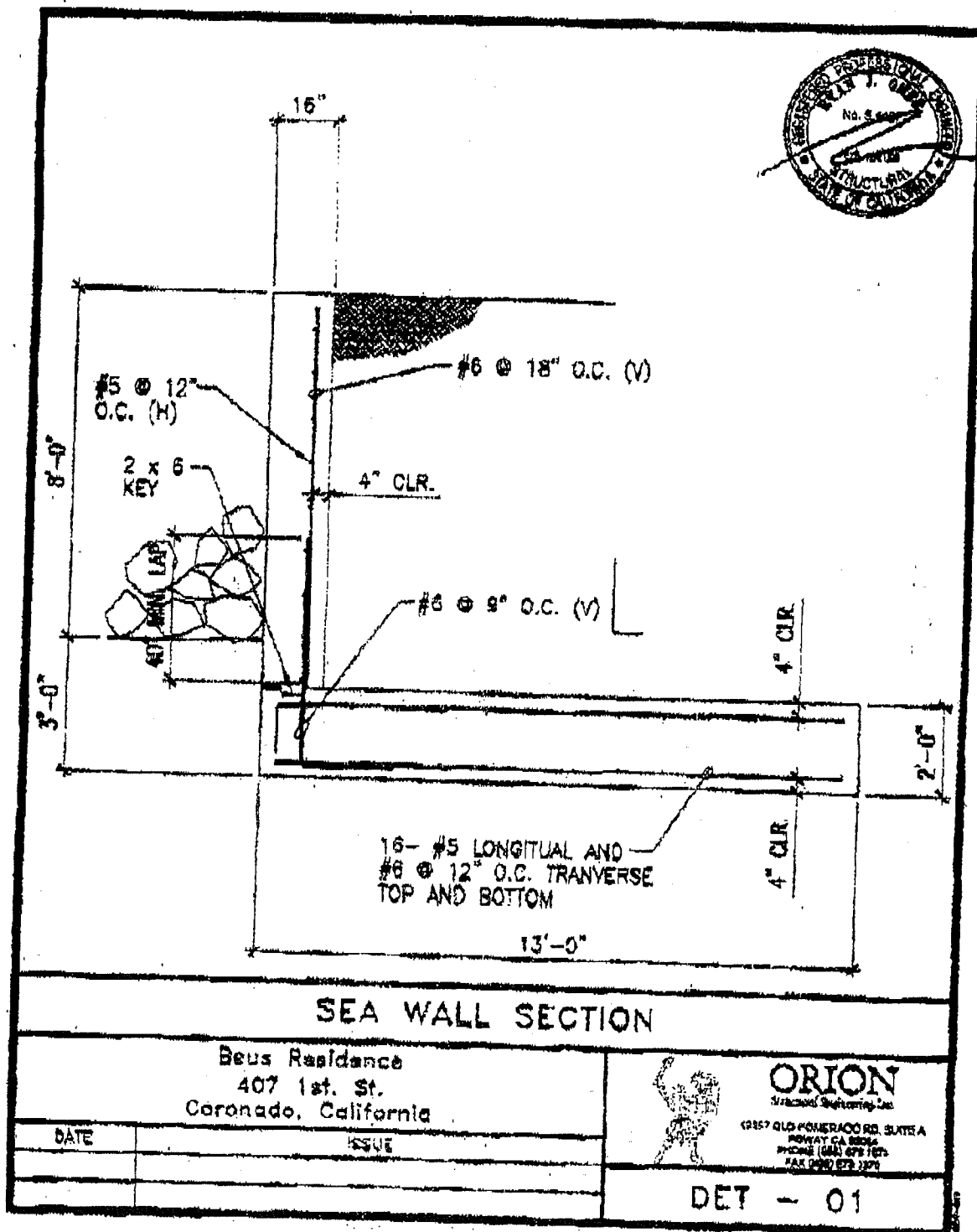
Sincerely,



Ryan J. Omer, S.E.  
President

Attachment: Det. 1 Sea Wall Section

# EXHIBIT B



FROM : FRED PERRY CONSTRUCTION

PHONE NO. : 619 562 2488

Nov. 03 2005 05:07PM P8  
Nov. 04 2005 03:14PM P3

PORT OF SAN DIEGO



KELLY J. FALK  
ARCHITECTURAL & MAPPING SERVICES

*Eileen Maher*

3143 PACIFIC HIGHWAY, SAN DIEGO, CA 92101  
P.O. BOX 120488, SAN DIEGO, CA 92112-0488  
TELEPHONE: (619) 686-6455 • FAX: (619) 686-6287  
E-MAIL: [kfalk@portofsandiego.org](mailto:kfalk@portofsandiego.org)

# EXHIBIT C



# ATTACHMENT E



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
SAN DIEGO FIELD OFFICE  
16885 WEST BERNARDO DRIVE, SUITE 300A  
SAN DIEGO, CALIFORNIA 92127

RECEIVED

APR 6 - 2006

REPLY TO  
ATTENTION OF:

March 28, 2006

Office of the Chief  
Regulatory Branch

SLPR LLC  
Attention: Fred Perry  
4800 North Scottsdale Road  
Scottsdale, Arizona 85251-7630

Dear Mr. Perry:

This is in reply to your application (File No. 200600717-RRS) dated December 2, 2005, for a Department of the Army Permit to construct the Beus seawall repair in San Diego Bay in Coronado, San Diego County, California. Additionally, I am responding to your letters dated November 11, 2005, December 2, 2005, December 22, 2005, December 29, 2005, March 17, 2006, and March 27, 2006. Reference is also made to an email message from Mr. Robert Smith of my staff to your office dated December 8, 2005 requesting additional information in order to continue processing your permit application for an Individual Permit. Finally, I refer to our letter to you dated March 6, 2006 confirming that you are authorized to proceed with repairs to your seawall under Regional General Permit No. 63.

In the short term the Corps has authorized the replacement of any eroded riprap and underlying substrate and filter cloth with the appropriate fill along with the addition of grouted riprap as needed to remedy the erosion. In the long term your proposed project (consisting of extending your seawall 13 ft. sea-ward with riprap) shall require that an Individual permit application be processed with all appropriate information to be submitted. To date we have not received a cross section that shows the project elevations relating to High Tide Line (7.8 ft. MLLW) and the Mean High Water (4.99 ft MLLW) and have consequently been unable to assess impacts to waters of the United States. We have asked for this information since December 8, 2006 and yet have not yet received it. We need this information in order that we can expeditiously process a Standard Individual permit. On March 27, 2006 Mr. Robert Smith contacted you and again asked for this information. Please submit this information as soon as possible as it is delaying the processing of your application for your long term solution. In addition we shall require other approvals be submitted to us including a Federal Consistency Determination of compliance with the Coastal Zone Management Act from the Port of San Diego, and a Section 401 water quality certification.

Our Regulatory staff and a member of our Office of Counsel are meeting with you again onsite on March 30, 2006 to further discuss ways to resolve this situation. If you have any questions, please contact Robert Revo Smith of my staff at (858) 674-6784. Please refer to this letter and 200600717-RRS in your reply.

Sincerely,

A handwritten signature in cursive script that reads "Mark Durham". The signature is written in dark ink and is positioned above the printed name and title.

Mark Durham  
Chief, South Coast Section  
Regulatory Branch

## ATTACHMENT F

1 **BEUS GILBERT PLLC**  
2 ATTORNEYS AT LAW  
3 4800 NORTH SCOTTSDALE ROAD  
4 SUITE 6000  
5 SCOTTSDALE, ARIZONA 85251  
6 TELEPHONE (480) 429-3000  
7 Albert J. Morrison/Calif. Bar No. 198047

FILED  
CIVIL BUSINESS OFFICE 7  
CLERK

2004 MAY 26 P 3:51

CLERK  
SANDIEGO COUNTY SUPERIOR COURT

8 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
9 ATTORNEYS AT LAW  
10 600 WEST BROADWAY  
11 SUITE 2600  
12 SAN DIEGO, CALIFORNIA 92101  
13 TELEPHONE (619) 236-1414  
14 Scott W. Sonne/Calif. Bar No. 67618

15 Attorneys for Plaintiff

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **COUNTY OF SAN DIEGO**

18 **SLPR, LLC**

19 Plaintiff, Case No. GIC 860766-1

20 vs.

21 **THE SAN DIEGO UNIFIED PORT**  
22 **DISTRICT, and DOES 1 through 50,**  
23 **inclusive, UNITED STATES ARMY**  
24 **CORPS OF ENGINEERS AND DOES I**  
25 **THROUGH 50, inclusive,**

Defendants.

**FIRST AMENDED COMPLAINT FOR**  
**DAMAGES AND INJUNCTIVE**  
**RELIEF; INVERSE CONDEMNATION**  
**(CALIFORNIA CONSTITUTION Art. I**  
**§ 19), CAL. CIV. CODE § 832**

## COMPLAINT

Plaintiff brings this complaint against the San Diego Unified Port District and the United States Army Corps of Engineers and for its cause alleges:

1. Plaintiff is a limited liability corporation and the owner in fee simple of real property and improvements located at 407 First Street, Coronado, San Diego County, California, more specifically described in Exhibit A, which is attached.

2. Defendant San Diego Unified Port District ("Port District") is, and at all times mentioned in this complaint, was a public corporation organized and existing under the laws of the State of California.

3. Defendant, United States Army Corp of Engineers ("Corps") is, and at all times mentioned in this Complaint, was an agency of the United States Government.

4. Defendants Does 1 through 50 were, at all times mentioned in this complaint, the agent(s), servant(s), and employee(s) of Defendants were acting within their authority as such with the consent and permission of Defendants.

5. Plaintiff is ignorant of the true names and capacities of the Defendants sued in this complaint as Does 1 through 50, inclusive, and therefore sues these Defendants by these fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and alleges on that information and belief, that each of these fictitiously named Defendants is in some manner responsible for the injury and damage to Plaintiff alleged in this complaint. Plaintiff is also informed and believes, and alleges on that information and belief, that these fictitiously named Defendants

1 were, at all times mentioned in this complaint, the agent(s), servant(s), and employee(s) of  
2 Defendant Port District and were acting within their authority as such with the consent and  
3 permission of Defendants.

4 6. Defendant, Corps, acted as an agent, servant, and/or employee of Defendant  
5 Port District pursuant to certain contractual and/or other legal relationships.

#### 6 VENUE AND JURISDICTION

7 7. Jurisdiction is proper under the California Constitution Article I, § 19 and Cal.  
8 Gov. Code § 810 *et seq.* Venue is proper under Cal.Civ.Proc. § 392.  
9

#### 10 FACTS

11 8. Since January 23, 2001, Plaintiff has owned the property located at 407 First  
12 Street, Coronado, County of San Diego, California 92110.

13 9. The property is bound by First Street to the south and San Diego Bay to the  
14 north. The rear yard, containing a custom-built negative-edge pool, is coterminous to San  
15 Diego Bay, and is protected from shoreline erosion by a riprap barrier.

16 10. Plaintiff obtained the necessary permits before installing the riprap barrier on  
17 the property.  
18

19 11. The State of California holds all of the navigable waters of California as trustee  
20 of the public trust for the benefit of the people. Pursuant to the San Diego Unified Port  
21 District Act, the Port District has title to all such tidelands and submerged lands in San Diego  
22 Bay.  
23  
24  
25



1           12.   Portions of San Diego Bay, specifically a section of the Central Navigation  
2 Channel ("Channel") and the Naval Air Station North Island ("NASNI") Turning Basin are  
3 directly adjacent to Plaintiff's shoreline.

4           13.   In order to facilitate the home-porting of additional nuclear aircraft carriers at  
5 NASNI, Defendants proposed and planned a dredging operation in the Turning Basin.

6           14.   On or about 1998 and again in 2002, Defendants commenced dredging the  
7 Turning Basin.

8           15.   In order to improve the efficiency of commercial shipping operations in San  
9 Diego Bay, Defendants proposed and planned a dredging operation in the Channel.

10           16.   Plaintiff has learned that the Defendants were aware as early as December 7,  
11 2000, that erosion along the Coronado shoreline, where Plaintiff's property is situated, was  
12 occurring due to shipping activity and dredging within San Diego Bay.

13           17.   Plaintiff has learned that the Defendants were aware as early as December 7,  
14 2000, that within ten (10) years of that date, *structures* along the shoreline where Plaintiff's  
15 property is located, would begin to be undermined by erosion.

16           18.   Plaintiff has learned that the Defendants were aware as early as December 7,  
17 2000, that within fifteen (15) years of that date, approximately twelve (12) residences along  
18 the shoreline where Plaintiff's property is located, with a nominal value in excess of \$27  
19 million, could be lost or become too hazardous for occupancy due to the erosion.  
20  
21  
22  
23  
24  
25

1           19. Between 2000 and 2005, Kelly Falk ("Falk") of the Port District and  
2 representatives of Nam Nguyen Engineering inspected the shoreline along which Plaintiff's  
3 home and others are located.

4           20. As a result of their inspection, the Port District indicated their commitment to  
5 paying the cost of ensuring the ongoing maintenance of lateral support for littoral property  
6 along the affected shoreline.

7           21. Defendants were aware that the dredging would result in the slopes of the  
8 Channel and Basin sloughing down into the newly excavated Channel and Basin bottom.

9           22. On or about October 25, 2004, the Port District, in conjunction with the Corps,  
10 commenced dredging the Channel. The dredging project ended on or about February 2005.

11           23. On or about July 4, 2005, Plaintiff discovered that the dredging undermined the  
12 lateral support of Plaintiff's land and compromised the structural integrity of the riprap  
13 barrier, the pool and the lateral support of Plaintiff's property. This loss of lateral support  
14 and subsequent erosion of Plaintiff's underlying land has caused significant sloughing of the  
15 riprap, and the sloughing and erosion continues on an ever-escalating basis.

16           24. This sloughing caused the riprap to collapse into a void left empty by the  
17 erosion of the underlying soil thereby creating a hazardous situation that continues to  
18 worsen.

19           25. Since the riprap was installed, the underlying land supporting this barrier has  
20 eroded to a depth greater than five (5) feet.

1           26.     The Port District has a mandatory duty, pursuant to CAL. CIV. CODE § 832, to  
2 provide lateral support to the coterminous land owned by Plaintiff.

3           27.     The Port District has a mandatory duty, pursuant to CAL. CIV. CODE § 832, to  
4 provide Plaintiff with reasonable notice of excavation plans and operations.

5           28.     The Port District has a mandatory duty, pursuant to CAL. CIV. CODE § 832, to  
6 use ordinary care and reasonable precautions during excavation operations.

7           29.     The Port District has a mandatory duty, pursuant to CAL. CIV. CODE § 832, to  
8 take all necessary measures to protect Plaintiff's property prior to the commencement of  
9 Defendants' excavation operations.  
10

11           30.     Plaintiff contacted the Port District to discuss an appropriate course of action  
12 necessary to restore Plaintiff's property and prevent future riprap damage, soil erosion and to  
13 avoid eventual damage to Plaintiff's pool and house.

14           31.     In July of 2005, Falk and Eileen Maher ("Maher"), representing the Port  
15 District, visited Plaintiff's property to evaluate the extent of the damage.

16           32.     Plaintiff was present during this visit.

17           33.     Falk and Maher observed that Plaintiff's property was damaged and agreed  
18 that corrective measures were required to prevent further damage.  
19

20           34.     Plaintiff informed Falk and Maher that *Plaintiff was willing to pay for all costs*  
21 *associated with construction of an erosion stabilization barrier ("ESB").*

22           35.     Falk and Maher stated to Plaintiff that the Port District would not be opposed  
23 to Plaintiff constructing an ESB specifically designed to restore Plaintiff's property and  
24  
25

1 prevent future erosion to the land. Falk and Mayer did indicate they preferred a rough  
2 exterior for environmental purposes and requested that an engineer design the ESB.

3 36. Falk and Maher informed Plaintiff that the Corps retained final authority for  
4 approving such construction within San Diego Bay.

5 37. Beginning in the fall of 2005, Plaintiff initiated multiple contacts with the  
6 Corps to discuss the continuing damage to the property and to seek their assistance and  
7 approval for construction of an ESB.

8 38. The Corps had difficulty in promptly responding to Plaintiff's inquiries due to  
9 their commitments in dealing with the aftermath of Hurricane Katrina.

10 39. Plaintiff was forced to act in order to prevent further damage to his property  
11 and preserve his constitutional and statutory rights.

12 40. On October 7, 2005 Plaintiff mailed, via Certified Mail, an Administrative  
13 Claim to the Port District seeking compensation for damage to his property.

14 41. On October 7, 2005 Plaintiff mailed, via Certified Mail, an Administrative  
15 Claim to the Corps seeking compensation for damage to the property.

16 42. On October 12, 2005, the Port District received Plaintiff's Administrative  
17 Claim.

18 43. On October 12, 2005, the Corps received Plaintiff's Administrative Claim.

19 44. On October 24, 2005, counsel for Plaintiff ("Counsel") spoke with Burke  
20 Large ("Large"), counsel for the Corps.

1           45. Counsel discussed with Large the ongoing nature of the damage to Plaintiff's  
2 property and the need for immediate action to prevent further damage and limit the  
3 escalating construction costs.

4           46. Counsel informed Large that *Plaintiff was willing to pay for all costs*  
5 *associated with the construction of an ESB.*

6           47. Counsel informed Large that access across Plaintiff's property to the  
7 construction area was not feasible due to the size of the equipment required to complete the  
8 project. In fact, there is no access for any equipment larger than a three-foot wide "Bobcat"  
9 tractor and the project requires large "Loaders."

10           48. Counsel informed Large that direct access to the ESB construction area was  
11 currently available via a vacant residential lot up-shore from Plaintiff's property.

12           49. Counsel informed Large that access across Plaintiff's neighbor's vacant lot was  
13 only available until late January 2006 at which time Plaintiff's neighbor would begin  
14 construction on his vacant lot.

15           50. Counsel informed Large that time was of the essence.

16           51. Counsel informed Large that Plaintiff was only willing to bear the cost of  
17 construction if Plaintiff retained direct access across Plaintiff's neighbor's vacant lot to  
18 Plaintiff's ESB construction area. Otherwise, construction of Plaintiff's ESB could only be  
19 accomplished by using an offshore barge.

20           52. Counsel advised Large that using an offshore barge to construct Plaintiff's  
21 ESB would be prohibitively expensive.

1           53.     Large stated that Plaintiff should “proceed with construction of the ESB and  
2 sort out Plaintiff’s claims later.” Plaintiff did not want to proceed without the written  
3 consent of the Corps.

4           54.     Large referred Plaintiff to the Corps’ Regulatory Branch in Los Angeles to  
5 assist Plaintiff with obtaining the necessary construction permits.

6           55.     On October 31, 2005, Mark Durham (“Durham”), representing the Corps’  
7 Regulatory Branch spoke with Counsel and Plaintiff to discuss the emergency permit  
8 procedure pursuant to the Corps’ RGP 63 program.

9           56.     On November 7, 2005, Plaintiff filed an RGP 63 emergency permit  
10 application.

11           57.     Plaintiff’s RGP 63 permit application included the opinion of Ryan Omar S.E.  
12 (“Omar”) from Orion Structural Engineering, Inc. outlining the minimum requirements  
13 necessary to construct an effective ESB and explaining the advantages and benefits of  
14 Plaintiff’s design.

15           58.     Omar stated that Plaintiff’s proposed ESB was the most appropriate design  
16 given the nature of the erosion.

17           59.     Omar stated that Plaintiff’s proposed ESB would be the most aesthetically  
18 pleasing design available because it eliminated the presence of a “protruding toe” beyond the  
19 ESB face thereby eliminating any exposed concrete footing.

20           60.     Omar stated that Plaintiff’s proposed ESB would be the least disruptive to  
21 Plaintiff’s existing improvements.

1           61. Plaintiff's RGP 63 permit application also included engineering plans detailing  
2 the proposed ESB.

3           62. On November 28, 2005, Plaintiff received notice, *without explanation or*  
4 *signature*, that the Port District had denied Plaintiff's Administrative Claim.

5           63. To date, Plaintiff has not received a formal response from the Corps regarding  
6 their approval or denial of Plaintiff's administrative claim.

7           64. Plaintiff's administrative claim was filed with the Corps in excess of six (6)  
8 months ago.

9           65. On December 2, 2005, Durham contacted Robert Smith ("Smith"), the Corps'  
10 Regulatory Branch, San Diego Field Office Supervisor, instructing him to visit Plaintiff's  
11 property and personally survey the damage.

12           66. Durham further advised Smith that due to safety concerns, Smith was "not to  
13 walk on the riprap" during his inspection.

14           67. On December 7, 2005, Smith inspected Plaintiff's property. Also present were  
15 the Plaintiff and Plaintiff's contractor, Fred Perry.

16           68. Smith observed the damage to Plaintiff's property and noted significant  
17 sloughing of Plaintiff's riprap barrier and substantial erosion of the underlying supportive  
18 soil.

19           69. Smith attempted to physically measure the full extent of the erosion beneath  
20 Plaintiff's riprap.  
21  
22  
23  
24  
25



1           70.    Such erosion exceeded his ability to measure, but the erosion was in excess of  
2 five (5) feet in depth.

3           71.    Smith advised Plaintiff to contact engineers to further assist Plaintiff.

4           72.    Plaintiff contacted additional engineers seeking professional advise regarding  
5 the construction of Plaintiff's ESB.

6           73.    General engineering rules and guidelines dictate the application of a 3:1 ratio  
7 to the length of the lateral support structures in relation to the vertical wall height.

8           74.    Based on this 3:1 ratio, Plaintiff's ESB must extend approximately 30 feet  
9 outward from the bayside boundary of Plaintiff's land.  
10

11           75.    On December 8, 2005, Smith summarized his findings and conclusions in  
12 correspondence sent to Durham, Large and Maher at the Port District. Smith confirmed that  
13 Plaintiff's land was eroding and unsafe and stated he hoped a prompt solution could be  
14 found.

15           76.    On or about December 15, 2005, Plaintiff received an unsolicited phone call  
16 from David Catalino ("Catalino"), counsel with the Port District.

17           77.    Plaintiff advised Catalino that *Plaintiff was willing to pay for all costs*  
18 *associated with the construction of the ESB.*  
19

20           78.    Plaintiff advised Catalino that direct access to Plaintiff's land via Plaintiff's  
21 neighbor would terminate by late January 2006.

22           79.    Plaintiff advised Catalino that once direct access to Plaintiff's property  
23 terminated, construction could only be completed using an offshore barge.  
24  
25

1           80. Plaintiff advised Catalino that construction costs would increase, at least five-  
2 fold and maybe even more, if an offshore barge were required to construct Plaintiff's ESB.

3           81. Plaintiff advised Catalino that once the use of an offshore barge became  
4 necessary, *Plaintiff would no longer be willing to pay the construction costs thereby*  
5 *exposing the Port District to a substantial claim for damages.*

6           82. Plaintiff advised Catalino that Plaintiff was working with the Corps to obtain  
7 the necessary construction permits.

8           83. Plaintiff advised Catalino that Smith visited the property, observed the damage,  
9 and determined that immediate corrective work was necessary.

10           84. Plaintiff advised Catalino that additional delays in commencing construction  
11 would further damage Plaintiff's property, including possible destruction of Plaintiff's pool.

12           85. Plaintiff advised Catalino that such additional destruction would substantially  
13 increase the corrective costs *thereby exposing the Port District to a substantially increased*  
14 *claim for damages.*

15           86. Plaintiff advised Catalino that Plaintiff's neighbors were facing similar erosion  
16 that also required certain and prompt repair.

17           87. Plaintiff advised Catalino that Plaintiff and Plaintiff's neighbors were working  
18 to coordinate the simultaneous construction of barriers along the entire effected shoreline in  
19 order to help reduce the per-owner cost of construction.

20           88. Plaintiff advised Catalino that, like Plaintiff, Plaintiff's neighbors were  
21 prepared to *pay for all costs associated with the construction of their ESB*, provided direct  
22  
23  
24  
25

1 access across the neighbor's vacant lot to their respective construction sites remained  
2 available.

3 89. Plaintiff advised Catalino that once direct access to Plaintiff's neighbor's  
4 vacant lot became unavailable, *Plaintiff's neighbors likewise would no longer be willing to*  
5 *pay the construction costs, thereby exposing the Port District to substantial claims for*  
6 *damages.*

7 90. Plaintiff advised Catalino that Falk and Maher represented to Plaintiff that,  
8 given the nature of the damage to Plaintiff's property, the Port District was not opposed to  
9 the construction of an ESB by Plaintiff.  
10

11 91. Catalino advised Plaintiff that the Port District would not approve construction  
12 of the ESB proposed by Plaintiff.

13 92. On December 21, 2005, Plaintiff mailed to Catalino, via Certified Mail, a  
14 request for formal confirmation that the Port District would refuse to approve the  
15 construction of Plaintiff's ESB.

16 93. On December 27, 2005, the Port District received Plaintiff's request.

17 94. On January 16, 2005 Plaintiff received a response from Catalino indicating that  
18 the Port District would now require Plaintiff to participate in a formalized application  
19 process involving more state agencies and requiring an environmental impact report.  
20

21 95. Defendants are already in possession of a comprehensive environmental report  
22 prepared in connection with the dredging project that damaged Plaintiff's property.  
23  
24  
25

1           96.    On March 28, 2006, the Corps notified plaintiff that it would issue a permit for  
2 a “scaled-back” version of the proposed ESB.

3           97.    The “scaled-back” version approved by the Corps is insufficient to correct the  
4 damage and to protect Plaintiff’s property.

5           98.    Plaintiff made every reasonable effort to follow proper protocol and mitigate  
6 the ongoing damage to the property.

7           99.    The damage to Plaintiff’s property continues unabated.

8  
9                                   **COUNT I**  
10                               **(Inverse Condemnation)**

11           100. Plaintiff realleges and incorporates each and every allegation contained in  
12 paragraphs 1 through 99 as though fully set forth herein.

13           101. Since January 23, 2001, Plaintiff has owned the subject property.

14           102. The Port District’s dredging activity is the actual cause of the permanent and  
15 substantial damage to Plaintiff’s property.

16           103. Such damage has resulted in a taking of Plaintiff’s property.

17           104. Plaintiff has been damaged in an amount presently unknown, and Plaintiff will  
18 request leave of court to amend this complaint when the amount of the damaging and taking  
19 has been ascertained.

20           105. To date, Plaintiff has received no compensation for the damage and taking  
21 alleged in this complaint.

106. As a result of the Port District's unauthorized taking of Plaintiff's property, a right has accrued to Plaintiff under Art I, § 19 of the California Constitution for the recovery from Defendant of just compensation for the interest taken.

COUNT II  
(Violation Of California Civil Code § 832)

107. Plaintiff realleges and incorporates each and every allegation contained in paragraphs 1 through 106 as though fully set forth herein.

108. Plaintiff's land is entitled to lateral support from the coterminous land owned by Defendant. Defendants' dredging activities deprived Plaintiff of such lateral support.

109. Defendants failed to provide Plaintiff with reasonable notice of Defendants' dredging plans and activities, in violation of CAL. CIV. CODE § 832.

110. Defendants failed to provide notice to any shoreline residents on First Street, in violation of CAL. CIV. CODE § 832.

111. Defendants failed to use ordinary care and reasonable precautions during Defendants' dredging operation, in violation of CAL. CIV. CODE § 832.

112. Defendants denied Plaintiff its lawful right to take necessary measures to protect Plaintiff's property prior to the commencement of Defendants' dredging activities, in violation of CAL. CIV. CODE § 832.

113. Defendants took no action to protect Plaintiff's property prior to commencement of Defendants' dredging activities, in violation of CAL. CIV. CODE § 832.

114. Defendants' dredging activity damaged Plaintiff's land, in violation of CAL. CIV. CODE § 832.

1 115. Plaintiff has complied with Cal. Gov. Code §900 *et seq.*

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff demands judgment against Defendants, and each of them, as  
4 follows:

5 A. For damages to Plaintiff's property measured as the actual cost incurred in  
6 installing the original riprap barrier, the cost in constructing the ESB, and the cost to restore  
7 Plaintiff's land;

8 B. For damages in an amount presently unknown with interest on that amount at  
9 the legal rate from the date of inception of the damages as ascertained by the court;  
10

11 C. For a permanent injunction enjoining Defendants from any further dredging in  
12 the Channel and Basin adjacent to Plaintiff's property;

13 D. For a Court Order authorizing Plaintiff to construct the ESB forthwith;

14 E. For recoverable engineering, appraisal, attorney and other fees Plaintiff  
15 continues to incur, according to proof. Such costs are not yet known or ascertained and are  
16 in an amount that cannot be presently calculated;

17 F. For costs of suit incurred in this action; and

18 G. For other and further relief as the court deems fit and proper.  
19

20 ///

1 DATED: 5/25/06

2 BEUS GILBERT, PLLC

3 By Al Morrison

4 Albert J. Morrison, Esq.  
5 4800 North Scottsdale Road  
6 Suite 6000  
7 Scottsdale, AZ 85251-7630  
8 *Attorneys for Plaintiff*

9 LUCE FORWARD HAMILTON

10 Scott W. Sonne, Esq.  
11 600 West Broadway  
12 Suite 2600  
13 San Diego, CA 92101  
14 *Attorneys for Plaintiff*



## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE ISLAND OR PENINSULA OF SAN DIEGO, IN THE CITY OF CORONADO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FINALLY CONFIRMED TO ARCHIBALD C. PEACHY AND WILLIAM H. ASPINWALL, ACCORDING TO MAP THEREOF APPROVED BY THE COMMISSIONER OF THE GENERAL LAND OFFICE, JUNE 11, 1868, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF FIRST STREET AND "I" AVENUE, AS ESTABLISHED BY DEED TO THE CITY OF CORONADO, DATED JANUARY 20, 1949 AND RECORDED IN BOOK 3117, PAGE 340 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY MAP NO. 2372, FILED IN THE OFFICE OF THE RECORDER, DECEMBER 13, 1949; THENCE NORTH  $63^{\circ}35'55''$  WEST, ALONG THE NORTHEASTERLY LINE OF FIRST STREET, 170.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH  $63^{\circ}35'55''$  WEST, ALONG SAID NORTHEASTERLY LINE, 85.00 FEET; THENCE AT RIGHT ANGLES, NORTH  $26^{\circ}24'05''$  EAST, 100.40 FEET TO AN INTERSECTION WITH THE MEAN HIGH TIDE LINE OF SAN DIEGO BAY, AS SHOWN ON MISCELLANEOUS MAP NO. 121, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, SAID INTERSECTION BEING BETWEEN STATIONS 79 AND 80 OF SAID MEAN HIGH TIDE LINE; THENCE SOUTH  $62^{\circ}52'50''$  EAST ALONG SAID LINE, 85.01 FEET TO ITS INTERSECTION WITH A LINE DRAWN NORTH  $26^{\circ}24'05''$  EAST; THENCE SOUTHWEST ALONG SAID LINE, 99.32 FEET TO THE SAID TRUE POINT OF BEGINNING.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Scott W. Sonne, SBN 67618 LUCE FORWARD HAMILTON & SCRIPPS LLP 600 West Broadway Suite 2600 San Diego, CA 92101 TELEPHONE NO.: (619) 236-1414 FAX NO.: (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): SLPR, LLC		<b>FOR COURT USE ONLY</b>  FILED CIVIL BUSINESS OFFICE 11 CENTRAL DIVISION  2006 MAY 30 P 1:49  SUPERIOR COURT SAN DIEGO COUNTY, CA
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central		
PLAINTIFF/PETITIONER: SLPR, LLC DEFENDANT/RESPONDENT: The San Diego Unified Port District, et al.		CASE NUMBER: GIC 860766-1
<b>PROOF OF SERVICE BY MAIL</b>		Ref. No. or File No.:

I, the undersigned, certify and declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 917 West Grape Street, San Diego, CA 92101, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and process is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 26, 2006 at my place of business at San Diego, California, copy of the:

AMENDED SUMMONS; FIRST AMENDED COMPLAINT

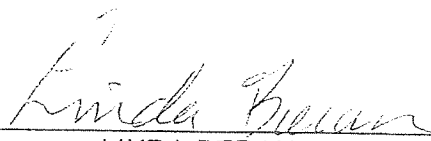
were placed for deposit in the United States Postal service in a sealed envelope with postage prepaid, addressed to:

THE SAN DIEGO UNIFIED PORT DISTRICT  
 3165 PACIFIC HIGHWAY  
 SAN DIEGO, CA 92101

and that envelope was placed for collection and mailing (by first-class, postage prepaid) on that date following ordinary business practice.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

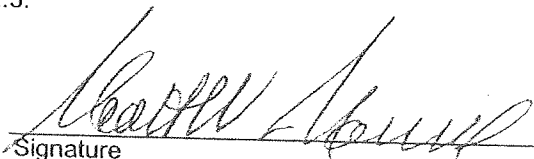
Executed May 26, 2006 at San Diego, California.

  
 LINDA BERAN

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Scott W. Sonne, SB# 67618 LUCE, FORWARD, HAMILTON & SCRIPPS LLP 600 West Broadway, Suite 2600 San Diego, California 92101  TELEPHONE NO. (Optional): 619.236.1414 FAX NO. (Optional): 619.232.8311 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): plaintiff SLPR, LLC		FOR COURT USE ONLY  OFFICE 11 2006 JUN -7 P 3:34 SUPERIOR COURT SAN DIEGO COUNTY, CA	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY BRANCH, 325 S. MELROSE DR., VISTA, CA 92083-6643 <input type="checkbox"/> EAST COUNTY COURT, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH BAY COURT, 500 3RD AVE., CHULA VISTA, CA 91910-5649			
PLAINTIFF(S) SLPR, LLC		JUDGE: Kevin A. Enright	
DEFENDANT(S) SAN DIEGO UNIFIED PORT DISTRICT; UNITED STATES ARMY CORPS OF ENGINEERS, et al.		DEPT: 72	
CERTIFICATE OF SERVICE (San Diego Superior Court Rules, Division II, Rule 2.5)		CASE NUMBER GIC 860766-1	

I certify under penalty of perjury under the laws of the State of California that all defendants named in the complaint of the above-entitled case have either made a general appearance or have been properly and timely served in compliance with San Diego Superior Court Rules, Division II, Rule 2.5.

Date: June 7, 2006

  
 Signature

Scott W. Sonne  
 Typed or printed name

#### NOTES:

If service cannot be effected on all defendants within 60 days of filing the complaint, DO NOT USE THIS CERTIFICATE, but file the form CERTIFICATE OF PROGRESS (SDSC CIV-144) stating the reasons why service has not been effected on all parties and what is being done to effect service.

THE FILING OF A GENERAL APPEARANCE BY A DEFENDANT DOES NOT DISPENSE WITH THE PLAINTIFF'S OBLIGATION TO FILE THIS DOCUMENT.

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2006, I mailed a copy of the Summons and Complaint via United States Certified Mail, Return Receipt Requested, Tracking No. 7004 1160 0002 8030 3573, to:

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Jerusa L. Rahn

# BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100

LEO R. BEUS  
DIRECT (480) 429-3001

EMAIL: LBEUS@BEUSGILBERT.COM  
FAX (480) 429-3111

20 September 2007

Senator Jon Kyl  
2200 E. Camelback Road  
Suite 120  
Phoenix, AZ 86016

Dear Jon:

When we last spoke I indicated to you that I have a problem that I thought your offices could assist in resolving.

As you know, I own a home in Coronado, California that backs onto San Diego Bay. Five houses away is the Naval base for Coronado (NASNI). It is a marvelous facility. Out my back door I often look out and see an aircraft carrier. It is spectacular. San Diego Bay accommodates ships by dredging the Bay floor.

I am all in favor of the Navy and I am all in favor of them dredging as they see fit. Unfortunately we, along with a lot of other folks, developed our properties out to the extent of our property lines. Lateral support for our properties is provided by land owned by the San Diego Unified Port District (Port). The waterway is subject to the Federal Navigational Servitude.

My Coronado house is located on the Bay. The backyard opens onto the water. A few years ago, unbeknownst to us, the Navy and Army Corps of Engineers dredged a 50-53 ft. hole in the Bay to allow aircraft carriers to be turned around. We refer to this area as the Turning Basin. That hole is immediately behind and to the west of our home. When we built our house, we protected the rear yard from wave action by placing engineered rip-rap behind our backyard. This rip-rap barrier is being undermined as a result of the government's dredging. Lateral support to my property has been withdrawn. This removal of lateral support (which the Port is duty bound to provide under California Civil Code § 832), has undermined an extensive rip-rap barrier installed along the shoreline. Damage to the rip-rap barrier includes significant undermining of its support soil and a partial collapse of the rock barrier itself. The entire barrier is being pulled in a northwesterly direction away from my property and towards the Turning Basin in the open waters of the Bay.

The impact of the dredging is detailed in the conclusions of two independent studies. First, on December 7, 2000, the United States Army Corps of Engineers (USACOE) issued an Initial Appraisal Report (we only recently became aware of this report) based on an exhaustive analysis of factors effecting shoreline erosion along the area of Coronado Island where my property is situated. It concluded that the damage was caused by two distinct factors; (1) a steepened off-shore gradient caused by dredging in the Bay; and (2) wave energy generated by shipping traffic within the Bay. Second, in early 2007, I retained the services of David Skelly, a California Registered Professional Engineer with extensive experience in analyzing shoreline erosion. His findings were consistent with the USACOE's Initial Appraisal Report. Copies of these reports are contained in the Plaintiff's Early Neutral Evaluation Statement, which is enclosed herein as Attachment A.

Beginning in the Fall of 2005, I initiated multiple contacts with USACOE to discuss the continuing damage to my property and to seek their assistance and approval for construction of a retaining wall to prevent further damage. *I advised them that I was willing to pay for the cost of building the retaining wall, even though I believed the government has caused the damage to my property.* No repair work or preventative measures to the rip-rap barrier can legally commence without the express approval of the USACOE and the Port. On October 7, 2005, I filed administrative claims with USACOE and the Port seeking compensation for damage to my property. (Copies of these Claims are attached as Attachment B.) Beginning on October 24, 2005, I had a series of conversations with counsel for the USACOE to discuss the ongoing nature of the damage to my property and the need for immediate action to prevent further damage. During those conversations, I advised the USACOE that access to the rear of my property would no longer be available in 30 days due to the commencement of construction of a residential property on a vacant lot which at the time afforded construction equipment access to the rear of my property. During those conversations, counsel for the USACOE referred me to their regulatory branch in Los Angeles to seek assistance in obtaining any necessary permits for construction of a retaining wall.

On October 31, 2005, I spoke with USACOE representative Mark Durham, to discuss emergency permitting procedures pursuant to the USACOE's RGP 63 program. Based on that conversation, I filed for an RGP 63 emergency permit on November 7, 2005. (A copy of the Permit Application is attached herein as Attachment C.) That permit included the opinion of professional engineer Ryan Omar, who outlined the minimum requirements necessary to construct an effective sea wall sufficient to prevent further damage to my property.

On December 7, 2005, Robert Smith with the USACOE's regulatory branch in San Diego made a personal visit to my property to inspect the damage. During that visit, Smith observed that my property had in fact suffered property damage and noted significant sloughing of the rip-rap barrier. (A copy of his email discussing his observations is attached herein as Attachment D.)

On December 15, 2005, I received an unsolicited phone call from counsel for the Port. During that conversation, counsel indicated that the Port would not approve construction of the retaining wall per my engineer's plans. After confirming with the Port, in writing, that it would not approve construction of the retaining wall as proposed, the Port demanded, on January 16, 2007, that prior to any approval for the construction of a sea wall, I was to participate in a formalized application process involving multiple state agencies and requiring, at my expense, an environmental impact report. I advised counsel for the Port that I would not be willing to pay for the cost of an environmental impact report ("EIR") because the problems that were occurring at my property were being caused by the dredging activities in the Bay and that the Port was already in possession of an EIR, completed in 2003, dealing with the area adjacent to my shoreline. Further, the estimates given by the government for an EIR exceeded \$1,000,000.

On March 28, 2006, I received notification from the USACOE that it would issue a permit for the construction of a scaled-back version of the proposed retaining wall. (A copy of this notification is attached herein as Attachment E.) However, after consultation with my engineers, I was advised that the scaled-back version approved by the USACOE would not be sufficient to remedy the problem. Further, it was their expert opinion that simply rebuilding the rip-rap barrier would be futile and a waste of money.

On February 2, 2006, I filed an action against the Port alleging damages to my property based on inverse condemnation pursuant to California Constitution Art. 1, § 19, and CAL.CIV.CODE § 832. (A copy of the Complaint is attached herein as Attachment F.) On May 23, 2006, the San Diego Superior Court ruled that the USCACOE was an indispensable party. On May 25, 2006, I filed a First Amended Complaint adding the USACOE as a named defendant in the action. On June 26, 2006, the United States removed the action to Federal Court.

On January 5, 2007, the first of a series of settlement conferences was held with the Honorable Louisa S. Porter in the United States District Court, Southern District of California. Beginning in January of 2007, the parties actively sought a resolution to the dispute without the need for further litigation. Pursuant to those efforts, I was placed in contact with Ray Carpenter, who was referred to me by the Port. Mr. Carpenter is a seasoned marine engineer whose firm has been responsible for constructing much of the infrastructure within the Bay. I met with Mr. Carpenter at my property to discuss the problems and possible solutions. Mr. Carpenter concurred that the cause of the damage to my property was the offshore dredging directly adjacent to my property. After extensive discussions and the submission of preliminary plans by Mr. Carpenter for a proposed retaining wall, settlement discussions among the parties broke down. Litigation is proceeding in this matter. To date, neither the USACOE nor the Port has been willing to approve the construction of a retaining wall sufficient to correct the damage already caused to my property and prevent further undermining of my land.



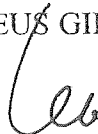
Senator Jon Kyl  
20 September 2007  
Page 4

---

Jon, if I could simply get the Government motivated to try to resolve this it would be very helpful. Thanks.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in black ink, appearing to be 'Leo R. Beus', written in a cursive style.

Leo R. Beus

LRB:slf  
Enclosures

JON KYL  
ARIZONA

730 HART SENATE OFFICE BUILDING  
(202) 224-4521

COMMITTEES:

FINANCE

JUDICIARY

CHAIRMAN

SENATE REPUBLICAN CONFERENCE

## United States Senate

WASHINGTON, DC 20510-0304

STATE OFFICES:

2200 EAST CAMELBACK ROAD

SUITE 120

PHOENIX, AZ 85016

(602) 840-1891

6840 NORTH ORACLE ROAD

SUITE 150

TUCSON, AZ 85704

(520) 575-8633

November 27, 2007

Ms. Ann Rosenberry  
Navy Facilities Engineering Command Southwest  
2730 McKean Street, Building 291  
San Diego, California 92136

Dear Ms. Rosenberry:

I am writing to bring to your attention concerns that have been raised with me regarding the Navy's development of home port capacity for Nimitz-Class nuclear-powered aircraft carriers (CVNs) at the Naval Air Station North Island (NASNI), Coronado, California.

It is my understanding that to accommodate the depth requirements of the CVNs, the Navy and the U.S. Army Corps of Engineers have had to dredge the San Diego Bay. It was reported to me that this dredging, along with the wave energy generated by the ship traffic within the Bay, has undermined the rip-rap barrier installed along the shoreline and has exacerbated shoreline erosion along the area of Coronado Island. As a result, many private property owners in this location have suffered significant property damage.

Currently, the Navy is in the process of preparing a Supplemental Environmental Impact Statement (SEIS) to the Navy's 1999 Final Environmental Impact Statement (FEIS), "Developing Home Port Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the U.S. Pacific Fleet." I would urge the Navy to take this opportunity to take a hard look at the environmental damage caused by the dredging and ship traffic to private property along the Bay and work with the homeowners to mitigate that damage.

I appreciate your attention to this matter and naturally, I do not expect any action that would contravene existing rules and regulations.

Sincerely,



JON KYL  
United States Senator

JK:LCM

BEUS GILBERT  
P.L.L.C.

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630  
(480) 429-3000  
FAX (480) 429-3100LEO R. BEUS  
DIRECT (480) 429-3001

EMAIL: LBEUS@BEUSGILBERT.COM

(480) 429-3111

12 December 2007

Congressman Harry Mitchell  
P. O. Box 23748  
Tempe, AZ 85285

Dear Congressman:

I hope you can help me with a problem I have in Coronado. I own a home in Coronado, California that backs onto San Diego Bay. Five houses away is the Naval base for Coronado (NASNI). It is a marvelous facility. Out my back door I often look out and see an aircraft carrier. It is spectacular. San Diego Bay accommodates ships by dredging the Bay floor.

I am all in favor of the Navy and I am all in favor of them dredging as they see fit. Unfortunately we, along with a lot of other folks, developed our properties out to the extent of our property lines. Lateral support for our properties is provided by land owned by the San Diego Unified Port District (Port). The waterway is subject to the Federal Navigational Servitude.

My Coronado house is located on the Bay. The backyard opens onto the water. A few years ago, unbeknownst to us, the Navy and Army Corps of Engineers dredged a 50-53 ft. hole in the Bay to allow aircraft carriers to be turned around. We refer to this area as the Turning Basin. That hole is immediately behind and to the west of our home. When we built our house, we protected the rear yard from wave action by placing engineered rip-rap behind our backyard. This rip-rap barrier is being undermined as a result of the government's dredging. Lateral support to my property has been withdrawn. This removal of lateral support (which the Port is duty bound to provide under California Civil Code § 832), has undermined an extensive rip-rap barrier installed along the shoreline. Damage to the rip-rap barrier includes significant undermining of its support soil and a partial collapse of the rock barrier itself. The entire barrier

is being pulled in a northwesterly direction away from my property and towards the Turning Basin in the open waters of the Bay.

The impact of the dredging is detailed in the conclusions of two independent studies. First, on December 7, 2000, the United States Army Corps of Engineers (USACOE) issued an initial Appraisal Report (we only recently became aware of this report) based on an exhaustive analysis of factors effecting shoreline erosion along the area of Coronado Island where my property is situated. It concluded that the damage was caused by two distinct factors; (1) a steepened off-shore gradient caused by dredging in the Bay; and (2) wave energy generated by shipping traffic within the Bay. Second, in early 2007, I retained the services of David Skelly, a California Registered Professional Engineer with extensive experience in analyzing shoreline erosion. His findings were consistent with the USACOE's Initial Appraisal Report. Copies of these reports are contained in the Plaintiff's Early Neutral Evaluation Statement, which is enclosed herein as Attachment A.

Beginning in the Fall of 2005, I initiated multiple contacts with USACOE to discuss the continuing damage to my property and to seek their assistance and approval for construction of a retaining wall to prevent further damage. *I advised them that I was willing to pay for the cost of building the retaining wall, even though I believed the government has caused the damage to my property.* No repair work or preventative measures to the rip-rap barrier can legally commence without the express approval of the USACOE and the Port. On October 7, 2005, I filed administrative claims with USACOE and the Port seeking compensation for damage to my property. (Copies of these Claims are attached as Attachment B.) Beginning on October 24, 2005, I had a series of conversations with counsel for the USACOE to discuss the ongoing nature of the damage to my property and the need for immediate action to prevent further damage. During those conversations, I advised the USACOE that access to the rear of my property would no longer be available in 30 days due to the commencement of construction of a residential property on a vacant lot which at the time afforded construction equipment access to the rear of my property. During those conversations, counsel for the USACOE referred me to their regulatory branch in Los Angeles to seek assistance in obtaining any necessary permits for construction of a retaining wall.

On October 31, 2005, I spoke with USACOE representative Mark Durham, to discuss emergency permitting procedures pursuant to the USACOE's RGP 63 program. Based on that conversation, I filed for an RGP 63 emergency permit on November 7, 2005. (A copy of the Permit Application is attached herein as Attachment C.) That permit included the opinion of professional engineer Ryan Omar, who outlined the minimum requirements necessary to construct an effective sea wall sufficient to prevent further damage to my property.

On December 7, 2005, Robert Smith with the USACOE's regulatory branch in San Diego made a personal visit to my property to inspect the damage. During that visit, Smith observed

that my property had in fact suffered property damage and noted significant sloughing of the rip-rap barrier. (A copy of his email discussing his observations is attached herein as Attachment D.)

On December 15, 2005, I received an unsolicited phone call from counsel for the Port. During that conversation, counsel indicated that the Port would not approve construction of the retaining wall per my engineer's plans. After confirming with the Port, in writing, that it would not approve construction of the retaining wall as proposed, the Port demanded, on January 16, 2007, that prior to any approval for the construction of a sea wall, I was to participate in a formalized application process involving multiple state agencies and requiring, at my expense, an environmental impact report. I advised counsel for the Port that I would not be willing to pay for the cost of an environmental impact report ("EIR") because the problems that were occurring at my property were being caused by the dredging activities in the Bay and that the Port was already in possession of an EIR, completed in 2003, dealing with the area adjacent to my shoreline. Further, the estimates given by the government for an EIR exceeded \$1,000,000.

On March 28, 2006, I received notification from the USACOE that it would issue a permit for the construction of a scaled-back version of the proposed retaining wall. (A copy of this notification is attached herein as Attachment E.) However, after consultation with my engineers, I was advised that the scaled-back version approved by the USACOE would not be sufficient to remedy the problem. Further, it was their expert opinion that simply rebuilding the rip-rap barrier would be futile and a waste of money.

On February 2, 2006, I filed an action against the Port alleging damages to my property based on inverse condemnation pursuant to California Constitution Art. 1, § 19, and CAL.CIV.CODE § 832. (A copy of the Complaint is attached herein as Attachment F.) On May 23, 2006, the San Diego Superior Court ruled that the USCACOE was an indispensable party. On May 25, 2006, I filed a First Amended Complaint adding the USACOE as a named defendant in the action. On June 26, 2006, the United States removed the action to Federal Court.

On January 5, 2007, the first of a series of settlement conferences was held with the Honorable Louisa S. Porter in the United States District Court, Southern District of California. Beginning in January of 2007, the parties actively sought a resolution to the dispute without the need for further litigation. Pursuant to those efforts, I was placed in contact with Ray Carpenter, who was referred to me by the Port. Mr. Carpenter is a seasoned marine engineer whose firm has been responsible for constructing much of the infrastructure within the Bay. I met with Mr. Carpenter at my property to discuss the problems and possible solutions. Mr. Carpenter concurred that the cause of the damage to my property was the offshore dredging directly adjacent to my property. After extensive discussions and the submission of preliminary plans by Mr. Carpenter for a proposed retaining wall, settlement discussions among the parties broke down. Litigation is proceeding in this matter. To date, neither the USACOE nor the Port has

Congressman Harry Mitchell  
12 December 2007  
Page 4

---

been willing to approve the construction of a retaining wall sufficient to correct the damage already caused to my property and prevent further undermining of my land.

If I could get your help to try to resolve this I would really appreciate it. Thank you.

Very truly yours,

Leo R. Beus

LRB:slf





SUSAN A. DAVIS  
53RD DISTRICT, CALIFORNIA

WASHINGTON OFFICE:  
1526 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20516  
(202) 225-2040

DISTRICT OFFICE:  
4305 UNIVERSITY AVENUE, SUITE 515  
SAN DIEGO, CA 92105  
(619) 280-5353

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0553**

March 25, 2008

COMMITTEES:  
ARMED SERVICES  
SUBCOMMITTEES:  
MILITARY PERSONNEL  
OVERSIGHT AND INVESTIGATIONS  
EDUCATION AND LABOR  
SUBCOMMITTEES:  
EARLY CHILDHOOD, ELEMENTARY AND  
SECONDARY EDUCATION  
HIGHER EDUCATION, LIFELONG LEARNING  
AND COMPETITIVENESS

The Honorable Donald C. Winter  
Secretary of the Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000

Re: Shoreline erosion in Coronado, California

Dear Secretary Winter:

I am writing on behalf of my constituents who reside along the shoreline in Coronado, California in the area of Naval Air Station North Island (NASNI). I recently met with the City of Coronado and some of my constituents whose homes have been directly affected by shoreline erosion along the western portion of San Diego Bay.


As you may know, in 1998 the Navy dredged a 50-foot turning basin along the bay to allow for aircraft carriers to maneuver. In 2000, the Army Corps of Engineers released a report entitled "Coronado Shoreline Initial Appraisal Report," which indicated that the primary areas subject to erosion, specifically 35 backyard residences along First Street between Alameda and D Avenues in Coronado, are a result of the off-shore transport of sediments due to wave energy created by boat and ship traffic.

For my constituents, this means that the backyard erosion of their homes will continue at a rate as high as 1.7 feet per year and that house foundations could erode in approximately 10 years. In addition, within 15 to 25 years, approximately a dozen homes could be lost or become too hazardous for occupancy.

As the member of Congress for the 53<sup>rd</sup> District of California, I am concerned about the danger posed to my constituents' property. Many of these residents have tried to build retaining walls to protect their homes, but have been met with resistance from various permitting agencies and have been denied the necessary permits to protect their homes. A comprehensive solution should be developed to ensure that this damage can be halted.

Thank you very much for your time and attention to this matter.

Sincerely,

  
SUSAN A. DAVIS  
Member of Congress

cc: Army Corps of Engineers

Senator Barbara Boxer  
Senator Diane Feinstein  
Senator Jon Kyl

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Senator Barbara Boxer  
600 B Street, Suite 2240  
San Diego, CA 92101

Dear Senator Boxer:

Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

## Obituaries

### Capt. Richard Sewall, U.S. Navy, (ret.)

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the USS *Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

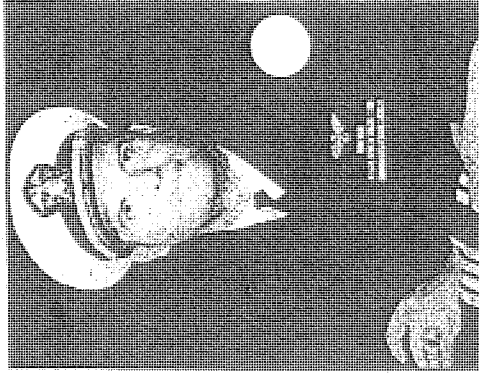
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Coronado CA 92118 or to the Salk Institute for Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### Ted Lee Farrell, Capt. U.S. Navy (ret.)

October 3, 1923 - March 10,

the world around him; his back-

exhibition games against the then-

FILE COPY

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Congresswoman Susan Davis  
4305 University Avenue  
Suite 515  
San Diego, CA 92105

Dear Congresswoman Davis:

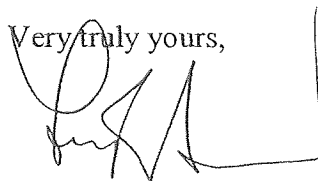
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

Apr. 9 - Apr. 15, 2008

## Obituaries

### Capt. Richard Sewall, U.S. Navy, (ret.)

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the USS Colorado and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

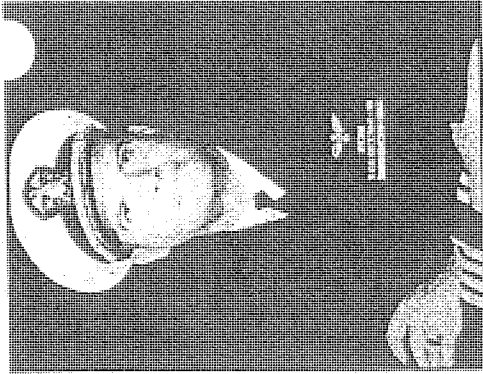
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Coronado 92118 or to the Salk Institute for Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### Ted Lee Farrell, Capt. U.S. Navy (ret.)

October 3, 1923 - March 10, exhibition games against the then-

the world around him; his back-

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Senator Diane Feinstein  
11111 Santa Monica Blvd., #915  
Los Angeles, CA 90025

Dear Senator Feinstein:

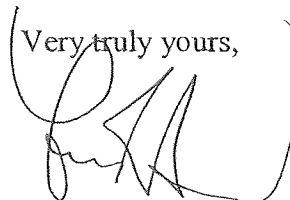
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

(Very truly yours,



Leo R. Beus

LRB:pg  
Enc.



## Obituaries

### *Capt. Richard Sewall, U.S. Navy, (ret.)*

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the USS *Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

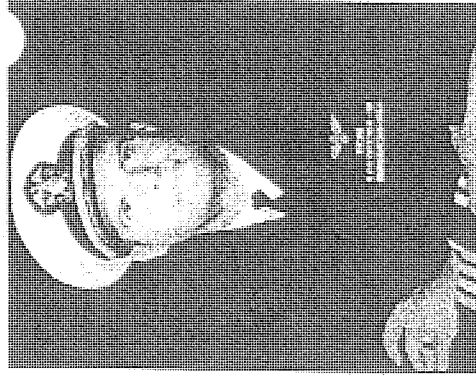
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation  
250 Prospect Place, Coronado  
92118 or to the Salk Institute for  
Biological Studies, 1010 North  
Torrey Pines Road, La Jolla CA  
92037.

### *Ted Lee Farrell, Capt. U.S. Navy (ret.)*

October 3, 1923 - March 10, exhibition games against the then- the world around him; his back-

FILE COPY

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Congressman Jeff Flake  
1640 South Stapley, Suite 215  
Mesa, AZ 85204

Dear Jeff:

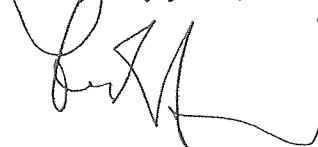
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

## Obituaries

### Capt. Richard Sewall, U.S. Navy, (ret.)

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30, Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the USS *Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

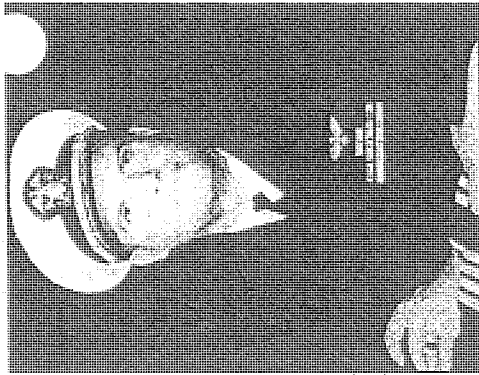
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Corona 92118 or to the Salk Institute Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### Ted Lee Farrell, Capt. U.S. Navy (ret.)

October 3, 1923 - March 10,

the world around him; his back-

exhibition games against the then-

FILE COPY

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Senator Jon Kyl  
2200 E. Camelback Road  
Suite 120  
Phoenix, AZ 86016

Dear Jon:

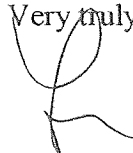
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

## Obituaries

### Capt. Richard Sewall, U.S. Navy, (ret.)

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the *USS Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

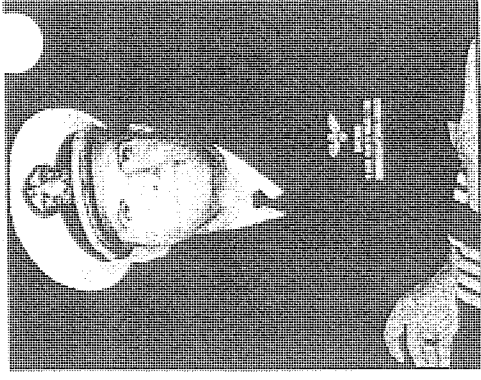
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Corona, CA 92118 or to the Salk Institute for Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### Ted Lee Farrell, Capt. U.S. Navy (ret.)

October 3, 1923 - March 10, 2008

exhibition games against the then- world around him; his back-

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Senator John McCain  
5353 North 16<sup>th</sup> Street, Suite 105  
Phoenix, AZ 85016

Dear Senator McCain:

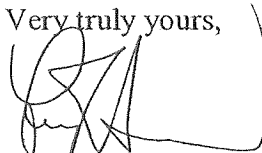
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

## Obituaries

### *Capt. Richard Sewall, U.S. Navy, (ret.)*

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the *USS Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc.

Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

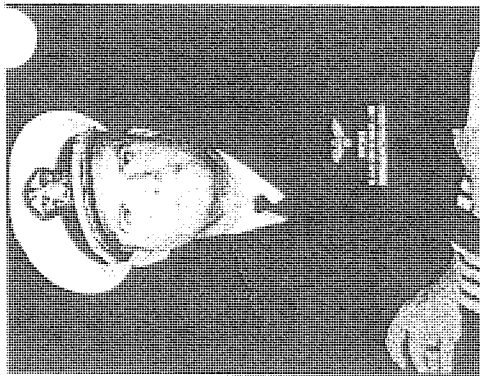
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Coronado 92118 or to the Salk Institute for Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### *Ted Lee Farrell, Capt. U.S. Navy (ret.)*

October 3, 1923 - March 10,

the world around him; his back-

exhibition games against the then-



4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

9 May 2008

Congressman Harry Mitchell  
P. O. Box 23748  
Tempe, AZ 85285

Dear Congressman Mitchell:

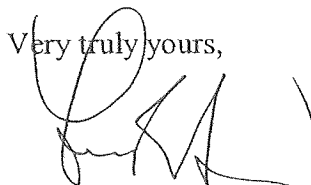
Enclosed please find the obituary of Captain Richard M. Sewall (USNA '42). Dick was a kind, modest gentleman and he devoted his entire life to his country, family, and God. He left behind his widow of 62 years, Barbara. Dick died frustrated and worried, knowing that the major asset he was leaving Barbara was their home, and that a substantial amount of their backyard has been eroded as a result of the Navy's dredging Coronado Bay for the aircraft carriers.

Today, literally half of their backyard has been eroded away because of the dredging, ship traffic, and wave action caused by the U.S. Navy. According to the Army Corps of Engineers, the entire home will eventually be totally eviscerated by the erosion created by the Navy.

One of the things he really wanted in his life was to be able to visit with his Government, which he had proudly served for 27 years, and seek an amicable solution. He had no desire to impede or divert the Navy's missions or projects in any way. Unfortunately, the Government simply refused or ignored his requests for an open dialogue.

With the passing of Captain Sewall, this difficult and serious issue now rests solely on Barbara. Any further information, assistance, and support regarding this matter would be greatly appreciated.

Very truly yours,



Leo R. Beus

LRB:pg  
Enc.

## Obituaries

### Capt. Richard Sewall, U.S. Navy, (ret.)

November 25, 1919 - March 30, 2008

Captain Richard Sewall, U.S. Navy, (ret.) passed away peacefully at home on Sunday, March 30. Dick was born Nov. 25, 1919, in Los Angeles. Dick was one of the early surfers in Palos Verdes. He also played football in high school and at the Naval Academy where he was a member of the class of 1942.

Because of World War II, the class graduated in December of 1941 and he was sent to MIT for an advanced course in top secret radar. Upon course completion, he was sent to war in the Pacific aboard the USS *Colorado* and was

in the battles of Midway, Tarawa, Eniwetok and Kwajalein.

In 1944, Dick met Barbara, his wife of 62 years. Daughter Lori was born in 1947 and daughter Dede followed in 1950.

His naval career included flight training and joining an air group that participated in the Bikini Bomb Test. He completed the U.S. Naval Academy Post-Graduate School in electronics engineering, served in the Korean War, attended the Naval War College and retired from active duty in 1963.

As a civilian, he continued working in the aircraft industry and then moved into real estate and motels, specifically E-Z 8

Motels, Inc. Although Dick and Barbara moved all over the country, Coronado remained home. They enjoyed traveling, golfing and spending time with good friends and family. He also loved oil painting and was an accomplished artist.

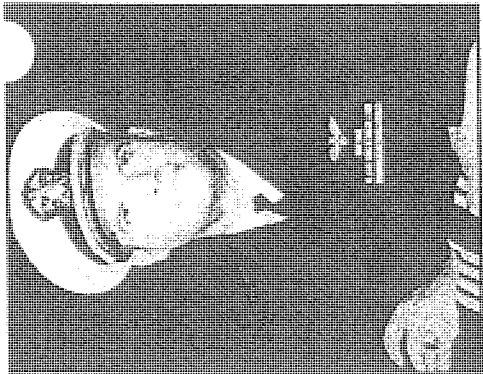
Dick touched the hearts of many at Sharp Coronado Hospital and the Coronado Hospital Foundation where he served on the foundation board of directors for many years, including as chairman. His paintings grace the halls of patient care areas at the hospital. Dick was an active member of the Coronado community and

served on several boards. He was a member of Rotary, the Yacht Club and the San Diego Country Club. He was respected and loved and will be missed by all who knew him.

Dick is survived by his wife, Barbara; daughter Lori (Christopher Franz) of Boston; daughter Dede of Coronado; granddaughter Courtney Franz; six nieces and nephews; and dedicated caregiver Tina.

A memorial service will be held at 11 a.m. on Thursday, April 17 at Graham Memorial Presbyterian Church at 959 C Avenue with interment at Fort Rosecrans National Cemetery at 2 p.m. on Monday, April 21.

Memorial donations may be made in Dick's memory to the



Coronado Hospital Foundation, 250 Prospect Place, Coronado, 92118 or to the Salk Institute for Biological Studies, 1010 North Torrey Pines Road, La Jolla CA 92037.

### Ted Lee Farrell, Capt. U.S. Navy (ret.)

October 3, 1923 - March 10,

the world around him; his back-

exhibition games against the then-

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Senator Barbara Boxer  
600 B Street, Suite 2240  
San Diego, CA 92101

Re: Coronado Shoreline

Dear Senator Boxer:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the potential for storm damage to private and public facilities.

This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

...

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential

structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

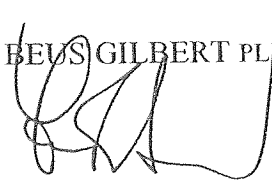
I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in black ink, appearing to be 'L. Beus', written over the printed name 'BEUS GILBERT PLLC'.

Leo R. Beus

LRB:pg  
Encs.

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Congresswoman Susan Davis  
4305 University Avenue  
Suite 515  
San Diego, CA 92105

Re: Coronado Shoreline

Dear Congresswoman Davis:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the

potential for storm damage to private and public facilities. This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

...

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At



present, the erosion does not threaten any of the residential structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in dark ink, appearing to read 'Leo R. Beus', written over the printed name 'BEUS GILBERT PLLC'.

Leo R. Beus

LRB:pg  
Encs.

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Senator Diane Feinstein  
11111 Santa Monica Blvd., #915  
Los Angeles, CA 90025

Re: Coronado Shoreline

Dear Senator Feinstein:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the potential for storm damage to private and public facilities.

This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential

structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. - See Appendix A for a more complete economic evaluation of the study area.

I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in dark ink, appearing to read 'Leo R. Beus', enclosed within a rectangular box.

Leo R. Beus

LRB:pg  
Encs.

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Congressman Jeff Flake  
1640 South Stapley, Suite 215  
Mesa, AZ 85204

Re: Coronado Shoreline

Dear Jeff:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the potential for storm damage to private and public facilities.

This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

...

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential

structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC  


Leo R. Beus

LRB:pg  
Encs.



4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Senator Jon Kyl  
2200 E. Camelback Road  
Suite 120  
Phoenix, AZ 86016

Re: Coronado Shoreline

Dear Jon:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the

potential for storm damage to private and public facilities. This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

...

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At

present, the erosion does not threaten any of the residential structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC

A handwritten signature in cursive script, appearing to read 'Leo R. Beus', written over the printed name.

Leo R. Beus

LRB:pg  
Encs.

4800 NORTH SCOTTSDALE ROAD  
SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7630

14 July 2008

Congressman Harry Mitchell  
P. O. Box 23748  
Tempe, AZ 85285

Re: Coronado Shoreline

Dear Congressman Mitchell:

Enclosed please find a really positive decision rendered by Judge Whelan, the Federal District Court Judge in San Diego. As you can see, he does not appear to be happy with the Navy and he makes it crystal clear that dredging cannot trump the duties of the Navy. Further, he ruled that the Government had a duty of lateral support.

We just discovered the Army Corps of Engineers did a 2005 study. That study had not been disclosed to us and, as a result of our visiting with some engineers, we learned that there was, in fact, such a study. After considerable delay, we finally got a copy of the study and it says, at pages 3-4:

#### 4.3 Source of Erosion

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this short is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the potential for storm damage to private and public facilities.

This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

and at page 4:

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evidence within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the same reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential

structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

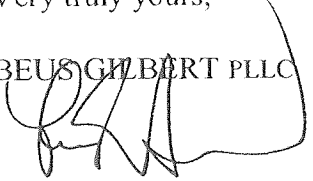
I am enclosing a complete copy of the study because it basically reaffirms what they knew in the year 2000.

Thanks so much for what you have done already. The widow of Capt. Sewall lives in a home two doors away and she is in jeopardy and our pool now has erosion under it.

Thanks again.

Very truly yours,

BEUS GILBERT PLLC



Leo R. Beus

LRB:pg  
Encs.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
12

13 SLPR, LLC, et al.,

14 Plaintiffs,

15 vs.

16 THE SAN DIEGO UNIFIED PORT  
DISTRICT, et al.,

17 Defendants.

CASE NO 06-CV-1327 W (POR)

ORDER DENYING  
DEFENDANTS' MOTIONS TO  
DISMISS (DOC. NO. 61 & 64)

18 Pending before the Court are motions to dismiss the Second Amended Complaint  
19 ("SAC") filed by the San Diego Unified Port District (the "Port District") (Doc. No.  
20 64), and collectively by the United States Army Corps of Engineers (the "Army Corps")  
21 and United States Navy (the "Navy") (collectively, the "Federal Defendants") (Doc.  
22 No. 61) The Court decides the matters on the papers submitted and without oral  
23 argument See S.D. Cal. Civ. R. 7.1(d.1). For the following reasons, the Court  
24 DENIES the motions.

25 //

26 //

27 //

28 //



1    L    BACKGROUND

2           Plaintiffs own shorefront property in Coronado, California. (SAC ¶ 10.)  
3    Plaintiffs' properties are directly adjacent to sections of the San Diego Bay known as the  
4    Central Navigation Channel ("Channel") and the Naval Air Station North Island  
5    Turning Basin ("Turning Basin") (Id. ¶ 44.)

6           According to the SAC, in order to facilitate home-porting of additional nuclear  
7    aircraft carriers, Defendants dredged the Turning Basin in approximately 1998, and  
8    again in approximately 2002 (Id. ¶ 16.) After the first dredging operation, defendant  
9    Army Corps issued a report evaluating the impact of the dredging activities on the  
10   Coronado shoreline. (Id. ¶ 17.) The report concluded that within ten years, erosion  
11   caused by the dredging will begin to undermine structures along the shoreline where  
12   Plaintiffs' properties are located (Id.) The report further provides that if "there is no  
13   organized effort to protect this portion of the shoreline," the foundations of Plaintiffs'  
14   houses will begin to erode in approximately 10 years, thereby rendering yards unstable  
15   and placing structure in jeopardy (Id. ¶ 21 )

16          After the report was issued, in approximately October 2004, Plaintiffs allege that  
17   the Port District and Army Corps began another dredging operation in the Channel in  
18   order to improve the efficiency of commercial shipping operations in San Diego Bay.  
19   (Id. ¶ 23.) The dredging project ended in February 2005. (Id.)

20          On or about July 4, 2005, certain Plaintiffs discovered that the dredging  
21   undermined the lateral support of their land and compromised the structural integrity  
22   of a riprap barrier on the shoreline. (Id. ¶ 25.) On February 2, 2006, Plaintiff SLPR filed  
23   a complaint in the San Diego Superior Court against the Port District On May 26,  
24   2006, SLPR filed a First Amended Complaint adding the Army Corps as a defendant.  
25   On June 26, 2006, the Army Corps removed the action to this Court.

26          On December 5, 2007, Plaintiffs filed a SAC adding the Navy as an additional  
27   defendant. The motions to dismiss followed.

28

1 II. LEGAL STANDARD

2 The Court must dismiss a cause of action if the cause of action fails to state a  
3 claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). A motion to dismiss  
4 under Rule 12(b)(6) tests the complaint's sufficiency. See North Star Int'l. v. Arizona  
5 Corp. Comm'n., 720 F.2d 578, 581 (9th Cir. 1983). All material allegations in the  
6 complaint, "even if doubtful in fact," are assumed to be true Id. The court must  
7 assume the truth of all factual allegations and must "construe them in the light most  
8 favorable to the nonmoving party" Gompper v. VISX, Inc., 298 F.3d 893, 895 (9th Cir.  
9 2002); see also Waller v. Fed. Home Loan Bank of Seattle, 83 F.3d 1575, 1580 (9th Cir.  
10 1996)

11 As the Supreme Court recently explained, "[w]hile a complaint attacked by a  
12 Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's  
13 obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels  
14 and conclusions, and a formulaic recitation of the elements of a cause of action will not  
15 do." Bell Atlantic Corp. v. Twombly, 127 S.Ct. 1555, 1564 (2007) Instead, the  
16 allegations in the complaint "must be enough to raise a right to relief above the  
17 speculative level." Id. at 1564-65. A complaint may be dismissed as a matter of law  
18 either for lack of a cognizable legal theory or for insufficient facts under a cognizable  
19 theory Robertson v. Dean Witter Reynolds, Inc., 749 F.2d 530, 534 (9th Cir. 1984).

20 Generally, the court may not consider material outside the complaint when  
21 ruling on a motion to dismiss. Hal Roach Studios, Inc. v. Richard Feiner & Co., 896  
22 F.2d 1542, 1555 n.19 (9th Cir. 1990). However, the court may consider any documents  
23 specifically identified in the complaint whose authenticity is not questioned by the  
24 parties. Fecht v. Price Co., 70 F.3d 1078, 1080 n.1 (9th Cir. 1995). Moreover, the  
25 court may consider the full text of those documents, even when the complaint quotes  
26 only selected portions. Id. The court may also consider material properly subject to  
27 judicial notice without converting the motion into a motion for summary judgment.  
28 Barron v. Reich, 13 F.3d 1370, 1377 (9th Cir. 1994) (citing Mack v. South Bay Beer

1 Distribs., Inc., 798 F.2d 1279, 1282 (9th Cir. 1986) abrogated on other grounds by  
2 Astoria Fed. Savings and Loan Ass'n v. Solimino, 501 U.S. 104 (1991)).<sup>1</sup>

3  
4 **III. PORT DISTRICT'S MOTION TO DISMISS**

5 The Port District challenges Plaintiffs' first and second causes of action for  
6 nuisance and violation of California Civil Code § 832, respectively. For the reasons  
7 addressed below, the Court DENIES the Port District's motion.

8  
9 **A. Civil Code § 3482 Does Not Bar Plaintiffs' Nuisance Claim.**

10 Civil Code § 3482 provides that "[n]othing which is done or maintained under  
11 the express authority of a statute can be deemed a nuisance " The Port District asserts  
12 that the dredging projects are authorized by several statutes, including the Commerce  
13 Clause (Art 1, Sec. 8, Cl.3), the River and Harbor Act (33 U.S.C. §§ 1, 577) and  
14 California Public Resource Code § 30705(a)(1) Because the dredging projects are  
15 authorized by statute, the Port District contends that the nuisance claim must be  
16 dismissed under section 3482 (*Port Dist's Mem of P & A* at 5 9-11.) Plaintiffs argue  
17 that although the dredging projects are statutorily authorized, section 3482 is  
18 inapplicable because the statutes do not authorize dredging that causes damage to  
19 Plaintiffs' property The Court agrees with Plaintiffs.

20 The California Supreme Court has "consistently applied a narrow construction  
21 to section 3482 and to the principle therein embodied." Friends of H Street v. City of  
22 Sacramento, 20 Cal App.4th 152, 160 (1993) (quoting Greater Westchester  
23 Homeowners Assn. v. City of Los Angeles, 26 Cal.3d 86, 100 (1979)). For section 3482  
24 to apply, the acts complained of must be "authorized by the express terms of the statute  
25 under which the justification is made, or by the plainest and most necessary implication  
26 from the powers expressly conferred, so that it can be fairly stated that the legislature

27  
28 <sup>1</sup> Based on this standard, the Court GRANTS Defendants' request for judicial  
notice.

1 contemplated the doing of the very act which occasions the injury." Id. (quoting Hassell v.  
2 San Francisco, 11 Cal.2d 168, 171 (1938) (emphasis in original))

3 In Variabedian v. City of Madera, 20 Cal 3d 285 (1978), the city argued that a  
4 nuisance claim based on septic smells emanating from a nearby sewage treatment facility  
5 was barred under section 3482 because construction of the facility was statutorily  
6 authorized. But one of the goals in constructing the plant was to eliminate septic smells,  
7 and none of the statutes authorizing construction mentioned the "possibility of noxious  
8 emanations from such facilities." Id. at 292. Based on these facts, the California  
9 Supreme Court explained that it could not find "that such odors were authorized by the  
10 'plainest and most necessary implication' from the general powers there conferred, or  
11 that it can be fairly said that the Legislature contemplated, to any extent, the creation  
12 of a malodorous nuisance when it authorized sewage plant construction" Id.  
13 Accordingly, the Court held section 3482 inapplicable because "the statute did not  
14 expressly authorize odors emanating from the plant . ." Id. at 291

15 In Greater Westchester, the proprietor of Los Angeles International Airport  
16 argued that a nuisance claim based on aircraft noise was barred under section 3482  
17 Although aviation is sanctioned by various federal and state statutes, the California  
18 Supreme Court held that section 3482 did not apply based, in part, on competing state  
19 and federal legislation that preserved "both the authority and responsibility of an airport  
20 proprietor to acquire adequate noise easements and to institute reasonable noise  
21 abatement procedures. . ." Id., 26 Cal.3d at 102.

22 Here, none of the statutes Defendants cite that authorize dredging mention  
23 shoreline erosion. Additionally, Plaintiffs argue that the Coastal Zone Management Act  
24 ("CZMA"), 16 U.S.C. § 1451(c) and California Public Resource Code § 30253 require  
25 protection from shoreline erosion. (Pl.'s Opp'n to Port Dist.'s Mot to Dismiss at 7.1-6.)  
26 The Port District does not dispute that these statutes require protection from shoreline  
27 erosion, but instead asserts that Plaintiffs' statutes are "merely general authorization  
28 statutes and do not support Plaintiffs' claims." (Port Dist.'s Reply Mem at 4:3-4.)

1 But, similar to the circumstances in Variabedian and Greater Westchester, the  
2 Court is confronted with statutes that authorize dredging and others that require  
3 protection from shoreline erosion. And as the moving party, the Port District has not  
4 identified any statutory language authorizing dredging that causes shoreline erosion.  
5 Accordingly, the Court finds section 3482 does not apply to this case  
6

7 B. The Port District has Failed to Establish the Boundaries of its Property.

8 The Port District next argues that the nuisance claim must be dismissed because  
9 the 1998 and 2002 dredging projects occurred outside its property lines, and thus the  
10 Port District had no jurisdiction over the Navy's dredging. In support of this argument,  
11 the Port District contends that exhibits 1-4 attached to the motion to dismiss establish  
12 that the Port District's "jurisdiction relevant to this case" does not include the Turning  
13 Basin and Channel (*Port Dist's Mem. of P. & A.* at 3.18-20.)

14 Exhibit 1 consists of the cover page and two maps from the Port District's 2007  
15 Tidelands Map Book. But neither map identifies Plaintiffs' bayside properties, the  
16 Turning Basin, the Channel, or the boundaries of the Port District's property. Nor does  
17 the Port District identify those portions of exhibits 2-4 that are relevant in establishing  
18 these different areas in the San Diego Bay.

19 To the extent the Port District believes the attached exhibits support its  
20 argument, the Port District must identify the relevant portions of the exhibits. Even on  
21 a summary-judgment motion, the "district court may limit its review to those parts  
22 of the record specifically referenced therein." Carmen v. San Francisco Unified School  
23 Dist., 237 F.3d 1026, 1030 (9th Cir. 2001). The court is not obligated "to scour  
24 the record" in search of evidence supporting the moving party's contentions. Keenan  
25 v. Allen, 91 F.3d 1275, 1279 (9th Cir. 1996).

26 Because the Port District has not established that the dredging occurred outside  
27 of its jurisdiction, its motion to dismiss is denied.  
28

1 C. Violation of Civil Code § 832.

2 California Civil Code § 832 provides in relevant part.

3  
4 Each coterminal owner is entitled to the lateral and subjacent support  
5 which his land receives from the adjoining land, subject to the right of the  
6 owner of the adjoining land to make proper and usual excavations on the  
same for purposes of construction or improvement. . .

7 The Port District argues that Plaintiffs' claim for violation of section 832 should be  
8 dismissed for several reasons.

9 First, the Port District contends that dismissal is warranted because Plaintiffs  
10 cannot establish that the dredging was performed on Port District property. (Port Dist.'s  
11 Mem. Of P & A at 7:20-23.) But as addressed above, the Port District failed to  
12 establish the boundaries of its property. Accordingly, the Court must accept as true  
13 Plaintiffs' allegation that the adjoining land was owned by the Port District.

14 The Port District next argues that section 832 does not apply where, as here, the  
15 lateral support is from adjacent submerged land. But the statute does not include such  
16 a limitation. Nor has the Port District cited any California case limiting the statute's  
17 applicability to lateral support from adjacent dry land. Accordingly, the Port District  
18 has failed to establish that section 832 does not apply.

19 Finally, citing Holtz v. Superior Court, 3 Cal.3d 296 (1970), the Port District  
20 argues in its moving papers that the California Supreme Court held that section 832  
21 does not apply to damages resulting from a public agency's public improvement project.  
22 However, in its Reply, the Port District appears to concede that Holtz is not applicable  
23 because it is an inverse condemnation case. The Court agrees.

24 For these reasons, the motion to dismiss the section 832 claim is denied.

25 IV. FEDERAL DEFENDANTS' MOTION TO DISMISS

26 The Federal Defendants move to dismiss Plaintiffs' fourth and fifth causes of  
27 action for violation of the Administrative Procedure Act ("APA"). For the reasons  
28 stated below, the Court DENIES the Federal Defendants' motion.

1  
2 A. Plaintiffs' Interests Are Arguably Within The CZMA's Zone Of  
3 Interests

4 Plaintiffs seek judicial review under the APA of the Federal Defendants' 1998  
5 and 2002 dredging operations based on the Federal Defendants' alleged non-compliance  
6 with the CZMA. (SAC ¶¶ 85, 97 ) The CZMA does not create a private right of  
7 action. See, e.g., Town of N. Hempstead v. Vill. of N. Hills, 482 F. Supp. 900, 905  
8 (E.D.N.Y. 1979) ("It is clear that CZMA . is neither a jurisdictional grant, nor a basis  
9 for stating a claim upon which relief can be granted.") Accordingly, Plaintiffs must  
10 pursue their claim via the APA, which provides a limited waiver of sovereign immunity  
11 to litigants seeking non-monetary relief from federal agency action 5 U.S.C. § 702, see  
12 also City of Sausalito v. O'Neill, 386 F.3d 1186, 1200 (9th Cir. 2004) ("If statutory  
13 standing is not explicitly provided in the text of a statute, a plaintiff challenging federal  
14 administrative action looks to [the APA] ")

15 In order to state a claim under the APA, Plaintiffs bear the burden of showing  
16 that their interests are within the relevant "zone of interests" protected or regulated by  
17 the statute in question, here the CZMA. Ass'n of Data Processing Serv. Orgs., Inc. v.  
18 Camp, 397 U.S. 150, 153 (1970).

19 Congress enacted the CZMA to encourage coastal states to enact their own  
20 coastal management programs. See S. Rep. No. 92-753, at 1 (1972), as reprinted in  
21 1972 U.S.C.C.A.N. 4776, 4776 (The CZMA "has as its main purpose the  
22 encouragement and assistance of States in preparing and implementing management  
23 programs to preserve, protect, develop and whenever possible restore the resources of  
24 the coastal zone of the United States."). The Federal Defendants argue that Plaintiffs'  
25 interests are not within the CZMA's zone of interests. (*Federal Defs' Mem. of P. & A.*  
26 *at 5-14-15.*) According to the Federal Defendants, standing under the CZMA is limited  
27 to states and environmental groups—entities which have identical interests in  
28 maintaining the environmental integrity of the coastal zone. (*Id.* at 8-5-20.) The



1 Federal Defendants claim that, as individuals suing in their private capacity, Plaintiffs'  
2 interests are not within the zone of interest of the CZMA because Plaintiffs are only  
3 interested in saving the shoreline abutting their own backyards. (*Id.* at 8:23–24.)

4 The zone of interest test “is not meant to be especially demanding; in particular,  
5 there need be no indication of congressional intent to benefit the would-be plaintiff.”  
6 Clarke v. Sec. Indus. Ass’n, 479 U.S. 388, 399–400 (1987) (footnote omitted). The  
7 relevant inquiry is whether the plaintiff’s asserted interest is “arguably within the zone  
8 of interests” protected by the law that the plaintiff claims the defendant violated. Nat’l  
9 Credit Union Admin. v. First Nat’l Bank & Trust Co., 522 U.S. 479, 488 (1998).  
10 “Where statutes are concerned, the trend is toward enlargement of the class of people  
11 who may protest administrative action.” Data Processing, 397 U.S. at 154. The zone  
12 of interests test “denies a right of review [only] if the plaintiff’s interests are so  
13 marginally related to or inconsistent with the purposes implicit in the statute that it  
14 cannot reasonably be assumed that Congress intended to permit the suit.” Clarke, 479  
15 U.S. at 399. Whether a particular plaintiff’s interest falls within a particular statute’s  
16 zone of interests “is to be determined not by reference to the overall purpose of the Act  
17 in question . . . , but by reference to the particular provision of law on which the plaintiff  
18 relies.” Bennett v. Spear, 520 U.S. 154, 175–76 (1997).

19 The Ninth Circuit has not squarely addressed the question of whether private  
20 individual plaintiffs have prudential standing to sue under the CZMA. However, in  
21 California v. Watt, the Ninth Circuit extended prudential standing under the CZMA  
22 to environmental groups because “[t]he CZMA issues the environmental groups sought  
23 to raise were identical to those raised by the State of California. . . .” *Id.*, 683 F.2d 1253,  
24 1271 (9th Cir. 1982), rev’d on other grounds sub nom. Secretary of the Interior v.  
25 California, 464 U.S. 312 (1984).

26 The Ninth Circuit subsequently dealt with whether municipalities had standing  
27 under the CZMA. Relying on Watt and the statute’s text, the Ninth Circuit held “that  
28 adversely affected local governments are within the zone of interests of the CZMA, as

1 parties adversely affected or aggrieved by an improper consistency determination " City  
2 of Sausalito, 386 F.3d at 1201 (internal quotation marks omitted). Thus, although  
3 municipalities take no part in making or concurring in CZMA consistency  
4 determinations, municipalities do have prudential standing to challenge improper  
5 consistency determinations through the APA. Id.

6 The particular provision of the CZMA on which Plaintiffs rely—16 U.S.C. §  
7 1456—requires that federal agency activities affecting the coastal zone "be carried out  
8 in a manner which is consistent to the maximum extent practicable with the  
9 enforceable policies of approved state management programs " (SAC ¶¶ 83, 93.)  
10 Plaintiffs assert that the relevant state policy is reflected in California's approved coastal  
11 management plan, the California Coastal Act ("CCA") Cal Pub Res Code §§  
12 30000–30900 California Public Resources Code § 30253(2) requires that "[n]ew  
13 development shall [a]ssure stability and structural integrity, and neither create nor  
14 contribute significantly to erosion, geologic instability, or destruction of the site or  
15 surrounding area or in any way require the construction of protective devices " Because  
16 the Federal Defendants' dredging caused erosion, Plaintiffs contend that the Federal  
17 Defendants violated the CZMA by not carrying out the dredging in a manner consistent  
18 with California's policy.

19 The Federal Defendants argue that because the SAC "centers on [Plaintiffs']  
20 backyards" and seeks a solution "necessarily limited to their own, private needs,"  
21 Plaintiffs' interests are not consistent with the state's interest. (*Federal Defs' Mem. of*  
22 *P. & A.* at 8:22–27.) But simply because the dispute at hand only involves Plaintiffs'  
23 property does not mean Plaintiffs' interests conflict with the state's interest To the  
24 extent that Plaintiffs' attempts to prevent further shoreline erosion are consistent with  
25 California Public Resource Code, the Court cannot find that Plaintiffs' interests are only  
26 "marginally related to or inconsistent with" California's interest in maintaining the  
27 environmental integrity of the coastal zone. Clarke, 479 U.S. at 399.

28

1 The Federal Defendants also claim that Plaintiffs' interests are opposed to  
2 California's interests because Plaintiffs are currently suing the Port District as  
3 representatives of the state. (*Federal Defs.' Reply Mem* at 7:15-18.) However, the  
4 question is not whether the Plaintiffs' interests are consistent with state agency actions;  
5 rather, the relevant question is whether Plaintiffs' interests are within the zone of  
6 interests reflected by the CZMA and California's statutory implementation of the  
7 CZMA, the CCA. See City of Sausalito, 386 F.3d at 1201 (holding that municipality  
8 had standing to challenge consistency determination in which state agency previously  
9 concurred) As discussed above, Plaintiffs seek to protect their properties from further  
10 shoreline erosion—a goal consistent with the policy reflected in California Public  
11 Resources Code § 30253.

12 Taking Plaintiffs' factual allegations as true and construing them in the light most  
13 favorable to the non-moving party, the Court cannot conclude on this record that  
14 Plaintiffs' interests do not fall within the CZMA's zone of interests. Gompper, 298 at  
15 895 (9th Cir. 2002).<sup>2</sup>

16  
17 **B. Plaintiffs' Claims Are Ripe For Adjudication**

18 The Federal Defendants also assert that Plaintiffs' claims are not yet ripe for  
19 adjudication. (*Federal Defs.' Mem. of P. & A.* at 9:5-6.) The Federal Defendants  
20 contend that Plaintiffs will not suffer if the Court withholds judicial review at this time,  
21 because Plaintiffs' residences will not be in immediate jeopardy until 2015-2020. (*Id.*  
22 at 9:17-18.) Additionally, the Federal Defendants contend that the presence of an  
23

24  
25 <sup>2</sup> The Court notes that, in so holding, it necessarily rejects the conclusion of Serrano-  
26 Lopez v. Cooper, 193 F. Supp. 2d 424 (D.P.R. 2002), the only reasoned decision which the  
27 Court has found to squarely address the issue of whether private individuals can achieve  
28 prudential standing to sue under the CZMA through the APA. The court in Serrano-Lopez  
held that "[t]he only party that could potentially bring its concerns, interest, and potential  
injuries within the zone of interests of the CZMA" was the Puerto Rican government, through  
the Puerto Rican Planning Board. *Id.* at 434. This conclusion does not square with Ninth  
Circuit law extending standing to municipalities and environmental groups. See e.g., City of  
Sausalito, 386 F.3d at 1201; Watt, 683 F.2d at 1271.

1 ongoing environmental impact study renders the record unfit for review. (*Id.* at 9:22–28.)

2 “Ripeness is a justiciability requirement that seeks to avoid premature litigation  
3 of disputes.” Buono v. Kempthorne, 502 F.3d 1069, 1077 (9th Cir. 2007) (citing  
4 Thomas v. Union Carbide Agric. Prods. Co., 473 U.S. 568, 579–81 (1985)). The  
5 ripeness doctrine consists of both Article III and prudential limitations. Nat’l Park  
6 Hospitality Ass’n v. Dep’t of the Interior, 538 U.S. 803, 808 (2003) The prudential  
7 component of the ripeness doctrine requires a court to analyze two factors. (1) “the  
8 hardship that the party seeking relief will suffer from withholding judicial action,” and  
9 (2) “the fitness of the issues in the record for judicial review.” Buono, 502 F.3d at 1079  
10 The judicial record is “fit for [review] if the issues raised are primarily legal, do not  
11 require further factual development, and the challenged action is final.” Standard  
12 Alaska Production Co. v. Schaible, 874 F.2d 624, 627 (9th Cir. 1989)

13 Here, Plaintiffs’ claims satisfy both components of the prudential ripeness  
14 doctrine. Federal Defendants assert that Plaintiffs will not suffer hardship if the Court  
15 withholds judicial action at this time because Plaintiffs’ residences will not face  
16 “imminent harm” until 2015–2020 (*Federal Defs’ Mem. of P & A* at 9:17–18).  
17 However, Plaintiffs need not show that they face imminent hardship. See Union  
18 Carbide, 473 U.S. at 581 (“One does not have to await the consummation of threatened  
19 injury to obtain preventive relief. If the injury is certainly impending, that is enough.”  
20 (internal quotation marks omitted) (quoting Blanchette v. Conn. Gen. Ins. Corps., 419  
21 U.S. 102, 143 (1974))) The erosion has already undermined the lateral support of a  
22 pool located on Plaintiff SLPR’s property, and the Federal Defendants do not dispute  
23 the fact that continued erosion will result in the eventual loss of Plaintiffs’ homes. (SAC  
24 ¶ 25.) Accordingly, Plaintiffs have alleged both concrete and “certainly impending”  
25 injuries.

26 The judicial record is also fit for review. The central issue raised by Plaintiffs’  
27 complaint concerns whether the Federal Defendants complied with the consistency  
28 provisions of the CZMA. (SAC ¶¶ 85, 97.) The Federal Defendants do not dispute

1 that the dredging activities and concomitant consistency determinations constitute  
2 "final agency actions" The Federal Defendants nevertheless argue that review is  
3 premature, because the Navy is currently preparing a new Supplemental Environmental  
4 Impact Statement ("SEIS") that will not be completed until 2009. (*Federal Defs.' Mem.*  
5 *of P. & A.* at 10:5-8, *See Id.* at Ex. A) However, Plaintiffs challenge the original  
6 consistency determinations conducted in connection with the 1998 and 2002 dredging  
7 activities, and point to the December 2000 report prepared by the Army Corps as  
8 evidence that the dredging activity violated the CZMA and the CCA. (SAC ¶¶ 85, 97.)  
9 Plaintiffs' complaint does not present an "abstract disagreement[]" over administrative  
10 policies " Abbott Labs. v. Gardner, 387 U.S. 136, 148 (1967), superseded by statute on  
11 other grounds, 28 U.S.C. § 1331, Pub. L. No. 94-574, 90 Stat. 2721, as recognized in  
12 Califano v. Sanders, 430 U.S. 99, 105' (1977) Rather, Plaintiffs seek injunctive relief  
13 remedying a situation created by past final agency actions. (SAC ¶¶ 89, 98 )  
14 Accordingly, the Court finds the judicial record fit for review and requiring of no further  
15 factual development

16 The Federal Defendants also claim that the only remedy Plaintiffs could obtain  
17 would consist of the preparation of a new SEIS, and that this process is currently  
18 ongoing. (*Federal Defs.' Mem. of P. & A.* at 9.23-25.) As Plaintiffs correctly observe,  
19 if the Federal Defendants could unilaterally render Plaintiffs' claims not ripe simply by  
20 repeating the SEIS process, then Plaintiffs may never have the opportunity to fully  
21 litigate their claims. (*Pl.'s Opp'n to the Federal Defs.' Mot. to Dismiss* at 14:5-7.) This  
22 argument addresses the redressability of Plaintiffs' claims, an issue the Federal  
23 Defendants do not directly challenge in their Motion to Dismiss. (*See Federal Defs.'*  
24 *Mem. of P. & A.* at 4 n.5 (reserving the right to challenge Plaintiffs' Article III  
25 standing).) Because Plaintiffs' claims meet both prongs of the prudential ripeness  
26 analysis, the Court is satisfied that Plaintiffs' complaint states a claim for which relief  
27 may be granted.

28

1 V. CONCLUSION

2 For the foregoing reasons, the Court DENIES the Port District's motion to  
3 dismiss, and DENIES the Federal Defendants' motion to dismiss.

4  
5 IT IS SO ORDERED.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

20 DATED: June 30, 2008

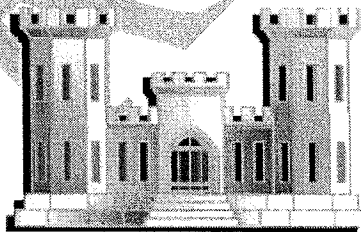
21  
22   
23 Hon. Thomas J. Whelan  
24 United States District Judge  
25  
26  
27  
28

---

**Coronado Shoreline  
San Diego County, California**

**Reconnaissance Study  
Initial Appraisal Report**

September 2005



---

**U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard  
Los Angeles, California 90017-3401**



# CORONADO SHORELINE RECONNAISSANCE STUDY

## INITIAL APPRAISAL REPORT

### TABLE OF CONTENTS

1	INTRODUCTION .....	1
2	DESCRIPTION OF STUDY AREA .....	1
3	AVAILABLE DATA.....	2
3.1	Dredge Screening .....	2
4	PROBLEM IDENTIFICATION.....	3
4.1	Wave Climatology .....	3
4.2	Offshore Profile .....	3
4.3	Source of Erosion.....	3
4.4	Erosion Rate Determination .....	4
4.5	Economic Studies .....	4
4.6	Without Project Condition.....	4
4.7	Environmental Evaluation .....	4
5	ARRAY OF ALTERNATIVES .....	5
5.1	Alternative No. 1 - Riprap Revetment.....	5
5.2	Alternative No. 2 - Riprap Revetment with Access Trail .....	5
5.3	Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail.....	5
5.4	Alternative No. 4 - Combination Groin Beach and Riprap Revetment.....	6
6	STUDY EVALUATION .....	6
6.1	Economic .....	6
6.2	Environmental .....	7
7	CONCLUSIONS.....	9
8	RECOMMENDATION .....	10
9	REFERENCES .....	11
	E. Birds .....	4

#### LIST OF TABLES

Table 1 Dredge Probable Costs.....	3
Table 2 Total Annual Costs .....	6
Table 3 Net Benefits .....	10
Table 4 Evaluation of Properties in Project Area .....	8

#### LIST OF FIGURES

Figure 1 Study Area .....	1
Figure 2 Study Reach.....	2
Figure 3 Bicycle Routes.....	9

#### APPENDIXES

Economic Studies – Appendix A  
Environmental Evaluation – Appendix B  
Calculation and Cost Estimates – Appendix C  
Design Figures – Appendix D

## 1 INTRODUCTION

The intent of this study is to prepare a report to be used as a decision document to determine Federal Interest in shoreline protection for the Coronado Shoreline. This will consist of an economic evaluation, environmental analysis, and an assessment of the existing baseline conditions. The study area consists of approximately 2,800 linear feet of shoreline along First Street between Orange Avenue and Alameda Avenue along San Diego Bay in Coronado, California. A site visit and a review of available data were conducted in order to perform appropriate problem identification. An array of alternatives were then prepared and evaluated on economic, environmental and cost bases.

## 2 DESCRIPTION OF STUDY AREA

Observations during the site visit indicated erosion of the shore in the western half of the study area. This portion of the shore was littered with concrete debris and some rock, which are the remains of previous attempts to reduce shoreline erosion. Many shoreline protection structures have been independently constructed by landowners in an attempt to diminish shoreline recession. The shore is characterized in many areas by a steep bluff that is about 4 feet high. In areas where appropriate protection has not been constructed, this bluff shows signs of active erosion below mean higher high water. The slope of the shore diminishes gradually to mean lower low water. The offshore profile has a uniform slope to a depth of 30 feet that steepens along the western portion of the study area. Figure 1 shows the study area and Figure 2 shows the study reach.

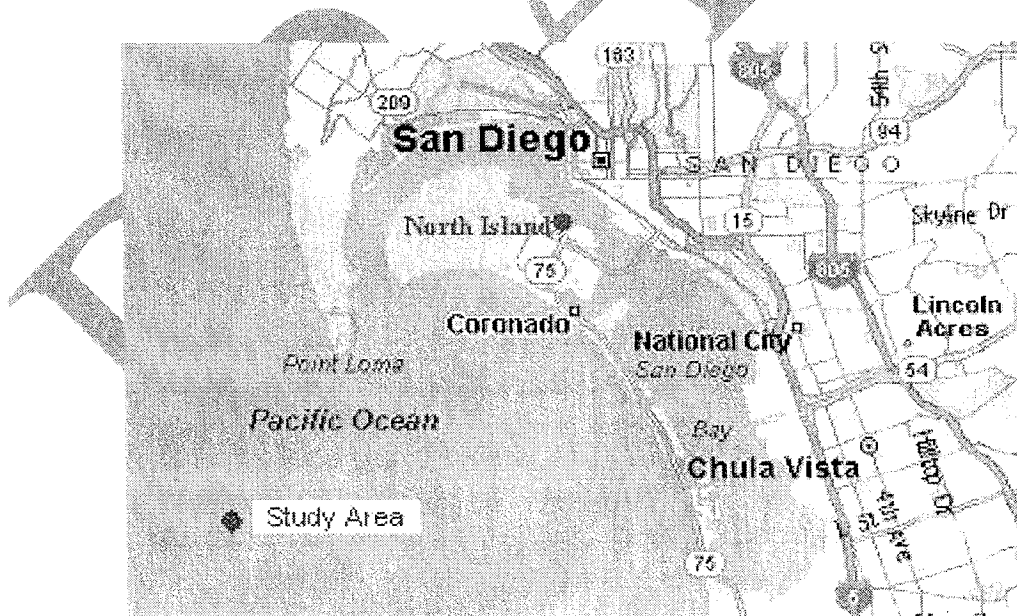


Figure 1 Study Area

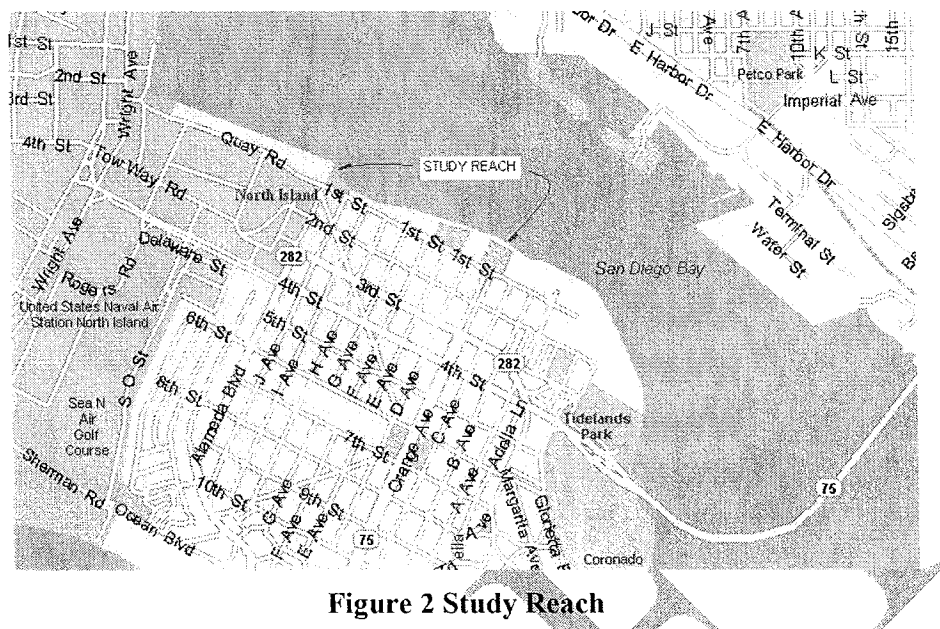


Figure 2 Study Reach

### 3 AVAILABLE DATA

The project team obtained a variety of information regarding the shoreline and surrounding area with the assistance of the Port of San Diego (POSD), and the City of Coronado. This data included historical records, bathymetric surveys, site photographs, aerial photographs, environmental reports and economic reports. The reference section of this report contains a majority of the data utilized within the preparation of the report.

#### 3.1 Dredge Screening

Since fill sand will be needed to construct the alternatives within this report, the potential use of dredge material was investigated. This material is expected to be available from maintenance dredging activities within the San Diego Bay. Dredged material in the bay is suspected to be contaminated with munitions, which would require removal prior to use. The feasibility and cost of screening these objects was evaluated in comparison to the cost of deepwater disposal of the contaminated dredge material.

Discussions with a number of dredging contractors indicated that screening of objects from dredge material has been done in the past. Several factors were identified that will affect the cost of this operation. These include the type and amount of material being dredged, the size of the munitions being screened, and the efficiency with which the munitions need to be removed. The type of material being dredged will affect the rate at which the material can be screened, since more cohesive spoils will require additional water in order to pass through the screen. Coarser materials, like sand, are more easily screened and may allow a sluice box to be used, making the segregation of the munitions more efficient. A decrease in the volume to be dredged will increase the cost since mobilization costs are fixed. Smaller munitions will require smaller screens, which will likely require multiple screens to be used in series and result in additional costs. A higher percent removal of munitions from the dredge spoils will also increase the operational costs. The following table provides a probable dredging cost range for screening 22-millimeter munitions (which is assumed to require initial and secondary screening) and a range if screening is not required. These costs assume that the material will be disposed through a pipeline with a maximum length of 2 miles.

The offshore disposal assumes the use of LA5 as disposal site. Both of these costs assume that at least 500,000 cubic yards of material will be dredged.

**Table 1 Dredge Probable Costs**

Operation	Dredge Probable Cost
Dredge without Screening	\$4 to \$6 per cubic yard
Dredge and Screen	\$12 to \$18 per cubic yard
Dredge and Offshore Disposal	\$8 to \$10 per cubic yard

## **4 PROBLEM IDENTIFICATION**

### **4.1 Wave Climatology**

Since wave energy can be a primary source of erosion along shorelines, a determination of the wave climatology for this shoreline was necessary. The possible wind-generated wave heights were computed. Since the maximum fetch for the site is approximately 3,500 feet (0.66 miles), these waves were determined to be fetch limited. Wave heights were computed for a range of wind speeds, with a maximum of 60 miles per hour. This resulted in a maximum wave height of 2.2 feet. See Appendix C for these calculations. Since winds of this magnitude occur infrequently and result in relatively small waves, wind-driven waves were determined to not play a major role in erosion. Boat and ship traffic within the San Diego Bay is extensive, with a major shipping channel running nearly parallel to this shoreline. In addition, there are no speed limits for vessels traveling in the area. However, according to the Coast Guard Rules of the Road, boaters are liable for any damages to other boats or structures due to wake. As a result, a possibly significant amount and size of boat and ship wake is incident upon this stretch of the shore. Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height. These waves are large enough in magnitude, and occur frequently enough, to have an effect on the shoreline.

### **4.2 Offshore Profile**

Another contributing factor when evaluating erosion is the offshore beach profile. For this stretch of coast, this profile appears to be fairly steep according to the available NOAA Nautical Chart, particularly along the western half of the study area. Water depths drop to 30 feet within 300 feet of the east end of the study area and within 160 feet at the west end. In addition to this, the presence of shipping channels over 40 feet deep provide a sink for sediment. Therefore, the presence of deepwater sinks and a fairly steep offshore gradient will have an effect on coastal erosion.

### **4.3 Source of Erosion**

Since wind driven waves have been determined to be insignificant, and boat and ship traffic is primarily parallel to shore, long-shore sediment transport is not expected along the study area. This assumption was verified during the site visit and a review of aerial photographs. Groins constructed along this stretch would be expected to trap sediment on the updrift side of the structure. However, this condition was not observed during the site visit, nor was it detected during a review of historic aerial photographs. Therefore, it is the conclusion of this investigation that the mechanism by which erosion occurs along this shore is offshore transport of sediments due primarily to wave energy created by boat and ship traffic, and that there is the potential for storm damage to private

and public facilities. This erosion is assisted by the relatively steep offshore gradient and the presence of deep-water sinks.

#### **4.4 Erosion Rate Determination**

In order to determine the erosion rate for the study area an idea of the annual shoreline change was needed. An aerial photographic analysis was determined to be the most feasible source for the historic shoreline movement along the study area. Aerials were obtained from 1928/29, 1953, 1970, 1985 and 2000. These aerials were digitized and sized to have matching scales. The bluff lines from each year were then compared and the shoreline change measured (See Appendix D). This analysis showed varying amounts of filling along the coast of the study area for all years through 1985. The most significant filling occurred within the western half of the shoreline. This activity often occurred in conjunction with the development of the property. Erosion of this material is evident within the 2000 aerial. Over the 15 year period between 1985 and 2000, erosion of the shoreline, particularly the western portion of the study area, has been found to be as much as 25 feet. This appears to be a result of inadequate shoreline protection and the filling of the shoreline extending it into deeper water. If there is no organized effort to protect this portion of the shoreline, it appears that erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could begin to erode residential foundations in approximately 10 years.

#### **4.5 Economic Studies**

Economic studies conducted for this report consisted of estimating the benefits from the reduction in future losses of land and property due to erosion, and an evaluation of recreation visitors that would occur if recreation and public access facilities were provided in conjunction with the erosion control structures. The economic evaluation of reduced losses from erosion was accomplished by using the generally accepted "With" and "Without" project framework. The "Without" condition assumes landowners will attempt to stop erosion by dumping concrete rubble in a random manner. This "Without" project condition would be equivalent to a "No Action" alternative. Types of benefits considered were: elimination of the current maintenance and replacement of erosion control measures by individual land owners; reduction of erosion damages to land and improvements; and increased opportunity for the public to enjoy outdoor recreation activities along the shoreline through increased access and improved hiking and picnic facilities. There are few areas in Coronado that offer the viewing perspective from the study area. Visitors to the site enjoy an unobstructed view of the San Diego skyline across the bay, and also have opportunity to observe activities at the nearby naval docks. At present public access and facilities are very limited.

#### **4.6 Without Project Condition**

The areas subject to erosion are the backyards of 35 residences along First Street between Alameda Avenue and D Avenue. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. Since 1985 the shoreline has receded about 25 feet. There is no evidence of an organized approach to solving the erosion problem in the area. At present, the erosion does not threaten any of the residential structures, but wave action continues to erode the backyards. Continuation of the erosion process will eventually render the yards unusable and begin to place structures in jeopardy in approximately 10 years. See Appendix A for a more complete economic evaluation of the study area.

#### **4.7 Environmental Evaluation**

An evaluation of the shore in the study area indicates an impacted site, not pristine. The biological communities identified for the study area are plankton, eelgrass and algae/seaweed, invertebrates, Coronado Shoreline

fish, birds, and marine mammals. The primary communities to be considered in the development of solutions within this study are the eel grass beds that may be present. These beds may be used as foraging areas by the California least tern and brown pelican, the only sensitive or endangered species that might use the area. Marine mammals and the threatened green turtle may be occasional visitors to the area. See Appendix B for a more exhaustive environmental evaluation.

## **5 ARRAY OF ALTERNATIVES**

### **5.1 Alternative No. 1 - Riprap Revetment**

This alternative consists of the installation of a quarry-stone revetment along the existing bluff face. This will provide protection from erosion along the portion of the study area that has been identified as having an erosion problem that appears to pose a threat to shoreline improvements. The revetment is shown with a slope of 2H:1V and will incorporate toe and splash aprons to minimize the effects of scour and overtopping. Filter fabric is recommended beneath the revetment to reduce the loss of soil through the structure. Underlayment is shown to protect the fabric during the placement of the armor-stone, to provide a stable base for the armor stone, and to allow proper drainage through the structure. One-quarter ton armor-stone has been determined to be adequate in size. See Appendix C for these calculations. The layout of the revetment will show the splash apron extending landward of the existing bluff. Although this does not appear to extend into private property at this location, other areas of the revetment may extend into private property. To avoid the possible purchase this property, the revetment would have to be constructed outward of the existing bluff which would require additional fill costs. The elevation of the top of the revetment is shown to match the existing bluff. This results in an elevation of approximately 8 feet at this location, which will result in overtopping of the structure during extreme high tide and storm surge events. Increasing the height of the structure will reduce overtopping while increasing the area of the revetment and cost of construction.

### **5.2 Alternative No. 2 - Riprap Revetment with Access Trail**

Alternative 2 utilizes the same quarry-stone revetment as Alternative 1, but includes the addition of a 10-foot wide asphalt concrete, multi-use trail. This will give the added benefit of public access to this stretch of shoreline. The trail is shown as sloping away from shore at 2% in order to minimize water flow and possible erosion behind the revetment. A fence along the private property and a guardrail along the revetment slope have also been incorporated. The addition of the trail will increase the overall width of this alternative and, therefore, increase land acquisition and fill costs.

### **5.3 Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail**

As an alternative to rock revetment, a sheetpile wall could be utilized. This would provide adequate shoreline protection while reducing land acquisition. The sheetpile could consist of steel or vinyl. Stone toe protection is recommended in either case. Steel sheetpile will be evaluated within this report. Vinyl may provide a more cost effective alternative if it can be determined to have the appropriate strength and durability. The amount of fill required behind the structure is dependant upon the location in which the sheetpile is driven. The pile will be just beyond the toe of the existing bluff. This allows sufficient area for an access trail, as well as picnic areas. Tiebacks are shown anchored to a concrete footing. This footing will run the length of the wall and should provide adequate structural support while eliminating the need for batter piles. A fence along the private property and a guardrail have also been provided. The elevation (8 feet) of the wall has again been shown to match the existing bluff and could be increased to minimize possible overtopping during extreme tide events and storm surge.

#### 5.4 Alternative No. 4 - Combination Groin Beach and Riprap Revetment

This is the most extensive alternative evaluated for the shoreline and provides the most public access benefit. A quarry-stone revetment with access trail, as provided in Alternative 2, would provide shoreline protection from erosion and public access to the area. This could be replaced with Alternative 3, if the benefits of sheetpile were determined to be adequate. A quarry-stone groin would be extended from the western end of the study area at an elevation of 8.5 feet for approximately 320 feet. At this location the groin would be continued at a 6H:1V slope for approximately 150 feet to the existing subgrade, where a key is provided for structural support of the rock slope. The inner and outer slopes of the groin are shown with a 2H:1V slope, also with toe keys. The armor-stone will also consist of quarter ton (500 pound) quarry-stone with appropriately sized underlayment as recommended by USACOE, 1986. Filter fabric is recommended beneath the groin to minimize the effects of settlement. After the groin is completed, sand could be placed to an elevation of 8 feet between the shore and the 8.5 feet elevation portion, and then added to match the 6H:1V slope until the subgrade is reached. The loss of sand is expected over an undetermined length of time and could be replenished using material from the maintenance dredging of nearby shipping channels. See the Available Data section of this report for a discussion of possible sources of sand.

### 6 STUDY EVALUATION

Table 2 Total Annual Costs

Alternative	Total Cost	Average Annual Cost	Annual Maintenance Cost	Total Annual Cost
No. 1 - Riprap Revetment	\$513,000.00	\$35,419	\$25,650	\$61,069
No. 2 - Riprap Revetment w/ Access Trail	\$710,100.00	\$49,028	\$35,505	\$84,533
No. 3 - Steel Sheetpile w/ Access Trail	\$1,495,800.00	\$103,275	\$74,790	\$178,065
No. 4 - Riprap Revetment w/ Trail & Groin Beach	\$3,342,600.00	\$230,785	\$183,130	\$413,915

See Appendix C for breakdown of estimated costs. Annual costs determined using a discount rate of 6-5/8 over a 50-year period.

#### 6.1 Economic

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: bayside walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is a lack of local data, and the fact that no data for the project area was available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore, using the 1,000,000 annual daytime visitations, and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations, plus the estimated number of bicyclists that would use the proposed recreation area, amount to 78,225 recreation days



(55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

The average annual benefits for the alternatives are summarized below. See Appendix A for details concerning these benefits.

**Alternative 1:**

Property and Land Damage Reduction: \$868,000

Elimination of Present maintenance Cost: \$5,000

**Total: \$873,000**

**Alternatives 2, 3 and 4:**

Property and Land Damage Reduction: \$868,000

Recreational Benefits: \$210,000

Elimination of Present maintenance Cost: \$5,000

**Total: \$1,083,000**

## **6.2 Environmental**

In the Environmental Evaluation section of this report, it was noted that the site is not pristine and is an impacted area that has likely seen many perturbations in its history. Three generalized habitats occur along this short shoreline: the rubble and rocky intertidal to the west, sandy intertidal to the east, and the submerged subtidal. Concerning endangered or protected species, the endangered California least tern and brown pelican have been observed in the study site and may use submerged eelgrass beds as foraging areas. Even if the alternatives were to reduce the density of eelgrass beds (which is unlikely) there are adjacent eelgrass beds off Centennial Park that are unlikely to be impacted by this small (2,800 feet) shoreline change, so an alternative habitat area is nearby for these species.

### **Alternative No. 1 - Riprap Revetment**

This alternative would result in a steeper slope for the intertidal community with no sandy areas. The size of the intertidal zone would be reduced. The riprap would stop/end past the sandy beach west of H Avenue, so this sandy intertidal would remain. Most likely, the present intertidal invertebrates and algae in the rubble and sand area would be able to recolonize the riprap quarry-stone. Impacts would be temporary during construction, when the communities would be disturbed and lost in the immediate project area. However, natural recolonization processes would result in any impact being less than significant. Subtidal communities would be even less impacted.

1. Plankton: localized and temporary effects during construction. No significant impact.
2. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization. No significant impact.
3. Invertebrates: localized and temporary effects during construction. Reduced surface area for re-colonization. No significant impact.
4. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.

5. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
6. Marine mammals: highly mobile and would avoid area during construction. No impact.
7. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.

#### **Alternative No. 2 - Riprap Revetment with Access Trail**

Adding an access road would probably result in more human disturbance of intertidal organisms, but the environmental impact would be the same as for Alternative 1.

#### **Alternative No. 3 - Sheetpile Wall with Picnic Areas and Access Trail**

This alternative would reduce the size and position of the intertidal space. This would likely reduce the diversity of intertidal invertebrates and seaweed species, and it is more likely that benthic encrusting organisms would colonize such an upright inert structure, compared to the shallow rubble that is present now. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1 and 2.

1. Plankton: localized and temporary effects during construction. No significant impact.
2. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization, metal or vinyl material may inhibit colonization.
3. Fishes: species are mobile, so no impact during construction except to remove foraging and breeding grounds for juvenile fish. Temporary and localized effect. No significant impact.
4. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
5. Marine mammals: highly mobile and would avoid area during construction. No impact.
6. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. The adjacent site is suitable. No significant impact.

#### **Alternative No. 4 - Combination Groin Beach and Riprap Revetment**

This alternative would change the present intertidal habitat substrate from rocky to sandy and provide increased intertidal slope than at present. This would probably result in similar organisms colonizing as occur at the beach area near Centennial Park to the east of the study site. This alternative may increase the density of eelgrass beds that seem to be more abundant near sandy rather than rocky shores in this region. The disruption during construction would affect all the communities in a localized and temporary manner as described for Alternatives 1, 2 and 3.

1. Plankton: localized and temporary effects during construction. No significant impact.

2. Eelgrass and algae/seaweed: localized and temporary effects during construction. Reduced surface area for seaweed colonization that prefers rock substrate. May increase density of eelgrass that prefers sandy/muddy substrate.
3. Invertebrates: localized and temporary effects during construction. Changed substrate for recolonization, except in riprap area where surface area would be reduced from present.
4. Fishes: species are mobile, so there would be a temporary and localized effect during construction. No significant impact. If eelgrass density increased, fish that use this for reproduction and foraging would increase.
5. Birds: temporary loss of foraging and resting habitat during construction. No significant impact.
6. Marine mammals: highly mobile and would avoid area during construction. No impact.
7. Threatened or endangered species: temporary loss of foraging and resting habitat for the California least tern and California brown pelican during construction. If the increased sandy beach area enhances eelgrass beds, this would be a positive effect for the endangered birds that use these beds for foraging.

All four alternatives would result in localized and temporary effects during construction. The mobile organisms should be able to avoid the area during this time and natural recolonization of sessile intertidal invertebrates and algae should result in no significant impact from construction activities. In the long term, Alternatives 1, 2, and 3 would all reduce the surface area and slope of the inter-tidal habitat, and Alternatives 3 and 4 would alter the substrate for the intertidal organisms. None of the alternatives should impact the subtidal populations, except through an impact on the intertidal organisms.

## **7 CONCLUSIONS**

The purpose of this study was to develop information to be used in future decision documents that would determine the Federal Interest in providing protection from erosion to about one-half mile of San Diego Bay shoreline on the northeast side of the City of Coronado, California. The problem identification for this investigation indicated that the source of erosion was due to wave energy created by boat and ship traffic within the navigable channel offshore of the study area, and that there is the potential for significant storm damage to private and public facilities. This erosion is assisted by a relatively steep offshore slope, particularly along the western half of the shoreline being evaluated. Erosion rates for areas of the shoreline were found to be as high as 1.7 feet per year. This could result in the erosion of house foundations in approximately 10 years. Four alternatives were presented and evaluated on economic, environmental, and cost bases. The economic evaluations included benefits from added recreational access and benefits due to protection of property. These were used to determine benefit-cost ratios (or B/C ratios) for the four alternatives, which are given in Table 3.

**Table 3 Net Benefits**

<b>Alternative</b>	<b>Annual Benefit</b>	<b>Annual Cost</b>	<b>B/C Ratio</b>	<b>Net Benefits</b>
No. 1 - Riprap Revetment	\$873,000	\$61,069	14.3	\$811,931
No. 2 - Riprap Revetment w/ Access Trail	\$1,083,000	\$84,533	12.8	<b>\$998,467</b>
No. 3 - Steel Sheetpile w/ Access Trail	\$1,083,000	\$178,065	6.1	\$904,935
No. 4 - Rip-Rap Revetment w/ Trail & Groin Beach	\$1,083,000	\$413,915	2.6	\$669,085

## **8 RECOMMENDATION**

The findings of Coronado Shoreline Initial Appraisal Report indicate that boat and ship traffic within the navigation channel is extensive. Ship wake is predicted to be large enough in magnitude and occur frequently to have an affect on the shoreline. This wave energy created by ship traffic within the navigation channel is the cause of the erosion damaging the shoreline.

However, upon further investigation, it was determined that there is no Federal interest and responsibility set forth in the legislative authorities under the continuing authority program from vessel generated wave wash.

Therefore I recommend terminating the Coronado Shoreline Study.

Alex C. Dornstauder  
Colonel, US Army  
District Engineer

## 9 REFERENCES

### Bathymetric & Topographic Data

Investigation of Beach Erosion at 409 First Street in Coronado by POSD  
City of Coronado GIS (1980)  
NOAA Nautical Chart 18773.

### Photographs

Aerial from 1928/1929, 3-31-53, 3-6-70, 1-1-85, 1-4-00.  
Site photographs from visit on May 25, 2000.

### Environmental

Allen, L.G. 1998. Fisheries Inventory and Utilization of San Diego Bay, San Diego, California. 4th Annual Report, FY 1997-98. Summary of sampling period July 1994-April 1998. Prepared for the U.S. Navy, Naval Facilities Engineering Command Southwest Division and San Diego Unified Port District. 25 pp + figures, tables and appendices.

Dawson, E.Y. and M.S. Foster. 1982. Seashore Plants of California, U.C. Berkeley Press.

DON 1994a Waterbird Survey, North and Central San Diego Bay, 1993. Prepared for Naval Air Station North Island, by Southwest Division, Naval Facilities Engineering Command, U.S. Department of the Navy.

DON 1995a Final Environmental Impact Statement for the Development of facilities in San Diego/Coronado to Support the Homeporting of One Nimitz Class Aircraft Carrier. Naval Facilities Engineering Command, Southwest Division

DON (US Department of Navy). 1999 Final Impact Statement for Developing Home Port facilities for Three Nimitz-Class Aircraft Carriers in Support of the US Pacific Fleet. Volume 1 (Chapters 1-10), Volume 2 (Chapters 11-15, Appendices), Volume 3 (NASNI Supplemental information- data collected), Volume 4 (PSNS Bretherton Supplemental Info), Volume 5 (NAVSTA Everett Supplemental Info), Volume 6 (Pearl Harbor Supplemental Information), Volumes 7-10, Comments and Responses.

Ford, R.F. 1968. Marine Organisms of South San Diego Bay and the Ecological Side Effects of Power Station Cooling Water. A pilot study conducted for San Diego Gas & Electric Co. California. Environmental Engineering Laboratory Technical Report on Contract C-188.

Largier, J.L. 1995. San Diego Bay Circulation. Final Report prepared for the California State Water Resources Control Board and California Regional Water Quality Control Board, San Diego Region.

McDonald, D., P. Dutton, D. Mayer and K. Merkel 1994. Review of the Green Turtles of South San Diego Bay in Relation to Operations of the SDG&E South Bay Power Plant Document 94-045-01. Prepared for SDG&E Co. C941210311

MEC 1997 Marine Biological reconnaissance Field Survey Report: MILCON P-700A and PIER BRAVO, prepared for SAIC, December 1997

SAIC 1994. Draft Environmental Impact Statement for Dredged Material Disposal, San Diego Bay, California. Report submitted to Navy Southwest Division, San Diego, CA.

SDG&E (San Diego Gas and Electric Company) 1980. South Bay Power Plant Cooling Water Intake System Demonstration [in accordance with Section 316b, Federal Water Pollution Control Act Amendment of 1972]. Prepared by SDGEC and the Lockheed Center for Marine Research, San Diego, CA for the San Diego Regional Water Quality Control Board.

SDUPD (San Diego Unified Port District). 1990. South San Diego Bay Enhancement Plan, San Diego, CA.

Woodward-Clyde Consultants 1994b Geotechnical Investigation, Proposed Aircraft Carrier Wharf (P-700), Naval Air Station, North Island Coronado CA (draft report). Prepared for US Department of Navy Naval Facilities Engineering Command Southwest Division.

## APPENDIX A

Economic Studies



## **ECONOMIC STUDIES**

### **INTRODUCTION**

#### **The Study Area:**

The study area extends from the boundary line of the Naval Air Station, North Island and the City of Coronado, extending along the shoreline of San Diego Bay towards Ferry Landing Market Place for a distance of about 2,800 feet. The areas subject to erosion are the backyards of 35 residences that front First Street that have backyards that front the bay. This reach has been experiencing erosion for many years. While the entire reach is experiencing some erosion, it is the western half of the reach that raises particular concern. In this reach developers have apparently begun to fill out the shoreline to construct the waterfront homes along 1st Street from Alameda Avenue to Orange Avenue. Eight to ten houses were constructed on what was the shoreline prior to 1929. Aerial photographs of this reach indicate random filling taking place over a period of twenty to twenty-five years to raise and extend the back yards. Informed local individuals have confirmed this. This filling continued through the 1970's into the early 1980's. Aerial photos and topographic maps of the area confirmed these statements. Since 1985 the shoreline has receded about 25 feet. It is only during the last several years that erosion has been considered to be a problem. There is no evidence of an organized approach to solving the erosion problem in the area. There is scattered evidence of maintenance by the dumping of concrete rubble that now remains scattered along the shore. Besides the 35 residences whose backyards front the bay, there are three streets that dead-end into the water's edge that are used by the public. At present, the erosion does not threaten any of the residential structures, but wave action is eroding away the backyards. Continuation of the erosion process at some point in time will render the yards unusable and begin to place structures in jeopardy. Based upon an examination of aerial photos of the project site, it is our estimate that, if the erosion continues, structures will begin to be undermined in about 10 to 15 years. Present rates of erosion indicate that, within 15 to 25 years, approximately 12 residences, between Alameda and Avenue H, could be lost or become too hazardous for occupancy.

#### **Problem Identification:**

A field examination of the project area reveals that there is an erosion problem in the project site. From an examination of the area, it appears that development has been taking place over a 60-year period since development of the shoreline property began. Until the early 1980's continued filling had mitigated the erosion. Since filling has been stopped, continued erosion will endanger some residences located in the study area. Public access is limited to street rights of way, which has been converted to parks and a municipal maintenance yard. These public rights of way have considerable development thereon, some of which will be lost to erosion. Two of the street rights of ways provide limited recreational access to the shoreline. It is estimated that the 12 houses expected to be lost in the next twenty-five years have a nominal value of \$27,780,000.

#### **General Background For Evaluation:**

The economic evaluation for the benefit categories considered in this report were accomplished in the generally accepted "With" and "Without" project framework. The "Without" condition is that the local interest will attempt to stop the erosion by dumping concrete rubble in a random

manner. In this connection, the "Without" project Condition is equivalent to the "No Action" alternative,

**Alternatives Evaluated:**

1. Riprap Revetment. This alternative consists of a quarry-stone revetment slope along the shoreline.
2. Revetment with Access. This alternative consists of a quarry-stone revetment. It will incorporate a trail along the top of the revetment to provide maintenance and recreational access.
3. Sheetpile Wall with Access. This alternative incorporates a sheetpile (steel or vinyl) wall with quarry stone as toe protection. Access will be provided. This alternative will create both private and public lands where recreational facilities such as a walking trail and picnic facilities can be constructed.
4. Combination of Beach Fill, Groin and Riprap Revetment. This alternative utilizes a quarry stone groin at the West End of the shoreline that holds a beach along a portion of the shoreline. The remainder of the shore would have Riprap revetment. This alternative provides all the recreation uses that would accrue to Alternatives 2 and 3 and in addition to has some beach uses.

**Types of Economic Benefits Evaluated:**

1. Elimination of present maintenance. The random maintenance expenses along the study area are relatively nominal, estimated at about \$5,000 per year. This category of costs, eliminated by any of the alternatives, could be counted as a project benefit.
2. Erosion Damages to Land And Improvements. The four alternatives cited above prevent future losses to land and improvements.
3. Recreation Benefits. Due the configuration of the Alternatives 2, 3, and 4, recreation uses could accrue to these Alternatives. The space and facilities on each of these alternatives are different and therefore the amount of recreational uses will vary. Alternative 2 has space for a walkway and a shoreline access; Alternative 3 has the walkway, shoreline access and space to picnic. Alternative 4 will have all that Alternative 3 has and in addition a beach area. The recreation experience of the three alternatives would be different because each one has a different configuration of recreational facilities; hence each would have a different value. For this report, however, a single unit day value is used for Alternatives 2, 3, and 4.

**EROSION DAMAGES TO LAND AND IMPROVEMENTS**

While there are 35 properties located along the reach, it appears that only 12 houses would require protection. The values of these properties were based upon data from the Tax Assessors Office. Particular attention was paid to recent sales to take into account the recent phenomenal run-up (2 to 5) in land values in the project area. Additional information on recent sales was obtained from real estate industry sources. The information on recent sales is for the property as a whole; they do not disaggregate the sale price as between land and improvements. However, the records from the Assessor's office do disaggregate the total value as between land and improvements. The improvement data from the Assessor's office were adjusted from the record dates to current conditions for improvements only, by use of a Marshall Swift index for construction cost in the San Diego area. Land values were determined by taking an average of

the most recent sales that included the value of the improvements, then deducting the updated value of the improvements from the average sales price of the most recent sales. The residual was used as the updated land value (see Table 4). This procedure was used on all properties, except one where there were no improvements. Because it was recent, this sale price was used. The total value of the properties, with and without improvements, has been estimated to be \$26,368,000. It should be noted that, once a property is sold, the date of sale becomes the new record date. The assessor's office does not update the property value, other than making minor adjustments annually, ranging between one and two percent a year, to the property as a whole. If the property is sold again, the date of that sale becomes the new record date (see Table 4). For purposes of discounting, computing present worth, annual cost, and average annual equivalent values, the current Federal discount rate of 6-5/8 percent for the evaluation of water resource projects was used.

The year when a property or properties would be damaged was based upon the rate of erosion studies contained in the Erosion Rate Determination section of this report. Table 4 is a tabulation of the properties located in the project area that would be damaged within a 20 to 25 year period in the "without" project condition. The properties total \$26,368,000 on a nominal basis, \$12,548,000 on a present worth basis, and \$868,349 on an average annual equivalent basis. The average annual equivalent value represents the amount of damage that would be sustained on an annual basis over the 50 year life of the project in the absence of a plan of protection. As stated earlier, the values are based upon data from the Tax Assessor's office, and recent sales data obtained from real estate sources. The present worth and average annual equivalent values were determined using the current Federal discount rate used in the evaluation of water resource projects of 6-5/8 percent. The study period is 50 years.

## RECREATION

For reasons stated above, recreation uses on the three street rights-of-way that dead-end into the water's edge provide a small amount of recreation uses. The dumping of concrete rubble and roughness of the surface area along the entire study area is not conducive for recreational uses. For reasons stated above, at present recreational uses along the study area is minimal. The lack of any public land area with recreational amenities, and private ownership rights, has precluded the development of any recreational activity in the project area. With any one of the alternatives, 2, 3, and 4, in place, it is expected that some recreation benefits could accrue to anyone of the alternatives because provisions will be made to accommodate recreation uses such as trails for walking, development of shoreline parks, picnic facilities and beach areas. The extent to which facilities will be developed depends in large measure upon the desires of local interests. Access to the areas could be through the streets that dead end into the Bay that already provides a limited amount of recreational use.

The project site is on the San Diego Bay side of the island. Coronado is highly developed recreational tourist oriented community. There are numerous overnight accommodations located on the island; the Ferry Landing Market Plaza has a large number of tourist oriented businesses. There are a number of water ferry type services that provide excellent transportation to Coronado from the San Diego area. The San Diego Metropolitan Transit has the Coronado 904 Shuttle. It stops at a number of locations such as Ferry Landing market-plaza, the Hotel del Coronado, and the Coronado Visitor Center, Loews Coronado Bay Resort, and the Coronado Cays. The San Diego Bay Ferry leaves San Diego's B street pier every hour for a 15-minute trip across the bay. The ferry docks at the Ferry Landing Market Plaza. Fares are \$2.00 per person and 50 cents for

bikes each way and operates 14 hours a day, from 9:00 am to 10:00 PM. The ferry departs from Coronado to San Diego every hour, on the half-hour, 9:30 am to 10:30 PM. The ferry departs San Diego to Coronado every hour on the hour. The San Diego Water Taxi offers on-call transportation service along San Diego, Coronado Island Marriott Resort Water Taxi provides daily water taxi between the Coronado Island Marriott Resort and the San Diego Marriott leaving every hour on the half-hour.

Information furnished by the Coronado Chamber of Commerce indicate that tourist visitations to Coronado average 2,000,000 per year divided between 1,000,000 who stay overnight and 1,000,000 who are day-timers. People come to Coronado by automobile and by the various San Diego Bay ferry services. For purposes of evaluation and estimation of recreational uses, only the day-timer visitations are used in the analysis as they were considered the group most likely to walk around to sightsee. While some of the overnigher may use the planned project area, they are not included in the recreation benefit evaluation.

The present bicycle path, as shown on Figure 3, is not an official bike trail and has not been adopted by the City. It offers a certain recreational experience and a destination point. This experience is somewhat different from the one that would have a path as part of the proposed plan of improvement. From the present bicycle path, the recreationists does not have an unobstructed sweeping view of San Diego Bay and the San Diego skyline as there are buildings in front of them.

Whether the recreation uses will accrue to the proposed plan of improvement or an alternative depends on what is constructed to permit recreation uses to occur. The desires of the local interests are of prime importance because the recreation facilities would be in an area that would be in back of where private property interest terminate, that is beyond the property line. If homeowners object to that portion of the plan where recreation benefits would accrue and that part of the plan is omitted, then no recreation benefits would accrue. The project economic evaluation, a comparison of benefits and annual cost, could be accomplished with and without recreation benefits on the benefit side as well as the cost side.

If a plan of improvement included features where recreation uses could accrue, then general recreation uses could take place. With the proposed plan in place, and with the path on the outer edge of the protective works, the recreationists would have a clear unobstructed view of the Bay and the skyline. They would be able to see the skyline and the vessels going and coming up the San Diego Bay. The persons would consist of bicyclist and those walking for pleasure. Based upon information furnished by local interest it was estimated that during the summer vacation season (90 days) 115 persons per day ( $90 \times 115 = 10,350$ ) rent bicycles and during the off season (275 days) 45 persons per day ( $275 \times 45 = 12,375$ ) rent bicycles for an annual total of 22,725 recreation days. Due to the uniqueness of the recreation area, it was assumed all of the cyclists would ride through this part of the trail.

Excluding the North Island Naval Air Station from consideration, there are no other areas so geographically and strategically situated as the project area. With the exception of the project area, there is a very limited area from Coronado that offers such views as from the project area. That area views is adjacent to the Ferry Landing Market-plaza where one can look towards the San Diego sky line and San Diego Bay without obstructions in the view corridor. Harbor Island and Shelter Island do not have the perspective that is offered by the project area. In conjunction

the bicycle path, the project addition would provide public recreational opportunities within the boundaries of Coronado.

The State of California Department of Parks and Recreation's studies, "Public Opinions and Attitudes on Outdoor Recreation In California--1987, its 1992 publication "Public Opinion's and Attitudes On Outdoor Recreation in California, and its 1997 study were consulted for information on the demand for recreation in the San Diego Area. While the three studies and surveys do not address the demand for recreation specifically in the Coronado- San Diego Area, they do present preferences for various types of outdoor recreation. Some of these observations are:

- o Outdoor recreation areas and facilities are very important to the quality of life of most Californians.
- o Californians spent approximately 2.2 billion days participating in outdoor recreation activities in 1997.
- o In Table 34 of the 1997 study, a comparison of visitations was made for the years 1987, 1992, and 1997. It found the following:

	Once Per Week			At Least 2-3 Times Per Week		
	1987 %	1992 %	1997 %	1987 %	1992 %	1997 %
Highly developed parks and recreation areas:	8.8	10.5	12.0	6.0	7.9	8.5
Private, not public, outdoor recreation areas:	3.3	5.7	7.4	3.7	3.9	5.5

- o Simple inexpensive activities are engaged in far more than those that require considerable expense and skill.
- o Based on latent (unmet) demand and public support, Californians believe that 9 outdoor recreation activities should have top priority for the expenditure of public funds: walking and sightseeing, trail hiking, camping in developed sites, camping in primitive sites, general nature study, picnicking in developed areas, freshwater fishing, visiting museums/ historic sites, and zoos and arboretums.

As a general practice, demand for site specific recreation activity is not quantified. Demand for specific activities is usually estimated by broad general planning areas. In this study, the evaluations done for a larger region are applied to the tourists that visit the area that is under investigation. These categories are: Bayside walking and jogging, sightseeing, and bicycling. The study does emphasize that the demand for open space recreation near urban centers is far greater than the current and expected supply. The use of generalized information is necessitated by the fact that there is lack of local data, and the fact that data for the project area was not available. The data used herein are considered to be minimum amounts. Additional studies may change these values. Therefore, using the 1,000,000 annual daytime visitations and using the 5.5 percent as a basic parameter for annual visitations, the value is 55,500. These visitations plus the

estimated number of bicyclists, who would use the proposed recreation area, amount to 78,225 recreation days (55,500 plus 22,725). Visitation is approximately 214 on a daily basis. This number is not an intensive use, but appears to be appropriate, given the size and orientation of the area.

Economic Guidance Memorandum #94-3 specifies that a range of unit day values applicable to Fiscal Year 1994 would be \$2.38 to \$7.15 for General Recreation. The \$2.38 value corresponds to the zero point value, and \$7.15 corresponds to a point value of 100 per ER 1105-2-100 (December 28, 1990). As specified in the ER, the five criteria are used to arrive at a final point value:

	<u>Maximum Points</u>
Recreation Experience	30
Availability of Opportunity	18
Carrying Capacity	14
Accessibility	18
Environmental	20
<b>TOTAL POSSIBLE</b>	<b>100</b>

A review of the recreational activities along the waterfront area formed the basis for assigning point values to the general recreation day values to estimate recreation benefits. A discussion of the assignment point values, General Recreation, follows:

1. Recreation Experience, 30 points maximum: Several general activities take place on the planned bicycle path. These are bicycling, sightseeing, and walking for pleasure. Because of the superb view of the San Diego cityscape, a point value of 20 points was assigned.
2. Availability of Opportunity, 18 points maximum: There are two other locations that are fairly near to the project site. At those two locations, there are no dedicated pathways for sightseeing, jogging, bicycling, and walking for pleasure. Assignable value range: 0-3. A point value of 2 was assigned.
3. Carrying Capacity, 14 points maximum: The planned addition to the bike path is classified as a Basic Facility at which to engage in shoreline recreational activities. A point value of 4 was assigned.
4. Accessibility, 18 points maximum: The study areas have good access, with a high quality road leading to the site. Public transportation is not available to the site. A point value of 14 was assigned.
5. Environmental, 18 points maximum: The study area has above average to outstanding aesthetic quality. The proposed plan of improvement would add to the quality of the area. A point value of 10 was assigned.

The total adds up to 50 points and equates to a value of \$5.11, or \$399,730. However, to allow time for buildup and development of facilities, the recreation values were deferred for 10 years

so that the value used in this analysis is \$210,000. The addition of the prevention of damages to land and improvement, \$868,000, and the elimination of the present local maintenance cost of \$5,000, amounts to a total of \$1,083,000 (\$210,000 + \$868,000 + \$5,000).

The average annual benefits for the four alternatives are summarized below:

**Alternative 1:**

Property and Land Damage Reduction:	\$868,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$873,000</b>

**Alternatives 2, 3 and 4:**

Property and Land Damage Reduction:	\$868,000
Recreational Benefits:	\$210,000
Elimination of Present maintenance Cost:	<u>\$5,000</u>
<b>Total:</b>	<b>\$1,083,000</b>

Table 4 Evaluation of Properties in Project Area					
Lot #	Value of Land	Value of Improvement	Total Value	Present Worth SP Factor	Present Worth
1	2,233,856	81,144	2,315,000	0.87959	2,036,250.85
2					
3	2,109,913	205,087	2,315,000	0.77368	1,791,069.20
4					
5	2,271,436	43,564	2,315,000	0.68053	1,575,426.95
6					
7	2,071,712	243,288	2,315,000	0.59859	1,385,735.85
8					
9	1,018,530	0	1,018,530	0.52651	536,266.23
10					
11	1,987,971	212,029	2,200,000	0.46312	1,018,864.00
12					
13	2,222,131	92,869	2,315,000	0.40736	43,038.40
14					
15	1,817,960	497,040	2,315,000	0.35831	829,487.65
16					
17	2,257,950	57,050	2,315,000	0.31516	729,595.40
18					
19	2,106,388	208,612	2,315,000	0.27722	641,764.30
20					
21	2,126,080	188,920	2,315,000	0.24384	564,489.60
22					
23	2,167,569	147,431	2,315,000	0.21448	496,521.20
	\$24,391,496.00	\$1,977,034.00	\$26,368,530.00		\$12,548,509.63



# City of Coronado Bicycle Routes

These bicycle routes are proposed for City adoption.



1201 1st Street #11  
Coronado, CA 92118

(619) 435-7180



Figure 3 Bicycle Routes

## **APPENDIX B**

### **Environmental Evaluation**

## ENVIRONMENTAL EVALUATION

### General Description of Shore Study Site:

Observations at the site visit indicated the west end of the shore-line to be steep with rubble, old cement, and some rocks but little sand making up the beach cover. Beach erosion seems more apparent here. The beach shallows out at the waterline. In contrast, the east end is a sloping beach and sandy-pink/yellow sand that almost looks like it has been added with ice-plant being used at Centennial Park to hold it in place. This continues to the Ferry Landing Park and Tidelands Park below Coronado Bridge.

Quaternary Bay Fault Formation makes up Coronado with artificial fill apparently contributing much to the coastline areas abutting San Diego (SD) Bay to the north (Woodward-Clyde 1994a) probably including the beach study site. There are storm drains on Alameda Avenue and water lines on Coronado Avenue at Silver Strand. It was not determined if any occur in the beach study site although they are located in adjacent NASNI site. All water used in this area is imported from San Diego via a single main line across San Diego Bay that is located in center of the beach study site at the SDG&E Park. This pipe can be observed as a rusting structure in the sand encrusted with limpets. Circulation patterns in this portion of central San Diego Bay are primarily influenced by tides (mixed, semi-diurnal), with approximately one third of the bay volume exchanged during a tidal cycle. Water may stay in the Bay from one tidal cycle up to weeks (Largier, 1995). Within the main channel of San Diego Bay there is good mixing whereas lower current speeds near shore result in less mixing.

### Overview of Existing Ecosystems and Communities:

The biological communities that are addressed in the Homeporting EIS and will be reviewed here are:

1. Plankton.
2. Eelgrass and algae/seaweed.
3. Invertebrates.
4. Fishes.
5. Birds.
6. Marine mammals.
7. Threatened or endangered species.

These contribute to the two major ecosystems that occur in the beach study site, the coastal intertidal area and the subtidal (deep) where populations are completely submerged. The intertidal (or littoral) region includes the upper beach zone (or supralittoral or splash zone) where organisms are unlikely to be exposed to seawater except during very high tides or storm conditions and the more seaward area (true intertidal) where organisms are exposed during low tide. No wetlands were observed or have been described for the beach study site. Intertidal communities will tend to include some of the seaweeds (algae), invertebrates, and visits by some

birds. The subtidal will be dominated by the plankton, eelgrass, fishes, marine mammals and feeding visits by birds.

#### **A. Plankton**

Plankton are free-floating or weakly swimming plants (phyto-plankton) and animals (zoo-plankton) that form the base of the marine food chain. Some phytoplankton are highly productive and form dense concentrations called blooms. These may be harmful algal blooms (HAB's) such as red tides that harm or kill marine life. No information is available on either phyto- or zooplankton assemblages at the project site or the neighboring NASNI site but it is expected that species composition at this site is similar to other parts of San Diego Bay, since currents distribute these organisms throughout the bay. Based on extensive data summarized by Ford (1968), SDGE (1980) and SDUPD (1990) from south SD Bay in the Homeporting EIS, phytoplankton are dominated by the diatoms including *Pleurosigma* and *Gyrosigma* and dinoflagellates such as *Gymnodinium* spp. dominate the phytoplankton. These are typically larger celled primary producers that are the food source for various invertebrates and fishes. No recent record of harmful algal blooms in SD Bay have been described. Calanoid and harpacticoid copepods (small shrimp-like animals) predominate in SD Bay (SDG&E, 1980, SDUPD 1990). The juvenile larval stages of many invertebrates also occur. Both are food sources for fish and invertebrates. Ichthyoplankton (larval fish) probably occur as some fish breed in these waters.

#### **B. Eelgrass Beds and Seaweed**

Eelgrass (*Zostera marina*) is a flowering plant and is less abundant at the study site than further south in San Diego Bay and is found at water depths of 1 to 24 feet. It is a valuable resource in southern California Bays and estuaries as it provides refuge for numerous species of algae, invertebrates and fishes as well as a nursery habitat for juvenile fishes. It may provide limiting foraging habitat for the endangered California least tern. During the site visit the eelgrass was underwater and could not be assessed. However the Homeporting EIS reports that east of the NASNI (i.e. near the project site) eelgrass covers approx. 20% of the area surveyed, occurring at water depths of 0-10 feet below MLLW, with maximum densities at 5 ft below MLLW. Eel beds could not be observed during the site visit (May 2000) at the west end of the beach study site although towards the sandier eastern end patches in the deeper water could be observed, and broken eelgrass strands were distributed along the waterline. A recent survey in the vicinity of Ferry Landing Park by MEC for the Port of San Diego (Maher, pers, comm) may have included part of the beach study site but this was not evaluated here. Eelgrass distributions in the area have been shown to fluctuate with climatic conditions and were reduced during the 1997 El Niño event when water temperatures were elevated.

Seaweeds are macro-algae that are important photosynthetic marine plants that provide food and refuge to other marine organisms. Several common species were described in the CNS Homeporting EIS as occurring on soft bottom habitats in San Diego bay. These included mats of the red alga *Gracilaria verrucosa*, a cylindrical species found most commonly in quiet water (Dawson and Foster, 1982) and green algae such as *Ulva* sp, *Chaetomorpha*, *Cladophora* spp. and *Enteromorpha* spp. (SDUPD, 1990). *Sargassum muticum* was also observed along the hard substrate along the side of the NAS turning basin. During the site visit (May 2000) *Ulva* and *Gracilaria* were fairly well distributed, especially along the rockier west end of the beach study

site, with some *Cladophora* and *Chaetomorpha* spp. found detached along the waterline in the sandy area. No *Sargassum* was observed in May 2000 in the study site.

### C. Invertebrates

These organisms consist mostly of infauna that live in the sediment or epifauna living on the sediment and represent an important food source for vertebrates, especially fish and birds.

Infaunal communities at the shore study site are likely similar to others found in rest of San Diego Bay with similar sediment type and depth, and the circulation resulting in homogeneous distribution of the juvenile larval forms of these animals. Surveys near NASNI (DON 1995a) collected 33 infaunal species with polychaetes representing 84% of total number of individuals and highest densities. Polychaete worms (bristled segmented worms) occurring in this area include the Opheliidae (e.g. *Armandia*), Capitellidae (e.g. *Capitella* and *Mediomastus*), Cirratulidae, Phyllodocidae (*Etone*), Sabellidae (*Fabricia*), Syllidae (*Exogone*), Glyceridae (*Glyceria*), Lumbrineridae (*Lumbrineris*), Eunicidae (*Marphysa*), Neriidae (*Neanthes*) and Spionidae (*Prionospio*, *Rhynchospio* and *Streblospio*), (SAIC, 1994) families.

Epifaunal invertebrates were described during the eelgrass surveys for the Navy (DON 1995a) and 80 organisms were identified with molluscs dominating in the CNS Homeporting study. This study lists Japanese mussel, *Mytilus senhousii* (observed on muddy bottoms in areas lacking eelgrass), cnidarians (hydroids and anemones), arthropods (barnacles, shrimp and crabs) and sponges as the most common epifauna. Others included the glass palm hydroid, *Corymorpha palma*, the mud tube anemone *Pachycerianthus fimbriatus*, western mud whelk *Nassarius tegula*, the native oyster *Ostrea lucida* and the bubble snail *Bulla gouldiana*. Other species in lower abundance included chione bivalves, snails, nudibranchs and sea slugs, bryozoans, tunicates. Invertebrates typically inhabiting the eelgrass beds are anemones, polychaetes, gastropods, mysid shrimp.

The most dominant epifauna observed during the May 2000 visit to the beach study site were the aggregating anemone *Anthopleura elegantissima* which was very abundant in the shallow hard substrate rubble areas to the west of the site along with the Californian mussel (*Mytilus californianus* or *M. edulis*). Further to the east to the center of the shore study site where sand was more dominant, the bubble snail, *Bulla gouldiana* and native oyster shells (*O. lucida*) were common in the sand. Limpets covered the pipeline at the SDG&E Park. Most of these are detritovore or plankton feeders and are robust organisms that can withstand a variety of conditions.

### D. Fishes

Fish assemblages have been better documented for this area of San Diego Bay. Allen (1998) collected a total of 72 fish-species over a four-year period in SD Bay including pelagic (water column dwellers) and demersal (bottom-dwellers) species, with 39 species collected near the NASDI Homeporting site, and probably occurring in the beach study site. Allen (1998), SAIC (1994) and DON (1995a) list the most common pelagic species as topsmelt (*Aterinops affinis*), jacksmelt (*A. californiensis*), northern anchovy (*Engraulis mordax*), chum mackerel (*Scomber japonicus*) and Pacific sardine (*Sardinops sagax*).

Demersal fish common in non-vegetated parts of SD Bay (i.e. similar to the most of the deep-water ecosystem of the beach study site) include stingray (*Urolophus halleri*), spotted sand bass

(*Paralabrax maculatofasciatus*), barred sand bass (*P. nebulifer*), yellowfin goby (*Acanthogobius flavimanus*), arrow goby (*Clevelandia ios*), bay goby (*Lepidogobius lepidus*), diamond turbot (*Hypsopsetta guttulata*) and California halibut (*Paralichthys californicus*). Diver surveys in 1997 for Homeporting document observed similar species. Other fish listed on a descriptive natural history poster (prepared by the Port of San Diego, at the Ferry Landing Park as occurring in the beach study site) were the yellowfin croaker (*Umbrina roncadore*, spawns locally) and bonito. The only commercial fish species amongst these is the California halibut. It is the juvenile fish that move into SD bay, using various habitats as nursery grounds (Allen, 1998). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996). (P.3.5-4, CVN Homeporting EIS, Vol 1).

#### **E. Birds**

The structures and shallow water habitat along the beach study site are heavily used by waterbirds-numerous birds seen during the May site visit. The structures leading from shore to water are used for resting while the intertidal and shallow areas provide foraging and on-water resting habitats (DON, 1994a). The open waters and shore-lines of SD Bay provide important foraging and roosting habitats for migratory, wintering and resident-breeding marine birds (including shore-birds), waterfowl, wading and diving birds, generalist waterbirds (e.g. gulls) and several raptors. The Navy conducted grid surveys covering the northern part of the bay from Ballast Point at the entry point to Pacific Ocean to Coronado Bridge (i.e. includes beach study site), at weekly intervals throughout 1993 (DON, 1994a). Peak numbers of birds occurred from fall through spring, as migratory birds (including endangered California brown pelican) and wintering species used the Bay.

Combining all surveys, 15 most abundant species were Heermann's gull, Brandt's cormorant, California brown pelican, surf scoter, bufflehead, western grebe, elegant tern, lesser and greater scaup, double-crested cormorant (nests in area), mallard, great blue heron (nests in area), Forsters tern, snowy egret, endangered California least tern (nests here) and eared grebe. Other birds listed on the Port of San Diego informational board at Ferry Landing Park included the California gull (nests here), the endangered light footed clapper rail- that nests locally, marbled godwit, western sandpiper, peregrine falcon (nests here), and the black skimmer (nests here). These were not listed in the CVN Homeporting EIS document.

California Department of Fish and game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern.

#### **F. Marine Mammals**

No marine mammals were observed during the beach site visit in May 2000. Occasional sightings of the California sea lion (*Zalophus californianus*) and the harbor seal (*Phoca vitulina richardsi*) are recorded in the CVN Homeporting EIS document, using marker buoys etc as haul-out areas. Bottlenose dolphin (*Tursiops* sp.) and California grey whales occasionally wander into the north end of SD Bay (to west of beach study site). Most of these mammals are fish eaters although the grey whale sifts the benthos for benthic invertebrates.

### **G. Threatened or Endangered Species**

The CVN Homeporting EIS document describes that the Navy informally consulted with USFWS, NMFS, CDFG about the threatened and endangered species that may occur in the NASDI study site (adjacent to the beach study site). No threatened or endangered fish species are known to occur in San Diego Bay according to US Fish and Wildlife Service (USFWS) Endangered Species List (dated 30 Nov, 1996), (P 3.5-4, CVN Homeporting EIS, Vol 1). Two state and federally listed endangered bird species, the California brown pelican and the California least tern occur along the shoreline and nearshore waters. The brown pelican rests and forages in the area whereas the least tern nests in the area. DON (1994a) report that the NASDI site receives a low to medium level of use by foraging terns. Other listed threatened or endangered bird species whose transient occurrence is possible but unlikely are the peregrine falcon and western snowy plover. The California Department of Fish and Game Species of Special Concern that are known to rest and/or forage but do not nest in the NASDI area include longbilled curlew, osprey, common loon, double crested cormorant, California gull, black skimmer, gull billed tern and elegant tern (DON, 1994a) cited in CVN Homeporting Vol 1. The elegant tern is a federal species of concern. An informational board posted by Port of San Diego in Ferry Landing Park also lists the endangered light-footed clapper rail as a bird that nests locally. However this was not verified with other documentation.

Approximately 72 green sea turtles (*Chelonia mydas*), a federally threatened species are year round residents in south SD bay (McDonald et al. 1994) near the SDG & E plant and they have been known to move around the bay during periods of high sea temperatures. This species might enter the beach study site in deeper waters in summer.

### **Conclusion:**

The beach or shore study site at Coronado north shore appears to be an impacted site- not pristine. The major communities to be concerned about are the eel grass beds that may be present, since they are important nursery habitats and foraging areas, especially for the endangered California least tern. Concerning sensitive or endangered species, only two birds- the California least tern and California brown pelican are likely to consistently use the area. Marine mammals, protected under the Marine Mammal Act and the federally threatened green turtles are occasional visitors only to the area only and are not reliant on the study site ecosystem for survival.

## **APPENDIX C**

### Calculations and Cost Estimates



<b>Coronado Shoreline - Initial Appraisal Report</b> <b>Preliminary Estimate of Probable Construction Costs</b> <b>Alternative #1: Riprap Revetment</b>					
No.	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$40,000.00	\$40,000.00	\$40,000.00
<b>B</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	\$205,000.00
<b>C</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	\$24,000.00
<b>D</b>	<b>Misc. Grading</b>				
1.	Excavate Material	3,000 CY	\$10.00	\$30,000.00	\$30,000.00
<b>E</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	\$81,000.00
<b>Breakwater Repair Subtotal</b>				<b>Subtotal</b>	<b>\$380,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>				Estimate Subtotal	\$380,000.00
<b>A &amp; E Services +15%</b>					\$57,000.00
<b>Construction Contingency +20%</b>					\$76,000.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$513,000.00</b>

<b>Coronado Shoreline - Initial Appraisal Report</b> <b>Preliminary Estimate of Probable Construction Costs</b> <b>Alternative #2: Rip-Rap Revetment with Access Trail</b>					
No.	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$45,000.00	\$45,000.00	\$45,000.00
<b>B</b>	<b>Graded Fill</b>				
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	\$2,000.00
<b>C</b>	<b>1/4-Ton Quarry-stone (Armor)</b>				
1.	Installation & Material	4,100 CY	\$50.00	\$205,000.00	\$205,000.00
<b>D</b>	<b>Underlayment</b>				
1.	Installation & Material	600 CY	\$40.00	\$24,000.00	\$24,000.00
<b>E</b>	<b>Misc. Grading</b>				
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	\$35,000.00
<b>F</b>	<b>Filter Fabric</b>				
1.	Installation & Material	40,500 SF	\$2.00	\$81,000.00	\$81,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	\$78,000.00
<b>Subtotal</b>					<b>\$526,000.00</b>
<b>ESTIMATE SUBTOTALS</b>					
				Estimate Subtotal	\$526,000.00
				A&E Services +15%	\$78,900.00
				Construction Contingency +20%	\$105,200.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$710,100.00</b>

<b>Coronado Shoreline - Initial Appraisal Report</b> <b>Preliminary Estimate of Probable Construction Costs</b> <b>Alternative #3: Steel Sheetpile with Access Trail</b>					
No.	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal
<b>A</b>	<b>Mob / Demob</b>				
1.	Mob / Demob	1 LS	\$75,000.00	\$75,000.00	\$75,000.00
<b>B</b>	<b>Steel Sheetpile</b>				
1.	Material	24,300 FT <sup>2</sup>	\$20.00	\$486,000.00	\$486,000.00
<b>C</b>	<b>Sheetpile &amp; Tie-back Installation</b>				
1.	Installation & Tie-back Material	1,350 FT	\$200.00	\$270,000.00	\$270,000.00
<b>D</b>	<b>Quarry-stone (Toe)</b>				
1.	Installation & Material	1,500 CY	\$50.00	\$75,000.00	\$75,000.00
<b>E</b>	<b>Underlayment (Toe)</b>				
1.	Installation & Material	250 CY	\$40.00	\$10,000.00	\$10,000.00
<b>F</b>	<b>Graded Fill</b>				
1.	Installation, Compaction & Material	3100 CY	\$10.00	\$31,000.00	\$31,000.00
<b>G</b>	<b>Fence (Iron)</b>				
1.	Installation & Materials	1,400 LF	\$40.00	\$56,000.00	\$56,000.00
<b>H</b>	<b>Asphalt Walkway</b>				
1.	Installation & Materials	15,600 SF	\$5.00	\$78,000.00	\$78,000.00
<b>I</b>	<b>Filter Fabric</b>				
1.	Installation & Materials	13,500 SF	\$2.00	\$27,000.00	\$27,000.00
<b>Subtotal</b>					<b>\$1,108,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>			Estimate Subtotal		\$1,108,000.00
<b>A&amp;E Services +15%</b>					\$166,200.00
<b>Construction Contingency +20%</b>					\$221,600.00
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$1,495,800.00</b>

Coronado Shoreline - Initial Appraisal Report						
Preliminary Estimate of Probable Construction Costs						
Alternative #4: Rip-Rap Revetment with Trail & Groin Bea						
No.	DESCRIPTION	Units	Cost / Unit	Extension	Subtotal	
<b>A Mob / Demob</b>						
1.	Mob / Demob	1 LS	\$80,000.00	\$80,000.00	\$80,000.00	
<b>B Graded Fill</b>						
1.	Installation & Material	200 CY	\$10.00	\$2,000.00	\$2,000.00	
<b>C 1/4-Ton Quarry-stone (Armor)</b>						
1.	Installation & Material	10,500 CY	\$50.00	\$525,000.00	\$525,000.00	
<b>D Underlayment</b>						
1.	Installation & Material	18,000 CY	\$40.00	\$720,000.00	\$720,000.00	
<b>E Misc. Grading</b>						
1.	Excavate/Grade Material	3,500 CY	\$10.00	\$35,000.00	\$35,000.00	
<b>F Filter Fabric</b>						
1.	Installation & Material	90,000 SF	\$2.00	\$180,000.00	\$180,000.00	
<b>G Fence (Iron)</b>						
1.	Installation & Material	1,400 LF	\$40.00	\$56,000.00	\$56,000.00	
<b>H Asphalt Walkway</b>						
1.	Installation & Material	15,600 SF	\$5.00	\$78,000.00	\$78,000.00	
<b>I Fill Sand (Dredged)</b>						
1.	Installation & Material	40,000 CY	\$20.00	\$800,000.00	\$800,000.00	
					<b>Subtotal</b>	<b>\$2,476,000.00</b>
<b><u>ESTIMATE SUBTOTALS</u></b>			Estimate Subtotal		\$2,476,000.00	
A&E Services +15%					\$371,400.00	
Construction Contingency +20%					\$495,200.00	
<b>ESTIMATE TOTAL</b>				<b>TOTAL</b>	<b>\$3,342,600.00</b>	

**Coronado Shoreline  
Initial Appraisal Report  
Wave and Rock Calculations**

**Wave Height:**

	<u>Wind Direction (From)</u>	<u>Wind Speed (MPH)</u>	<u>UA (MPH)</u>	<u>Fetch (mi)</u>	<u>Fetch Limited Wave Height (ft)</u>	<u>Period (sec.)</u>	<u>Required Time/Duration (hr.)</u>
<i>Estimated</i>	Northwest	20	23.46	0.66	0.57	1.39	0.42
<i>Estimated</i>	Northeast	30	38.63	0.66	0.94	1.65	0.36
<i>Estimated</i>	Northwest	40	55.04	0.66	1.35	1.85	0.32
<i>Estimated</i>	Northwest	50	72.42	0.66	1.77	2.03	0.29
<i>Estimated</i>	Northwest	60	90.62	0.66	2.22	2.19	0.27

**Quarrystone Weight:**

	<u>Armor Unit Wt. (lb/ft<sup>3</sup>)</u>	<u>Wave Height (ft)</u>	<u>Rock Sp. Gravity (lb/ft<sup>3</sup>)</u>	<u>Unit Wt. H<sub>2</sub>O (lb/ft<sup>3</sup>)</u>	<u>Slope (deg.)</u>	<u>Stability Coef.</u>	<u>Weight Rock (lb.)</u>
Wind	140	0.57	2.18	64.2	26.57	1.6	5 029 143 107
Wind	140	0.94	2.18	64.2	26.57	1.6	22 452 811 99
Wind	140	1.35	2.18	64.2	26.57	1.6	64 907 469 49
Wind	141	1.77	2.18	64.2	26.57	1.6	148 930 519
Wind	140	2.22	2.18	64.2	26.57	1.6	289 782 012 2
Ship	140	2.50	2.18	64.2	26.57	1.6	416 056 260 6
Ship	140	3.00	2.18	64.2	26.57	1.6	718 945 218 4
Ship	140	3.50	2.18	64.2	26.57	1.6	1 141 658 379
Ship	140	4.00	2.18	64.2	26.57	1.6	1 704 166 444

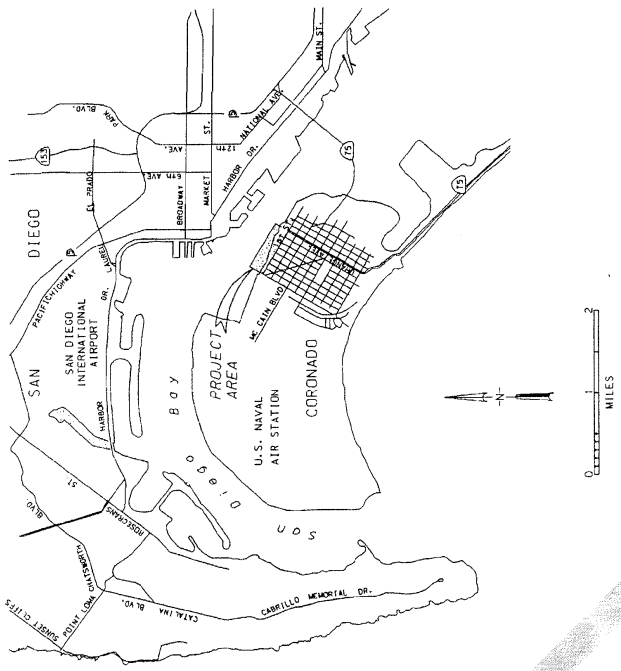
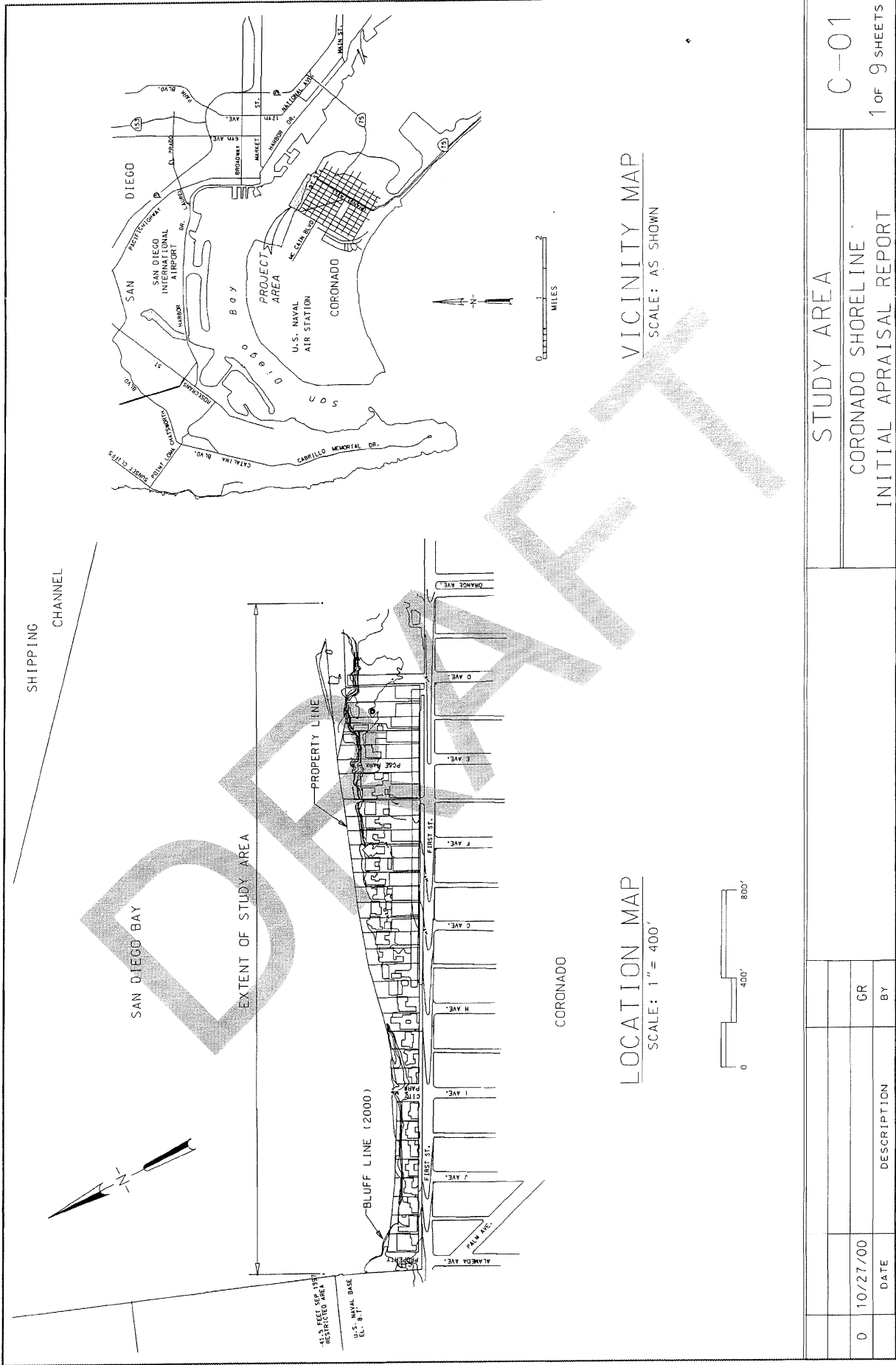
Notes: 1. Calculations made utilizing formulations from US Army Corp of Engineers' Shore Protection Manual, 1984.

2. Wave heights computed assuming fetch limited wave generation.

3. Stability coefficient determined using randomly placed, rough angular quarrystone at a slope of 2 to 1 with breaking waves.

## APPENDIX D

Design Figures



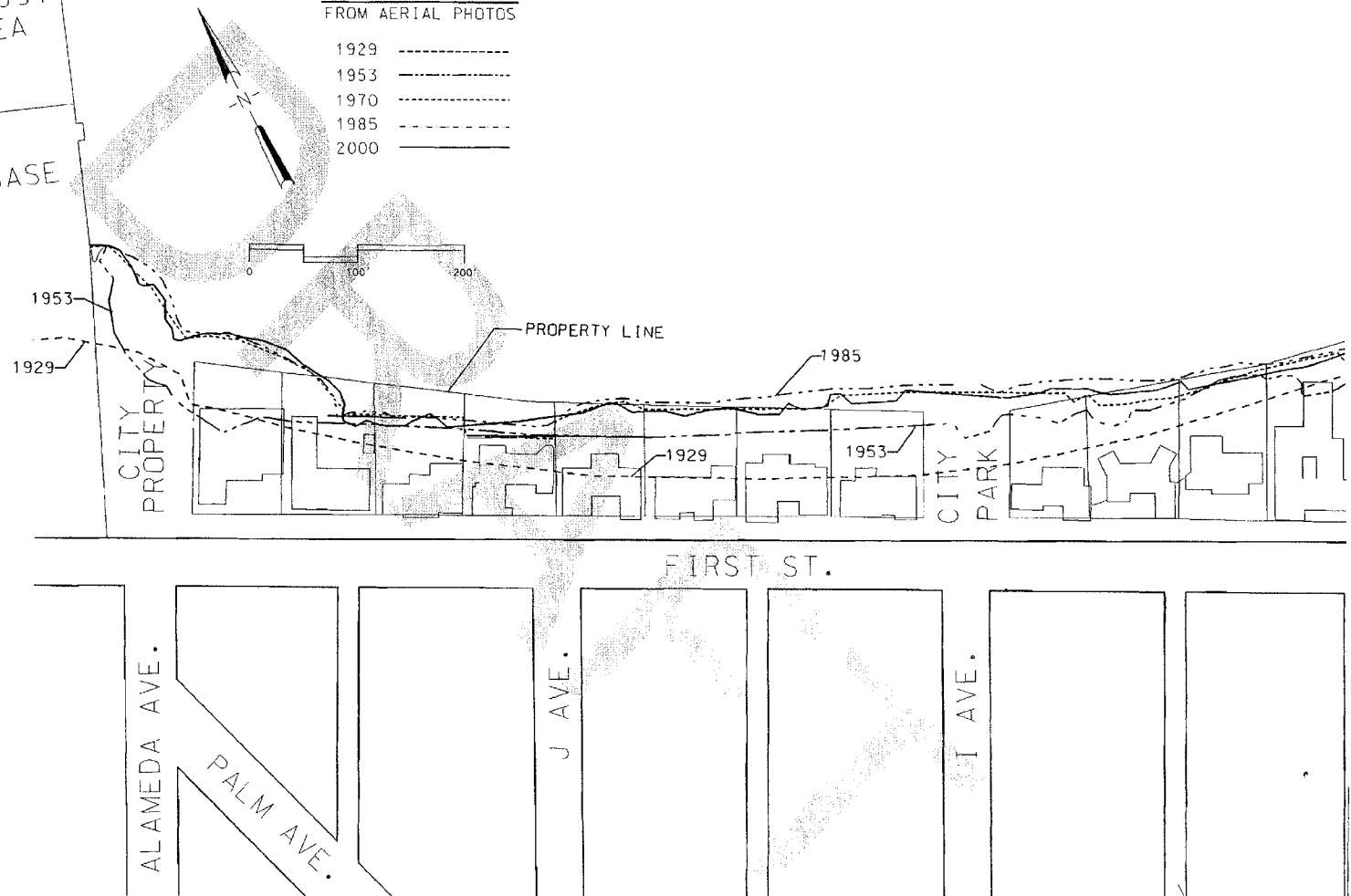
			STUDY AREA		C-01
			CORONADO SHORELINE		
			INITIAL APPRAISAL REPORT		
0	10/27/00		GR		1 OF 9 SHEETS
	DATE	DESCRIPTION	BY		

-41.5 FEET SEP 1997  
RESTRICTED AREA

U.S. NAVAL BASE  
EL. 8.7'

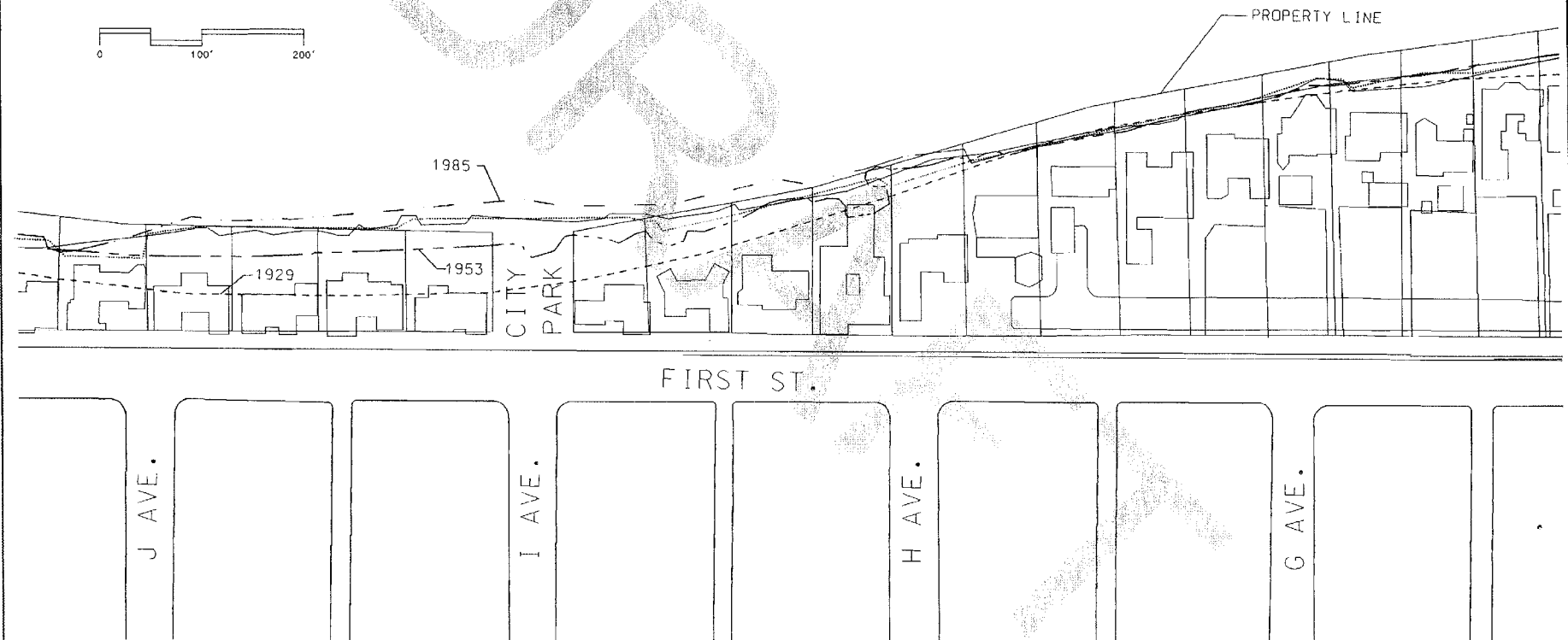
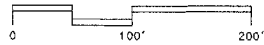
DATE OF SHORELINE:  
FROM AERIAL PHOTOS

1929 -----  
1953 -----  
1970 -----  
1985 -----  
2000 -----



				SHORELINE CHANGE (WEST)	C-02
0	10/27/00		GR		
	DATE	DESCRIPTION	BY	CORONADO SHORELINE INITIAL APPRAISAL REPORT	2 OF 9 SHEETS

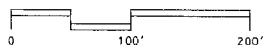
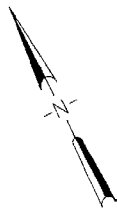




				SHORELINE CHANGE (MIDDLE)	C-03		
0	10/27/00		GR			CORONADO SHORELINE INITIAL APPRAISAL REPORT	3 OF 9 SHEETS
	DATE	DESCRIPTION	BY				

DATE OF SHORELINE:  
FROM AERIAL PHOTOS

1929 - - - - -  
1953 - - - - -  
1970 .....  
1985 - - - - -  
2000 - - - - -



FIRST ST.

F AVE.

E AVE.

D AVE.

ORANGE AVE.

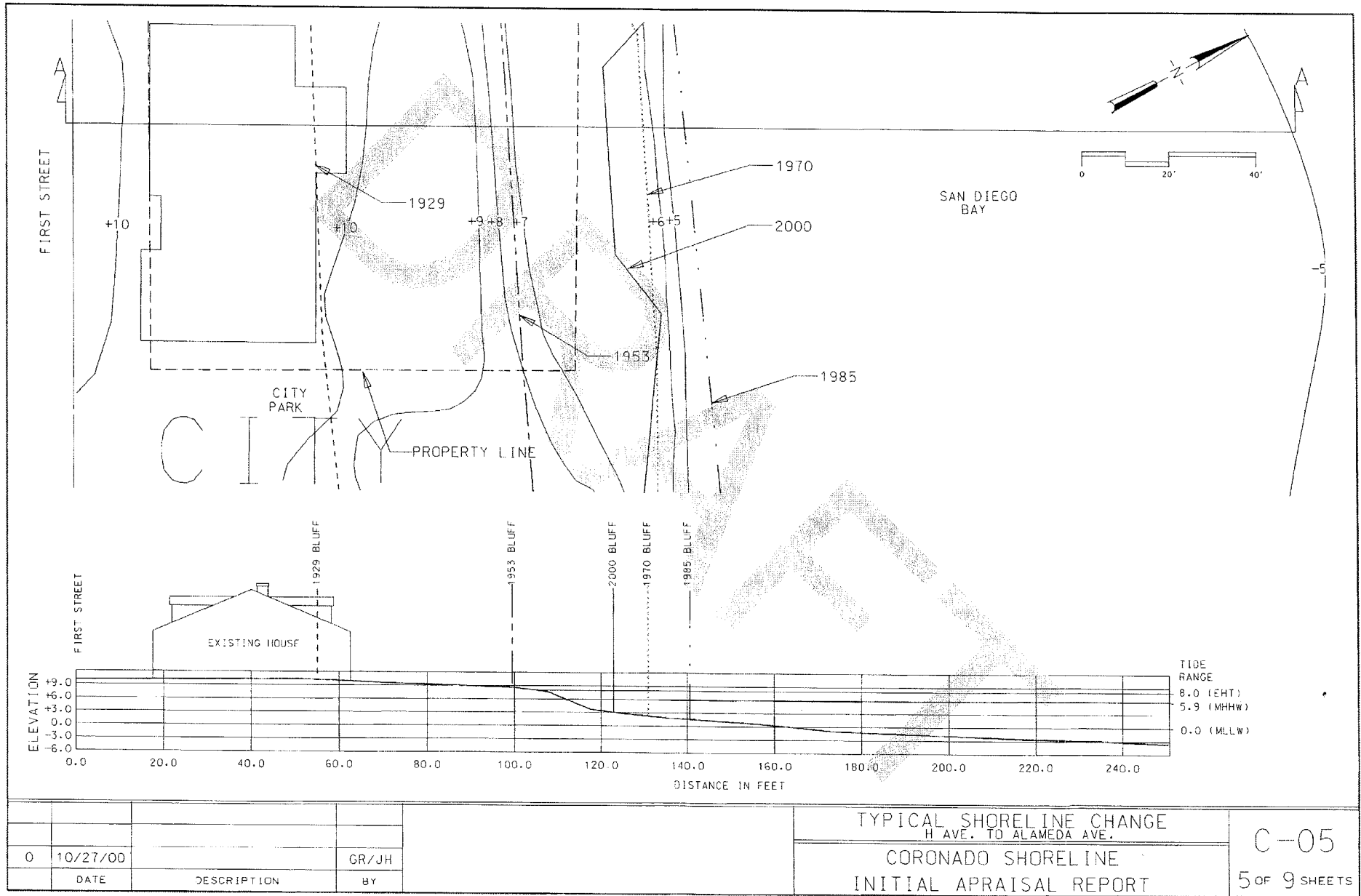
SHORELINE CHANGE (EAST)

CORONADO SHORELINE  
INITIAL APPRAISAL REPORT

C-04

4 of 9 SHEETS

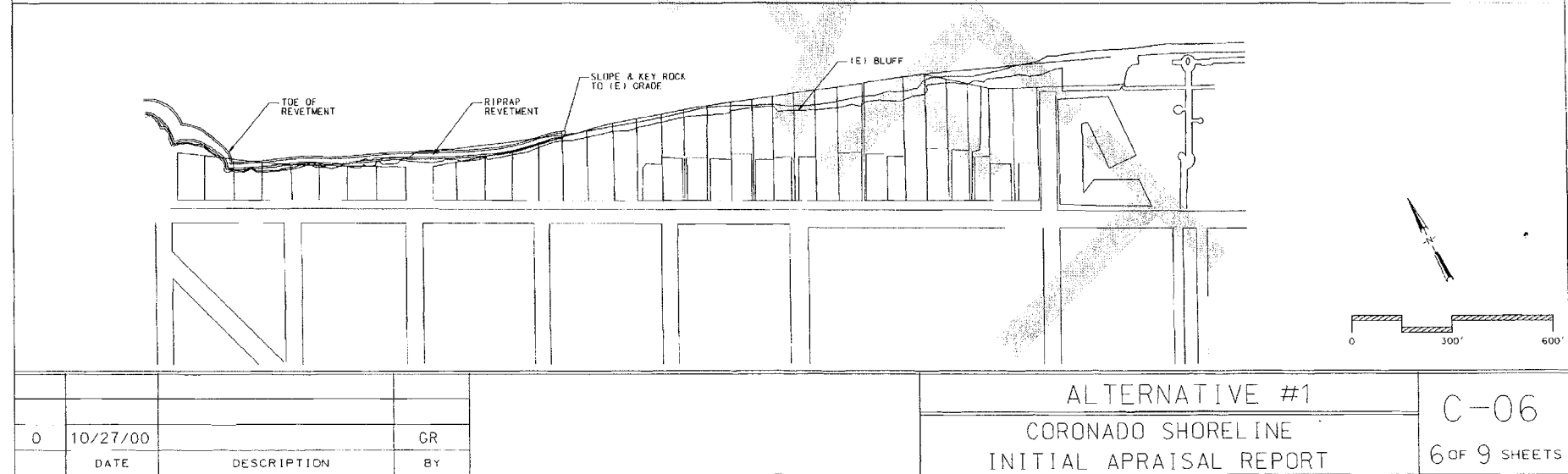
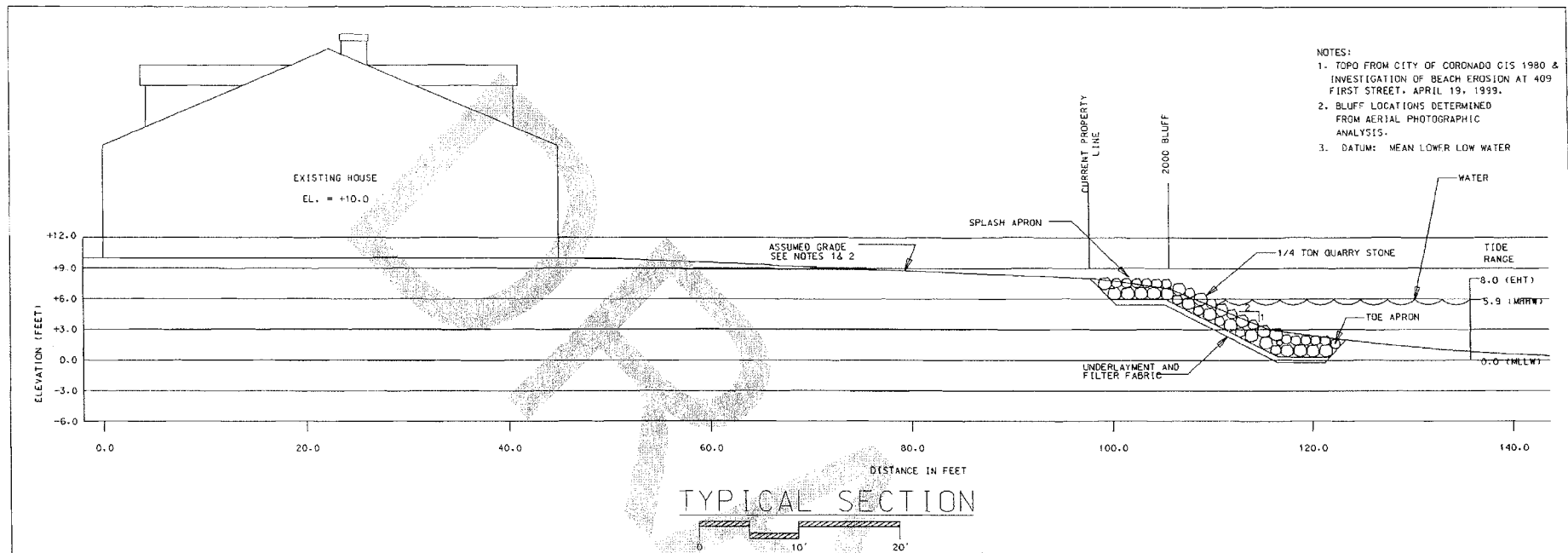
0	10/27/00		GR
	DATE	DESCRIPTION	BY

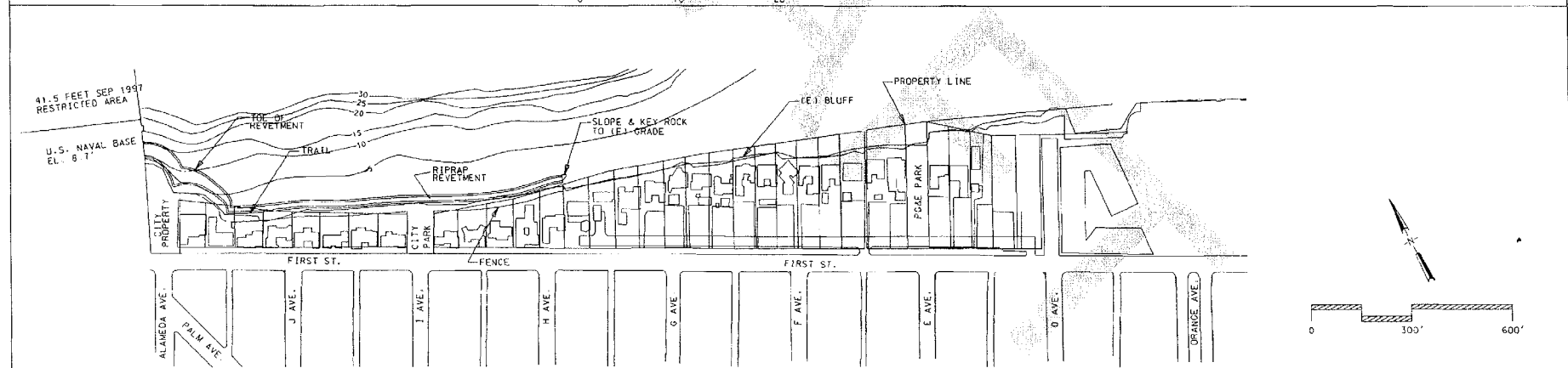
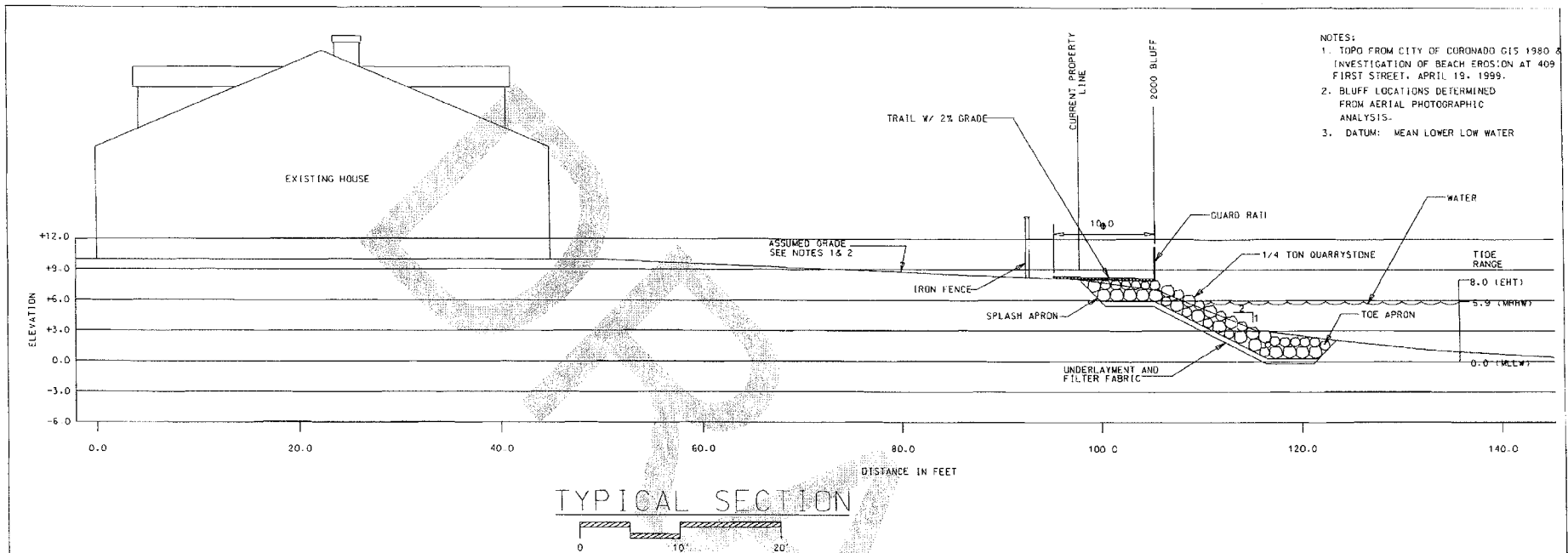


0	10/27/00		GR/JH
	DATE	DESCRIPTION	BY

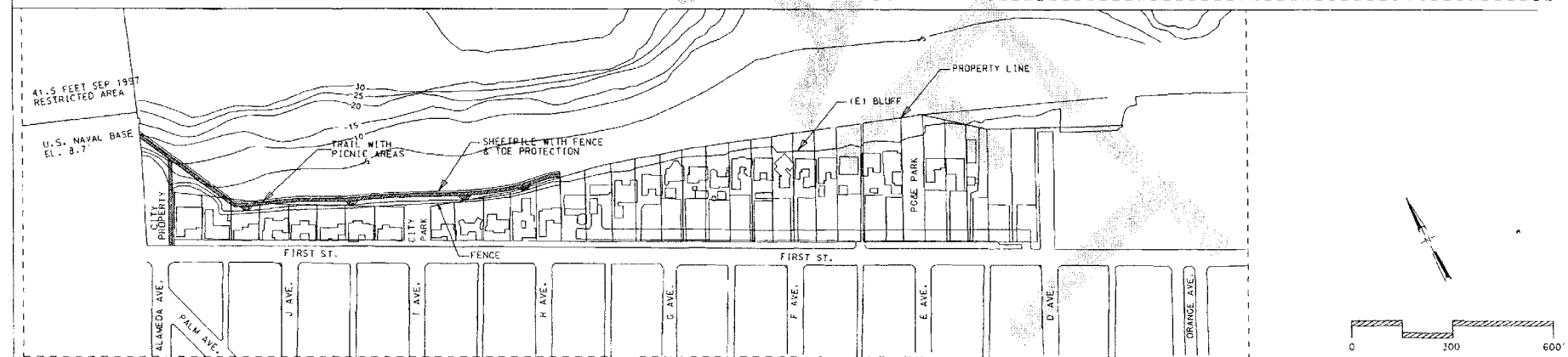
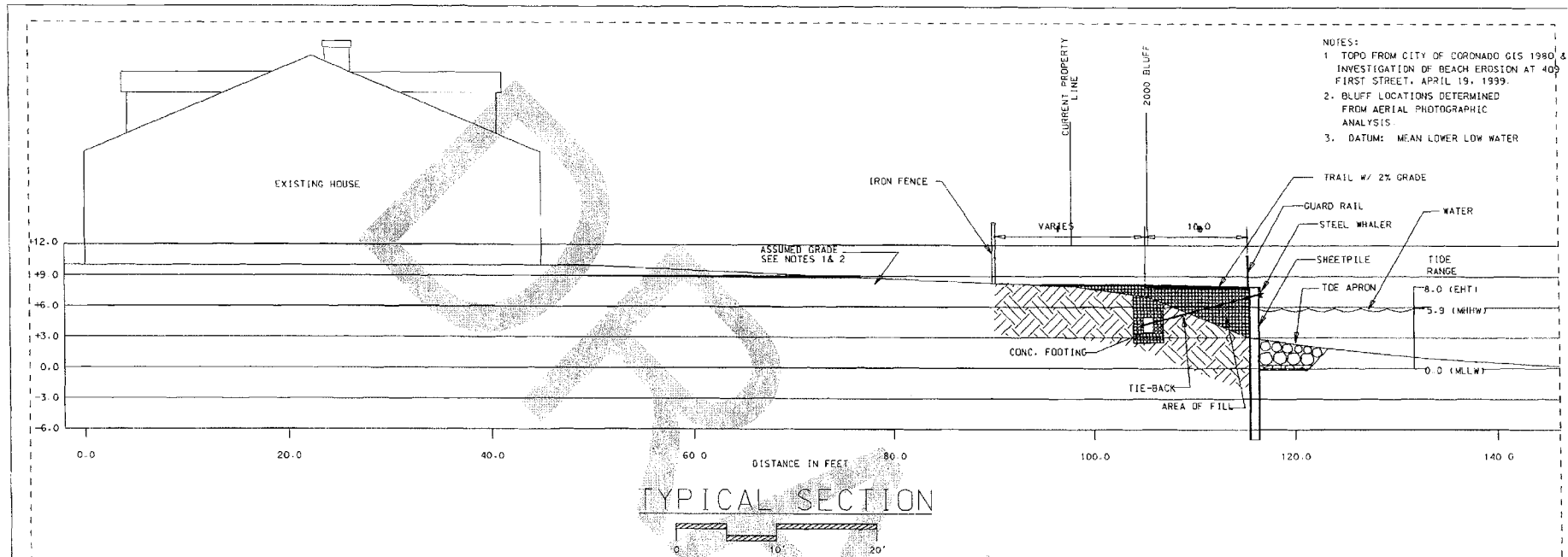
TYPICAL SHORELINE CHANGE  
H AVE. TO ALAMEDA AVE.  
CORONADO SHORELINE  
INITIAL APPRAISAL REPORT

C-05  
5 of 9 SHEETS

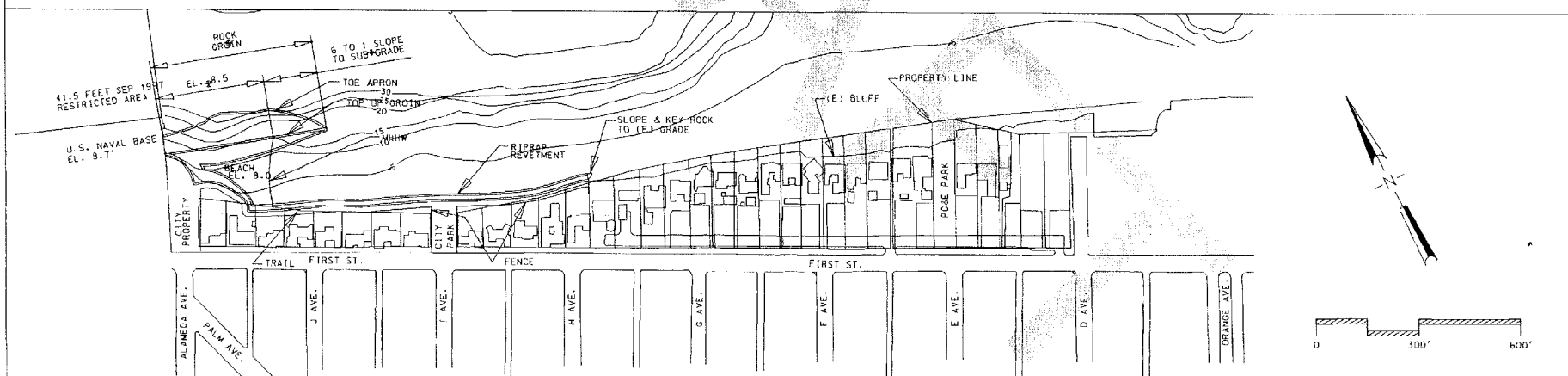
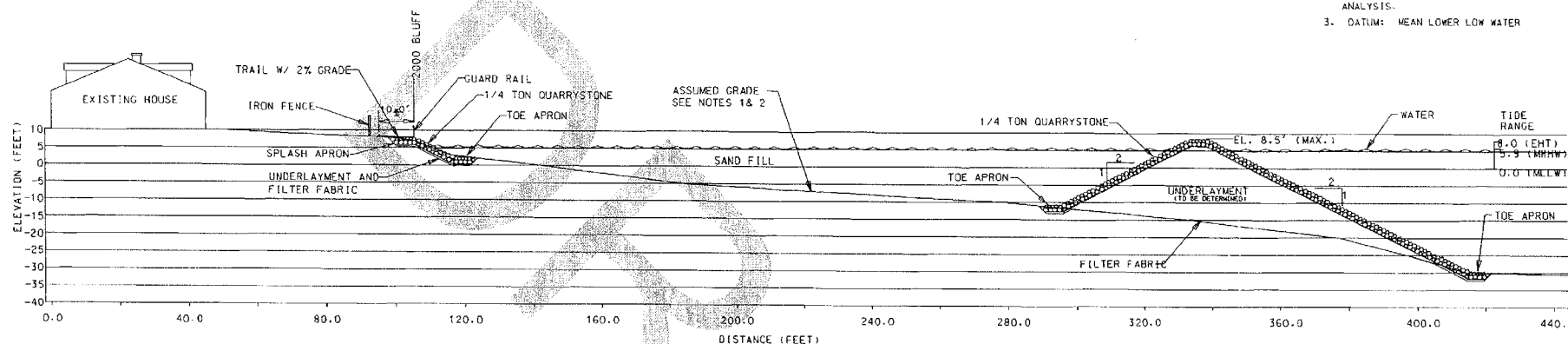




					ALTERNATIVE #2	C-07 7 OF 9 SHEETS
0	10/27/00		GR		CORONADO SHORELINE	
	DATE	DESCRIPTION	BY		INITIAL APPRAISAL REPORT	



				ALTERNATIVE #3 CORONADO SHORELINE INITIAL APPRAISAL REPORT	C-08 8 of 9 SHEETS
0	10/27/00		GR		
	DATE	DESCRIPTION	BY		



				<div style="text-align: center;"> <p>ALTERNATIVE #4</p> <p>CORONADO SHORELINE</p> <p>INITIAL APPRAISAL REPORT</p> </div>	<div style="text-align: center;"> <p>C-09</p> <p>9 of 9 SHEETS</p> </div>
0	10/27/00		GR		
	DATE	DESCRIPTION	BY		

1 **OPPER & VARGO, LLP**  
RICHARD G. OPFER (Bar No. 72163)  
2 LINDA C. BERESFORD (Bar No. 198145)  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
3 TELEPHONE: 619-231-5858  
FACSIMILE: 619-231-5853

4 ATTORNEYS FOR PLAINTIFFS  
SLPR, LLC, RICHARD AND BARBARA SEWALL,  
ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
5 TRUST UNDER THE GOODFELLOW FAMILY TRUST

6 **BEUS GILBERT PLLC**  
MALCOLM LOEB (Bar No. 130026)  
4800 NORTH SCOTTSDALE ROAD, SUITE 600  
7 SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-429-3000

8 ATTORNEYS FOR PLAINTIFF SLPR, LLC

*BEUS  
APPENDICES*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
12

13 SLPR, LLC, CAPTAIN (RET.) RICHARD  
AND MRS. BARBARA SEWALL, MRS.  
14 ANN GOODFELLOW, AS TRUSTEE OF  
THE SURVIVOR'S TRUST UNDER THE  
15 GOODFELLOW FAMILY TRUST, MR.  
LAWRENCE AND MRS. PENELOPE  
16 GUNNING, AND MR. WILLIAM  
DICKERSON,

17 PLAINTIFFS,

18 v.  
19

20 THE SAN DIEGO UNIFIED PORT  
DISTRICT, UNITED STATES ARMY  
CORPS OF ENGINEERS, AND THE  
21 UNITED STATES NAVY,

22 DEFENDANTS.  
23

CASE NO. 06 CV 1327 W (POR)

NOTICE OF MOTION AND MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT ARMY CORPS OF  
ENGINEERS FOR PLAINTIFFS' FIFTH  
CAUSE OF ACTION

DATE: OCTOBER 27, 2008

COURTROOM: 7

JUDGE: HON. THOMAS J. WHELAN

NO ORAL ARGUMENT PURSUANT  
TO LOCAL RULE

24 Plaintiffs, SLPR, LLC, Captain (Ret.) Richard and Mrs. Barbara Sewall, and Mrs. Ann  
25 Goodfellow, hereby submit this Notice of Motion and Motion for Partial Summary Judgment as  
26 to Plaintiffs' fifth cause of action pursuant to Federal Rule of Civil Procedure 56. This Motion  
27 also is based upon:

28 ///



- 1 1. This Notice of Motion;
- 2 2. Plaintiffs' Points and Authorities in Support of Partial Summary Judgment filed
- 3 concurrent with this Notice of Motion;
- 4 3. The Administrative Record for the Final Agency Action for the Dredging of the
- 5 Central Navigation Channel lodged by the Plaintiffs with this Court concurrent with
- 6 this Notice of Motion;
- 7 4. The Declaration of David Skelly in Support of Plaintiffs' Motion for Partial Summary
- 8 Judgment, filed concurrent with this Notice of Motion and pursuant to Plaintiffs'
- 9 Motion to Supplement the Administrative Record and/or have the Court consider
- 10 extra-record evidence, also filed concurrent with this Notice of Motion;
- 11 5. The Declaration of Leo Beus in Support of Plaintiffs' Motion for Partial Summary
- 12 Judgment, filed concurrent with this Notice of Motion and pursuant to Plaintiffs'
- 13 Motion to Supplement the Administrative Record and/or have the Court consider
- 14 extra-record evidence, also filed concurrent with this Notice of Motion;
- 15 6. Plaintiffs' Motion to Supplement the Administrative Record and/or have the Court
- 16 consider extra-record evidence, filed concurrent with this Notice of Motion;
- 17 7. Plaintiffs' proposed order granting this Motion for Partial Summary Judgment.

18 Respectfully submitted,

19 DATE: SEPTEMBER 11, 2008

OPPER & VARCO, LLP

20 BY: /s/ RICHARD G. OPPER

21 RICHARD G. OPPER  
22 ATTORNEYS FOR PLAINTIFFS SLPR, LLC, CAPTAIN  
23 (RET.) RICHARD AND MRS. BARBARA SEWALL, AND  
24 MRS. ANN GOODFELLOW, AS TRUSTEE OF THE  
25 SURVIVOR'S TRUST UNDER THE GOODFELLOW  
26 FAMILY TRUST  
27  
28

1 **OPPER & VARCO, LLP**  
RICHARD G. OPFER (Bar No. 72163)  
2 LINDA C. BERESFORD (Bar No. 199145)  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
3 TELEPHONE: 619-231-5959  
FACSIMILE: 619-231-5952

4 ATTORNEYS FOR PLAINTIFFS  
SLPR, LLC, RICHARD AND BARBARA SEWALL,  
ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
5 TRUST UNDER THE GOODFELLOW FAMILY TRUST

6 **BEUS GILBERT PLLC**  
MALCOLM LOEB (Bar No. 130026)  
4800 NORTH SCOTTSDALE ROAD, SUITE 600  
7 SCOTTSDALE, ARIZONA 85261  
TELEPHONE: 480-429-3000

8 ATTORNEYS FOR PLAINTIFF SLP, LLC

9  
10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12  
13 SLPR, LLC, CAPTAIN (RET.) RICHARD  
AND MRS. BARBARA SEWALL, MRS.  
14 ANN GOODFELLOW, AS TRUSTEE OF  
THE SURVIVOR'S TRUST UNDER THE  
15 GOODFELLOW FAMILY TRUST, MR.  
LAWRENCE AND MRS. PENELOPE  
16 GUNNING, AND MR. WILLIAM  
DICKERSON,

17 PLAINTIFFS,

18 v.

19 THE SAN DIEGO UNIFIED PORT  
20 DISTRICT, UNITED STATES ARMY  
CORPS OF ENGINEERS, AND THE  
21 UNITED STATES NAVY,

22 DEFENDANTS.  
23  
24  
25  
26  
27  
28

**CASE No. 06 CV 1327 W (POR)**

**PLAINTIFFS' POINTS AND  
AUTHORITIES IN SUPPORT OF ITS  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT AGAINST DEFENDANT  
ARMY CORPS OF ENGINEERS ON  
PLAINTIFFS' FIFTH CAUSE OF ACTION**

**DATE: OCTOBER 27, 2008**

**COURTROOM: 7**

**JUDGE: HON. THOMAS J. WHELAN**

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	FACTUAL AND PROCEDURAL BACKGROUND .....	2
A.	The Navy, Army Corps and the Port District all decide to dredge San Diego Bay. ....	2
B.	The Army Corps admits that the First Street shoreline is eroding. ....	3
C.	The Army Corps ignored the Coronado Shoreline Report and the impact that dredging the CNC has on the First Street shoreline. ....	4
D.	The Army Corps' Consistency Determination is critically flawed. ....	8
E.	The Army Corps' flawed decision adversely affected the Plaintiffs as the erosion caused by ship wakes and deep water sinks will wash away their homes .....	11
III.	LEGAL DISCUSSION .....	12
A.	Legal Standard on Summary Judgment .....	12
B.	Under 5 U.S.C. § 706(2) the Court determines if the Army Corps' actions were arbitrary and capricious. ....	12
C.	The Coastal Zone Management Act requires the Army Corps to comply with the California Coastal Act to the maximum extent practicable .....	13
D.	The Army Corps' approval of the Feasibility Study and the EIS/EIR, which contained a flawed Consistency Determination, and dredging of the CNC, was arbitrary and capricious. ....	14
1.	The Army Corps entirely failed to consider an important aspect of the problem. ....	14
2.	The limited discussions of sediment transport in the Administrative Record runs counter to the evidence that was before the Army Corps. ....	17
E.	The Court should order the Army Corps to obtain a new Consistency Determination .....	20
IV.	CONCLUSION .....	23

# TABLE OF AUTHORITIES

## CASES

<u>Brower v. Evans</u> 257 F.3d 1058 (9 <sup>th</sup> Cir. 2001).....	14, 17
<u>California Coastal Commission v. United States</u> 5 F.Supp.2d 1106 (S.D. Cal. 1998).....	12, 13, 14, 17, 21
<u>Celotex Corp. v. Catrett</u> 477 U.S. 317 (1986).....	12
<u>City of Sausalito v. O'Neill</u> 386 F.3d 1186 (9 <sup>th</sup> Cir. 2004).....	12, 13, 16, 17
<u>Florida Power &amp; Light Co. v. Lorion</u> 470 U.S. 729 (1985).....	21
<u>Friends of the Earth v. U.S. Navy</u> 841 F.2d 927 (9 <sup>th</sup> Cir. 1988).....	13, 17
<u>Matsushita Elec. Indus. Co. v. Zenith Radio Corp.</u> 475 U.S. 574 (1986).....	12
<u>McDonnell Douglas Corp. v. NASA</u> 895 F.Supp. 316 (Dist. D.C. 1995).....	22
<u>McElmurray v. U.S. Dept. of Agriculture</u> 535 F.Supp.2d 1318 (S.D. Ga. 2008).....	21, 22
<u>Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.</u> 463 U.S. 29 (1983).....	13
<u>National Wildlife Federation v. Espy</u> 45 F.3d 1337 (9 <sup>th</sup> Cir. 1995).....	20, 21
<u>National Wildlife Federation v. National Marine Fisheries Service</u> 422 F.3d 782 (9 <sup>th</sup> Cir. 2005).....	20, 21
<u>Natural Resources Defense Council v. U.S. Forest Service</u> 421 F.3d 797 (9 <sup>th</sup> Cir. 2005).....	19
<u>Natural Resources Defense Council v. Winter</u> 530 F.Supp.2d 1110 (C.D. Cal. 2008).....	14, 17, 21
<u>Nelson v. United States of America</u> 64 F.Supp.2d 1318 (N.D. Ga. 1999).....	21
<u>Northwest Envtl. Defense Center v. Bonneville Power Administration</u> 477 F.3d 668 (9 <sup>th</sup> Cir. 2007).....	13, 19, 20, 21
<u>Pacific Coast Federation of Fishermen's Assoc. v. National Marine Fisheries Service</u> 265 F.3d 1028 (9 <sup>th</sup> Cir. 2001).....	21

1	<u>Sierra Pacific Indus. v. Lyng</u>	
2	866 F.2d 1099 (9 <sup>th</sup> Cir. 1989).....	20, 21
3	<u>State of California v. Norton</u>	
4	311 F.3d 1162, 1167 (9 <sup>th</sup> Cir. 2002).....	14
5	<u>Weinberger v. Romero-Barcelo</u>	
6	456 U.S. 305 (1982).....	13

## FEDERAL STATUTES, REGULATIONS, AND RULES

7	United States Code	
8	5 U.S.C. §§ 551-559.....	13
9	5 U.S.C. §§ 701-706.....	13
10	5 U.S.C. § 706(2).....	12, 22
11	16 U.S.C. § 1451, <i>et seq.</i> (Coastal Zone Management Act).....	passim
12	16 U.S.C. § 1456(c)(1).....	9, 14
13	Code of Federal Regulations	
14	15 CFR § 930.34.....	14
15	Federal Rules of Civil Procedure	
16	Fed. R. Civ. Proc. § 56(c).....	12

## STATE STATUTES

17	California Public Resources Code § 30000, <i>et seq.</i> (California Coastal Act).....	passim
18	California Public Resources Code	
19	§ 30233.....	10, 14, 16, 20, 22, 23
20	§ 30253.....	10, 11, 14, 16, 20, 22, 23

## OTHER REFERENCES

21	Department of the Navy – Navy Historical Center, Washington Navy Yard, Washington, D.C. 20374-5060, The Cruise of the Great White Fleet, By JO2 [Journalist Second Class] Mike McKinley; <a href="http://www.history.navy.mil/library/online/gwf_cruise.htm">http://www.history.navy.mil/library/online/gwf_cruise.htm</a> .....	1
----	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

## I.

## INTRODUCTION

In 1908 the United States Navy came to San Diego in coal powered battleships looking for a place to anchor and rally the populace around Theodore Roosevelt's unprecedented display of American naval power. The ships were diverted away from San Diego Bay and ultimately anchored off Coronado's Hotel Del because of concerns they would be mired in the mud if they entered the shallow Bay waters.<sup>1</sup> Since then, the Navy has sent ever larger and more impressive vessels to San Diego, but not without first dredging and transforming the once shallow Bay into a very different place in order to accommodate Navy operations and support maritime industry.

The federal government's needs continue to change and evolve, and today, 100 years later, nuclear aircraft carriers the size of football fields are moored about a vessel length from the bay-side properties owned by Plaintiffs. Various dredging projects have occurred over time to accommodate these enormous ships, yet the recent dredging project at the heart of this motion was authorized by the Army Corps of Engineers without considering the harm to the Coronado shoreline, harm which had been identified in a report the Army Corps itself produced. This report, ignored by the Army Corps during the environmental review process for the Central Navigation Channel dredging project, predicted the very damage that Plaintiffs now suffer.

Mrs. Sewall and Mrs. Goodfellow have owned their homes for 30 and 40 years, respectively, and, along with other homeowners at First Street, they have witnessed an unusual and dramatic loss of their property in the recent years. In January 2001, the Army Corps analyzed this problem and concluded that the erosion is caused by ship wakes and near off-shore steepened dredged slopes. But this issue was never disclosed to the California Coastal Commission when the Army Corps sought the Consistency Determination for the project. The Army Corps ignored relevant facts, thus casting a long shadow over the approvals they obtained, awarded in ignorance of environmental impacts the Corps itself forecast just two years earlier.

<sup>1</sup> Department of the Navy – Navy Historical Center, Washington Navy Yard, Washington, D.C. 20374-5060, The Cruise of the Great White Fleet, By JO2 [Journalist Second Class] Mike McKinley; [http://www.history.navy.mil/library/online/gwf\\_cruise.htm](http://www.history.navy.mil/library/online/gwf_cruise.htm).

1 The January 2001 Army Corps report evaluating erosion of the First Street shoreline  
 2 concluded that erosion along this shoreline is caused by "off-shore transport of sediments due to  
 3 wave energy created by boat and ship traffic. . . . This erosion is assisted by the relatively steep  
 4 off-shore gradient and the presence of deep water sinks." The report also stated that "the erosion  
 5 process will eventually render the yards unstable and begin to place structures in jeopardy in  
 6 approximately 10 years." As this report was written in 2001, this 10-year period is now less than  
 7 2 ½ years away.

8 Army Corps staff working on the Central Navigation Channel ("CNC") dredging project  
 9 knew of this report, but that fact is almost invisible on the record of the official actions in this  
 10 matter. The Army Corps never considered what impact waves from the larger vessels, in  
 11 combination with increasing the depth of the "deep water sink" (the CNC) by an additional 5%,  
 12 would have on the Coronado shoreline. This resulted in a critically flawed Feasibility Study and  
 13 Environmental Impact Report, and culminated in a legally and factually incorrect Consistency  
 14 Determination approved by the California Coastal Commission.

15 The earliest any Plaintiff learned of the Coronado Shoreline Report was in July 2005, but  
 16 by then the dredging had been completed and no mitigation for the effects were included in any  
 17 federal action. The Plaintiffs' homes have been endangered. Since learning the facts, the  
 18 homeowners have tried unsuccessfully to resolve this matter cooperatively with the Army Corps  
 19 and Port District. Plaintiffs now ask this Court to direct the Army Corps to do what it should  
 20 have done in the first place when it dredged the CNC: comply with the Coastal Zone  
 21 Management Act and submit sound and appropriate mitigation measures for consideration by the  
 22 California Coastal Commission.

## 23 II.

### 24 FACTUAL AND PROCEDURAL BACKGROUND

#### 25 A. The Navy, Army Corps and the Port District all decide to dredge San Diego Bay.

26 Plaintiffs are homeowners on First Street, Coronado. Their backyards are adjacent to  
 27 San Diego Bay and their properties are in the coastal zone. (Notice of Lodgment ("NOL") 2, AR  
 28 USA-28797.)

1 In 1998, as part of the "Navy Homeporting Project", the Navy dredged the area of the  
 2 Bay called the "Turning Basin" to a depth of 50 feet to port nuclear aircraft carriers. (NOL 16,  
 3 AR USA-30939.) While the Navy dredged the Turning Basin, the Port District and the Army  
 4 Corps of Engineers began evaluating their own dredging project. The purpose of the Army  
 5 Corps and Port District project was to dredge the Central Navigation Channel ("CNC") to a  
 6 greater depth (from 40 to 42 feet) to allow larger, deeper-draft bulk ships to access the Bay. A  
 7 figure of Plaintiffs' homes, the Turning Basin and the CNC is at AR USA-26727 (NOL 5).

8 In January 1998, the Army Corps and the Port District issued a "San Diego Harbor  
 9 Project Study Plan" to begin their evaluation of dredging the CNC. (NOL 6, AR USA-22552-  
 10 22608.) This report contains a section called "Engineering Studies" which states:

11 A Bathymetric condition survey was performed for the approach and entrance  
 12 channels, main turning basin, and central bay channel in June 1995. Based on  
 13 review of past surveys, there are little if any changes in bathymetric conditions in  
 the Central Bay Channel. Accordingly, the 1995 survey will be used for existing  
 conditions and dredge quantity calculations.

14 (NOL 6, AR USA-22567.) Thus, in 1998 – *seven years before they actually dredged* – the Army  
 15 Corps and Port District decided there was no need to conduct any further study of the impact  
 16 dredging the CNC (which would allow bigger and heavier ships to enter the Bay) would have on  
 17 the surrounding shorelines. This decision was made *before* the Navy completed its dredging of  
 18 the Turning Basin (NOL 6, AR USA-22585) and completely overlooked the possibility that  
 19 increasing the depth of the Turning Basin could impact the Bay and the surrounding shorelines.

20 **B. The Army Corps admits that the First Street shoreline is eroding.**

21 Following the Project Study Plan, the Army Corps and Port District began the  
 22 Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") process to dredge  
 23 the CNC and conducted a "scoping meeting" on March 18, 1998. (NOL 3, AR USA-29150.)  
 24 One of the first comments at the meeting was from Coronado resident asking that the agencies  
 25 "take measures to save the beaches along the bay because I think they will disappear, just like  
 26 they were when the Navy was dredging so heavily." (NOL 3, AR USA-29162.) A staffer at the  
 27 meeting thought the issue was significant enough to note that a Coronado resident was  
 28 "concerned that harbor deepening will further erode [the] shoreline." (NOL 8, AR USA-29978.)



1 And in fact, the Coronado shoreline is eroding. On January 29, 2001, the Army Corps of  
 2 Engineers issued the "Coronado Shoreline Initial Appraisal Report" which evaluates erosion  
 3 along approximately 2,800 linear feet of shoreline along First Street (NOL 7, AR USA-29624,  
 4 29634) where the Plaintiffs live. In this report, the Army Corps admits:

- 5 • Ship wake in San Diego Bay is predicted to have an average range of 2 to 3 feet in  
 6 height. These waves are large enough in magnitude, and occur frequently enough, to  
 have an affect on the shoreline.
- 7 • Water depths drop to 30 feet within 300 feet of the east end of the study area and within  
 8 160 feet at the west end. In addition to this, the presence of shipping channels over 40  
 feet deep provides a sink for sediment. Therefore, the presence of deepwater sinks and a  
 fairly steep off-shore gradient will have an affect on coastal erosion.
- 9 • The mechanism by which erosion occurs along this shore is off-shore transport of  
 10 sediments due to wave energy created by boat and ship traffic. . . . This erosion is  
 assisted by the relatively steep off-shore gradient and the presence of deep water sinks.
- 11 • If there is no organized effort to protect this portion of the shoreline, it appears that  
 12 erosion of the shoreline will continue at a rate as high as 1.7 feet per year. This could  
 begin to erode house foundations in approximately 10 years.
- 13 • Continuation of the erosion process will eventually render the yards unstable and  
 14 begin to place structures in jeopardy in approximately 10 years.
- 15 • Present rates of erosion indicate that, within 15 to 25 years, approximately 12  
 16 residences [including the Plaintiffs' residences] could be lost or become too  
 hazardous for occupancy.

17 (NOL 7, AR USA-29636, 29637, 29658.)

18 The Coronado Shoreline Report was electronically signed by John P. Carroll, Colonel,  
 19 Corps of Engineers, District Engineer, on March 29, 2001. (NOL 7, AR USA-29646.)

20 **C. The Army Corps ignored the Coronado Shoreline Report and the impact that**  
 21 **dredging the CNC has on the First Street shoreline.**

22 Despite the clear findings that, "the mechanism by which erosion occurs along this shore  
 23 is off-shore transport of sediments due primarily to wave energy created by boat and ship traffic  
 24 . . assisted by the relatively steep off-shore gradient and the presence of deep water sinks," the  
 25 Army Corps did not modify its analysis regarding what impact dredging the CNC would have on  
 26 the shoreline and essentially ignored its own report.

27 In November 2000, approximately three months prior to the issuance of the Coronado  
 28 Shoreline Report, the Army Corps issued the "San Diego Harbor Feasibility Study F4

Conference Submittal" report. (NOL 9, AR SLPR- 0001-0094.) As part of the feasibility study process, the Army Corps holds an "F4-conference" which reviews an "F4-submittal." The purpose of the F-4 process is "to review the formulation and selection of the recommended plan . . . [p]roblem identification, the plan formulation process and results, including design, impact analysis, benefit analysis and evaluation criteria and results . . . ." (NOL 6, AR USA-22605.)

The F4 Submittal report makes the following findings:

Section 2.10 Waves – The natural features of San Diego Bay protect the Central Bay Channel from ocean swells. Waves in the Central Bay Channel are comprised of short period wind waves, not exceeding 1 meter in height.

Section 2.11 Sediment Transport – Sediment transport within the Central Bay Channel of San Diego Harbor is minimal. The fact that no maintenance dredging has been required at the Central Bay Channel since the channel deepening of the mid 1970s indicates a very small amount of sedimentation occurs within this area.

Section 6 (called "Slope Failure") of the Draft Geotechnical Report, Appendix to the F4 Submittal – The dredging boundary is far enough away from most structures, except the wharfing walls of the Port's main terminal at 5<sup>th</sup> Avenue. However, even this area should not fail since the Port has reinforced and upgraded the [protective seawall].

(NOL 9, AR SLPR- 0012; NOL 10, AR USA-38086)

The F4 Submittal was electronically signed by John P. Carroll, Colonel, Corps of Engineers, District Engineer (NOL 9, AR SLPR- 0092.), the same person who signed the Coronado Shoreline Report only three months later.

The findings in the F4 Submittal have significant differences from those stated in the Coronado Shoreline Report. For example, the F4 Submittal states that waves in the Bay are 1 meter high and are from ocean swell; the Coronado Shoreline Report states that the waves (2-3 feet high) are from ship and boat traffic. Either way, the Coronado Shoreline Report states that waves of this height have an impact on the shoreline. (NOL 7, AR USA-29636.) The F4 Submittal also states that sediment transport in San Diego Bay is minimal, but the Coronado report indicates that the First Street shoreline is losing as much as 1.7 feet per year.

But upon receiving the information in the Coronado Shoreline Report – by the same person working on both projects – the Army Corps did not incorporate any of this information into its technical review. The draft EIS/EIR was circulated by the Army Corps and Port District on December 5, 2002 with the public comment period closing on January 23, 2003. (NOL 11,

1 AR USA-30677-30678.) In a section called "Littoral Transport", the draft EIS/EIR stated:

2 No modeling of the potential effects of dredging on currents or sediment transport  
3 rate has been performed for this proposed action. Computer simulation models  
4 were used to predict changes in currents and sediment transport rates for the  
5 [1995] Navy Homeporting Project . . . The Navy's model predicted little change  
6 in currents or sediment transport rates as a result of channel modification  
associated with that dredging project. . . Based on the results of the Navy's  
modeling efforts, it is unlikely that channel modifications resulting from  
[dredging the CNC] would significantly affect currents or sediment transport rates  
in San Diego Bay.

7 (NOL 13, AR USA-26169.)

8 Thus, the Army Corps relied on the Navy's modeling from dredging the Turning Basin,  
9 but the 1995 model ignored factors the Coronado Shoreline Report later identified as significant.  
10 Specifically, the 1995 model only evaluated tidal currents. (NOL 14, AR USA-4907.) There is  
11 no discussion of impacts on sediment transport by waves and wakes. (NOL 14, AR USA-4904-  
12 4921; Declaration of Dave Skelly in Support of Plaintiffs' Motion for Partial Summary  
13 Judgment, Ex. B, p. 4.) But the January 2001 Coronado Shoreline Report, completed 22 months  
14 prior to the draft EIS/EIR, concluded that waves and wakes from ship traffic, and the presence of  
15 deep-water sinks, impact the First Street shoreline. (NOL 7, AR USA-29636.) The purpose of  
16 dredging the CNC was to allow larger, deeper-draft ships to access the terminals in San Diego  
17 Bay. (NOL 1, AR USA-28523.) But the Army Corps did not re-evaluate this model to  
18 incorporate wave and wake data, nor to evaluate how increasing the depth of the "deep-water  
19 sink" of the CNC by two feet (approximately 5%) would impact erosion of the shoreline.

20 Similarly, the San Diego Harbor Deepening Project Draft Detailed Project Report,  
21 November 2002 (derived from the F4 submittal and the precursor to the Feasibility Study) still  
22 focused solely on waves from ocean swells (not from ship traffic) (NOL 12, AR USA-22626),  
23 and only provided three sentences stating there is no sediment transport in the Bay (NOL 12, AR  
24 USA-22666). The slope failure discussion was limited to the following: "Side slopes are  
25 assumed to be stable in a configuration of 5 horizontal to 1 vertical. Interim slopes of 3  
26 horizontal to 1 vertical are assumed for the initial dredge configuration." (NOL 12, AR USA-  
27 22659.) But this means the project's dredge configuration was *steeper* than that assumed stable  
28 by the Corps, and there was no discussion justifying this position. (Skelly Dec., Ex. B, p. 7.)

1 The reports also run contrary to Army Corps correspondence. In a 1999 letter to the  
 2 Office of Historic Preservation, staff noted that "Massive impacts to the bay floor and subfloor  
 3 within the [Area of Potential Effect] and immediate vicinity have occurred. . . . Dredging has  
 4 resulted in reconfiguration and major modification to large areas of subtidal bottom habitat."  
 5 (NOL 15, AR USA-29766.) Since the area had been subject to "massive" dredging, the Army  
 6 Corps sought concurrence that no National Register properties would be affected by the project.  
 7 The Army Corps identified massive changes to the Bay when it suited them, but "massive"  
 8 became insignificant when a different conclusion would have required further study.

9 Primary staff working on the EIS/EIR also knew about the Coronado Shoreline Report.  
 10 Given that their shoreline was eroding, the City of Coronado approached the Army Corps about  
 11 using the dredge spoils to bolster the First Street shoreline. Priscilla Perry, the project manager,  
 12 discussed this with Joe Ryan, a consultant. (NOL 18, AR SLPR-00180.) On February 21, 2003,  
 13 Mr. Ryan astutely observed in an e-mail, "I assume that this issue would have been studied in the  
 14 Coronado Feasibility Study if the Coronado Reconnaissance Study went into the feasibility  
 15 phase." Of course, this begs the question: why wasn't it studied?

16 Staff exchanged more e-mail on this issue on February 26, 2003 (NOL 19, AR SLPR-  
 17 181) and met on February 27, 2003. Staff knew of erosion along First Street; Ms. Kayama's  
 18 notes state, "However, there will be incidental loss during action and later from on-going  
 19 erosion." (NOL 20, AR SLPR-182-183.) More e-mails referencing the Coronado Shoreline  
 20 Report occurred through March 11, 2003 (NOL 21, AR SLPR-184), followed by a meeting with  
 21 the Port District on March 14, 2003. (NOL 22, AR SLPR-185.) Then the issue was killed. A  
 22 March 17, 2003 e-mail from Priscilla Perry states, "The Port of San Diego does not want to incur  
 23 any additional delays or enormous costs to the project. Therefore, the City of Coronado option  
 24 has been postponed as an alternative on this project." (NOL 23, AR SLPR- 186-187.) The  
 25 Army Corps staff was aware of the Coronado Shoreline Report prior to completing their  
 26 decision-making process, but failed to re-evaluate their studies to incorporate this significant  
 27 information. The Army Corps then simply accepted direction from the Port District that the  
 28 Coronado disposal option would result in too much delay and cost and had to be eliminated.

1 The record is clear: the Army Corps made assumptions about sediment transport in the  
 2 Bay as early as 1998 and never wavered from this position despite information requiring them to  
 3 re-evaluate their studies and conclusions. And when the issue was raised, the Army Corps and  
 4 Port District decided they had spent too much time and money to go back and do it right. This  
 5 resulted in an action by the Army Corps that violated the Coastal Zone Management Act and  
 6 allowed a project that has contributed to devastating results for the Coronado shoreline and has  
 7 adversely affected the Plaintiffs and the public, as a public park on First Street is also eroding.<sup>2</sup>

8 **D. The Army Corps' Consistency Determination is critically flawed.**

9 In September 2003, the Army Corps issued a final Feasibility Study and EIS/EIR that  
 10 failed to consider the impact dredging the CNC would have on the First Street shoreline. The  
 11 purpose of dredging the CNC was to allow larger vessels to use the Bay, and indeed, the studies  
 12 indicate that the dredging would increase the number of larger vessels using the CNC. (NOL 4,  
 13 AR USA-29505, NOL 2, AR USA-28738.) The Coronado Shoreline Report indicates that ship  
 14 wake is a significant cause to erosion of the First Street shoreline. (NOL 7, AR USA-29636,  
 15 29637.) However, nowhere does either the EIS/EIR or the Feasibility Study evaluate the height  
 16 and velocity of waves created by the ships now able to use the CNC.

17 Just like the draft report, the final EIS/EIR dated September 2003 (NOL 2, AR USA  
 18 28614) relied on the 1995 model, which excluded important factors such as waves and wakes  
 19 from ship traffic. (NOL 2, AR USA-28899, NOL 14, AR USA-4904-4921; Skelly Dec., Ex. B,  
 20 p. 4-5.) The EIS/EIR states that waves in the Bay are created by wind and do not generally  
 21 exceed 2 feet in height. (NOL 2, AR USA-28762.) This ignores the Coronado Shoreline Report  
 22 which states that the waves affecting the shoreline are from ship traffic and can be 3 feet high.  
 23 (NOL 7, AR USA-29636.) The failure to evaluate these factors ignored the loss of the Plaintiffs'  
 24 homes as well as the public park located along First Street.

25  
 26  
 27 <sup>2</sup> The Army Corps had the full ability to modify the EIR/EIS after the comment period on the  
 28 draft reports closed. As demonstrated in an e-mail from Priscilla Perry dated August 14, 2003,  
 the Corps modified the reports in August 2003 to include a discussion of Pac Bell cables located  
 in San Diego Bay that were not discussed in the draft reports. (AR SLPR-00188.)

1 The final Feasibility Study dated September 2003 also ignored waves from ship traffic  
2 and all but eliminated discussion of sediment transport. (NOL 1, AR USA-28547.) The  
3 Feasibility Study stated that the Army Corps relied on protocol EM-1110-2-1613, *Hydraulic*  
4 *Design Guidance for Deep Draft Navigations Projects* to evaluate the project. (NOL 1, AR  
5 USA-28571.) Another Army Corps protocol, ER 1110-2-1461, *Design of Navigation Channels*  
6 *Using Ship-Simulation Techniques*, which specifically incorporates EM-1110-2-1613, states the  
7 following policy: "Hydraulic design studies associated with the planning, design, construction,  
8 operation, and maintenance of navigation channels will include a ship-simulation investigation  
9 unless omission of such an investigation is approved by HQUSACE." (NOL 25, AR USA-  
10 40398.) But the Corps did not perform a ship-simulation investigation (it instead relied on the  
11 1995 model) and Plaintiffs could not find any specific approval of this omission from  
12 HQUSACE in the record. Given the Army Corps' own findings, it obviously was an error to  
13 have exempted such a ship simulation study in this instance, if any such exemption occurred.

14 The Feasibility Study also relied on Coastal Engineering and Geotechnical Appendices.  
15 (NOL 4, AR USA-29509, 29553.) However, the only discussions regarding sloughing and slope  
16 stability provided in these reports relate to the 10<sup>th</sup> Avenue Marine Terminal, which has its own  
17 sea wall for protection. (NOL 4, AR USA-29532, 29558, Skelly Dec., Ex. B, p. 7.) Despite the  
18 clear facts stated in the Coronado Shoreline Report, neither the Coastal Engineering nor the  
19 Geotechnical reports discuss whether increasing the depth of the CNC (a "deep water sink") by  
20 5%, in combination with larger, deeper-draft vessels using the CNC, would impact erosion of the  
21 Coronado shoreline. Without this evaluation, the EIS/EIR unsurprisingly concludes that  
22 dredging the CNC would have no significant impact on the surrounding geography and  
23 topography and therefore no mitigation measures were required. (NOL 2, AR USA-28903.)

24 The failure to evaluate what impact dredging the CNC would have on the Coronado  
25 shoreline resulted in a factually and legally flawed submission to the California Coastal  
26 Commission when the Army Corps sought a Consistency Determination. The Coastal Zone  
27 Management Act requires the Army Corps to comply with the California Coastal Act ("CCA")  
28 "to the maximum extent practicable." 16 U.S.C. § 1456(c)(1)(A). The CCA requires any new

1 development to, "Assure stability and structural integrity, and neither create nor contribute  
2 significantly to erosion, geological instability, or destruction of the site or surrounding area . . . ."

3 Cal. Pub. Res. Code § 30253. The CCA also states that dredging of coastal waters is permitted,  
4 but only "in accordance with other applicable provisions of this division" and only "where  
5 feasible mitigation measures have been provided to minimize adverse environmental effects."

6 Cal. Pub. Res. Code § 30233(a). To dredge the CNC, the Army Corps needed to receive a  
7 "Consistency Determination" from the California Coastal Commission that the project was  
8 consistent with these provisions of the California Coastal Act. (NOL 2, AR USA-28869.)

9 But Army Corps staff, who were preparing for Commission hearings in February 2003  
10 (NOL 27, AR USA-31029) at the same time they were discussing the Coronado Shoreline  
11 Report (NOL 18-23, AR SLPR-180-187) did not submit the Coronado Shoreline Report to  
12 Coastal Commission Staff and shoreline erosion was not discussed in any of the twelve  
13 documents submitted to Coastal Commission Staff. (NOL 16, AR USA 30951-52.) Thus, unlike  
14 the analysis performed by the Navy when it sought a Consistency Determination to dredge the  
15 Turning Basin (NOL 17, AR SLPR-0122), the Army Corps provided no discussion of potential  
16 impacts the project might have on the surrounding shoreline, a matter that *must* be considered  
17 under Cal. Pub. Res. Code § 30253.

18 Coastal Commission Staff's report and recommendations did discuss Cal. Pub. Res. Code  
19 § 30233(a) (NOL 16, AR USA-30943) which provides that dredging of coastal waters is  
20 permitted, but only in accordance with other applicable provisions of the statute and requires  
21 feasible mitigation measures to minimize adverse environmental effects. But again, the Corps  
22 did not submit the information from the Coronado Shoreline Report to Coastal Commission  
23 Staff, and therefore the analysis necessarily excluded any discussion of mitigation measures and  
24 compliance with other divisions of the statute that require protection of the shoreline. (NOL 16,  
25 AR USA-30943.)

26 In May 2003 the Coastal Commission concurred with the Consistency Determination for  
27 the project (NOL 3, AR USA-29412), but this decision was flawed because the Army Corps  
28 failed to include critical information. Ironically, the Army Corps subsequently wrote its own

1 summary of the Consistency Determination, which did include a discussion of Cal. Pub. Res.  
 2 Code § 30253. But not surprisingly, the Army Corps said there would be no erosion from the  
 3 project and included no mitigation measures. (NOL 3, AR USA 29409-29410.) There is no  
 4 evidence in the record that this issue was considered by the Coastal Commission.

5 **E. The Army Corps' flawed decision adversely affected the Plaintiffs as the erosion**  
 6 **caused by ship wakes and deep water sinks will wash away their homes.**

7 The Army Corps took final agency action and approved the flawed reports, filing a  
 8 Record of Decision in February 2004. (NOL 26, AR USA-30541-30542.) Dredging occurred  
 9 from October 2004 – February 2005. (Declaration of Leo Beus in Support of Partial Summary  
 10 Judgment, ¶ 2, Ex. A.) Since then, erosion has continued and is washing away the Plaintiffs'  
 11 properties, threatening their homes. (Skelly Dec., Ex. B, p. 8-9.) Representatives from the Army  
 12 Corps have visited the properties and admit that the soil is washing away at a significant rate.  
 13 (Beus Dec., ¶¶ 8, 9, Ex. B.) The Coronado Shoreline Report predicted this result and it is  
 14 happening. Erosion is caused by ship wakes and the presence of deep water sinks, such as the  
 15 CNC and the Turning Basin. (NOL 7, AR USA-29636.) The Army Corps dredged the CNC to  
 16 allow access by larger, deeper-draft vessels, but it never evaluated what impact these ship wakes  
 17 and an even deeper channel would have on the shoreline.

18 The Army Corps' adoption of the final Feasibility Study and EIS/EIR, which included the  
 19 flawed Consistency Determination, and the subsequent dredging without the incorporation of  
 20 proper mitigation measures to protect the shoreline, violated the Coastal Zone Management Act  
 21 and is a final agency action that has adversely affected the Plaintiffs. Since the Coronado  
 22 Shoreline Report was never evaluated as part of the environmental review process, the dredging  
 23 occurred without any protection of the shoreline, an act that cannot now be undone. After failing  
 24 to resolve this problem with the Army Corps and Port District cooperatively, Plaintiffs have no  
 25 choice but to seek assistance from the Courts. (Beus Dec., ¶¶ 3-12.) Having violated the law,  
 26 the Army Corps must now be ordered to do the only thing that now can be done: implement  
 27 physical mitigation measures to protect the shoreline, action the Corps was required to have  
 28 taken under the Coastal Zone Management Act but did not.



### III.

#### LEGAL DISCUSSION

##### A. Legal Standard on Summary Judgment.

Federal Rule of Civil Procedure 56(c) provides that summary judgment “shall be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” “[T]he plain language of Rule 56(c) mandates the entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

To show a genuine issue of material fact, the nonmoving party “must do more than . . . show that there is some metaphysical doubt as to the material facts . . . . Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no ‘genuine issue for trial.’” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986) (citation omitted). “The moving party is “entitled to a judgment as a matter of law” [if] the nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.” Celotex Corp. v. Catrett, 477 U.S. at 323.

The Army Corps has the burden of establishing that it complied with the Coastal Zone Management Act and the California Coastal Act. California Coastal Commission v. United States, 5 F.Supp.2d 1106, 1112 (1998). If the Army Corps fails to make a sufficient showing that it complied with these statutes, judgment should be granted to the Plaintiffs.

##### B. Under 5 U.S.C. § 706(2) the Court determines if the Army Corps’ actions were arbitrary and capricious.

Under 5 U.S.C. § 706(2), a reviewing court “shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law . . . [or] (C) in excess of statutory jurisdiction . . . .”

Judicial review of actions under the Coastal Zone Management Act (“CZMA”) is governed by the Administrative Procedures Act (“APA”). City of Sausalito v. O’Neill, 386 F.3d

1 1186, 1205-06 (9<sup>th</sup> Cir. 2004) (citation omitted); 5 U.S.C. §§ 551-559, 701-706. An agency's  
 2 action may be arbitrary and capricious if "the agency has relied on factors which Congress has  
 3 not intended it to consider, entirely failed to consider an important aspect of the problem, offered  
 4 an explanation for its decision that runs counter to the evidence before the agency, or is so  
 5 implausible that it could not be ascribed to a difference in view or the product of agency  
 6 expertise. City of Sausalito v. O'Neill, 386 F.3d at 1206 (citation omitted).

7 "The scope of review under the "arbitrary and capricious" standard is narrow and a court  
 8 is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine  
 9 the relevant data and articulate a satisfactory explanation for its action including a "rational  
 10 connection between the facts founds and the choice made.'" Northwest Envtl. Defense Center v.  
 11 Bonneville Power Administration, 477 F.3d 668, 687 (9<sup>th</sup> Cir. 2007) *citing* Motor Vehicle Mfrs.  
 12 Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983) (other citations omitted). "That  
 13 is, an agency must "cogently explain why it has exercised its discretion in a given manner," and  
 14 "[i]n reviewing that explanation [the court] must 'consider whether the decision was based on a  
 15 consideration of the relevant factors and whether there has been a clear error of judgment.'"  
 16 NEDC v. Bonneville Power Admin., 477 F.3d at 687 (citation omitted).

17 Some courts have discussed that evaluation under the CZMA should be governed under  
 18 broader standards of equitable discretion, rather than the narrow "arbitrary and capricious  
 19 standard" because of the specific legislative statement from Congress to encourage the wise use  
 20 of coastal resources. California Coastal Commission v. United States, 5 F.Supp.2d at 1110, 1111  
 21 *citing* Weinberger v. Romero-Barcelo, 456 U.S. 305, 315-318 (1982); Friends of the Earth v.  
 22 U.S. Navy, 841 F.2d 927, 934-35 (9<sup>th</sup> Cir. 1988). However, under either an equitable review  
 23 standard, or the arbitrary and capricious standard, the Army Corps violated the statutory  
 24 requirements of the California Coastal Act and the CZMA.

25 **C. The Coastal Zone Management Act requires the Army Corps to comply with the**  
 26 **California Coastal Act to the maximum extent practicable.**

27 The CZMA requires that "[e]ach federal agency activity within or outside the coastal  
 28 zone that affects any land . . . of the coastal zone shall be carried out in a manner which is

1 consistent to the maximum extent practicable with the enforceable policies of approved state  
 2 management programs.” 16 U.S.C. § 1456(c)(1). An agency must submit a Consistency  
 3 Determination “for all Federal agency activities affecting any coastal use or resource” to the  
 4 applicable state agency. 15 C.F.R. § 930.34. The burden of demonstrating maximum  
 5 consistency practicable with the California Coastal Management Plan rests with the Army Corps.  
 6 Natural Resources Defense Council v. Winter, 530 F.Supp.2d 1110, 1117 (C.D. Cal. 2008) *citing*  
 7 California Coastal Commission v. United States, 5 F.Supp.2d at 1112.

8 The California Coastal Act (“CCA”) is the statutory scheme which implements  
 9 California’s approved Coastal Management Program. State of California v. Norton, 311 F.3d  
 10 1162, 1167 (9<sup>th</sup> Cir. 2002). Under the CCA, any new development shall, “Assure stability and  
 11 structural integrity, and neither create nor contribute significantly to erosion, geological  
 12 instability, or destruction of the site or surrounding area . . . .” Cal. Pub. Res. Code § 30253.  
 13 Additionally, dredging of coastal waters is permitted, but only “in accordance with other  
 14 applicable provisions of this division” and only “where feasible mitigation measures have been  
 15 provided to minimize adverse environmental effects.” Cal. Pub. Res. Code § 30233.

16 Thus, in order to dredge the CNC to allow larger and deeper-draft vessels, an activity  
 17 within the California Coastal Zone (NOL 2, AR USA-28793), the Army Corps was required to  
 18 not create or contribute significantly to erosion of the surrounding area and was required to  
 19 implement feasible mitigation measures to minimize adverse environmental effects. The purpose  
 20 of obtaining a Consistency Determination is to ensure compliance with these requirements.

21 **D. The Army Corps’ approval of the Feasibility Study and the EIS/EIR, which**  
 22 **contained a flawed Consistency Determination, and dredging of the CNC, was**  
 23 **arbitrary and capricious.**

24 1. **The Army Corps entirely failed to consider an important aspect of the problem.**

25 An agency’s action may be arbitrary and capricious if “the agency has . . . entirely failed  
 26 to consider an important aspect of the problem . . . .” Brower v. Evans, 257 F.3d 1058, 1065 (9<sup>th</sup>  
 27 Cir. 2001) (citation omitted). The Army Corps entirely failed to consider the impacts that ship  
 28 wakes from larger and deeper-draft vessels and increasing the deep water sink of the CNC would

1 have on the Coronado shoreline. The Army Corps had a report which clearly states that erosion  
2 of the Coronado shoreline is caused by ship waves and the proximity of deep water sinks. (NOL  
3 7, AR USA-29636.) Dredging the CNC directly impacted both of these factors: 1) a deeper  
4 CNC allows for larger and deeper-draft vessels which create waves; and 2) a deeper CNC  
5 increases the depth of the deep-water sink – where sediment is transported.

6 Despite the fact that Army Corps staff members knew of the Coronado Shoreline Report  
7 (NOL 9, AR SLPR-92, NOL 18-23, SLPR-180-187), the Corps failed to evaluate these factors.  
8 The Corps violated its own protocol (NOL 25, AR USA-40398) and failed to perform a ship-  
9 simulation model for this project. Instead, the Army Corps relied on a model used by the Navy  
10 before the Navy extensively dredged the Turning Basin. (NOL 2, AR USA-28899.) Even if the  
11 Corps was approved to use this simulation, this model does not include any evaluation of ship  
12 wakes. (NOL 14, AR USA-4904-4921, Skelly Dec., Ex. B, p. 4.) The EIS/EIR states that San  
13 Diego Bay is homeport to more than 76 Pacific Fleet ships and serves as the major west coast  
14 logistics facility for the Navy's surface operating forces, but nowhere does the EIS/EIR evaluate  
15 the impacts on the shoreline from any of these ships. (NOL 2, AR USA-28694.)

16 The Feasibility Study also excludes ship waves in its report and only discusses waves  
17 created by wind. (NOL 1, AR USA-28547.) The Economic Appendix to the Feasibility Study  
18 states that even without the project, the number of vessel calls in the Bay would increase from 63  
19 in 2004 to 87 in 2024, and up to 138 in 2054. (NOL 4, AR USA-29505.) But with the dredging  
20 of the CNC to 42 feet, the number of vessel calls with a dead weight tonnage ("DWT") of 60,000  
21 (the heaviest amount evaluated) would increase from 12 to 17 in 2014, while the number of  
22 25,000 DWT (the smallest amount) would decrease from 12 to 7. These numbers only achieve a  
23 greater disparity as time goes on, with the number of 60,000 DWT vessel calls reaching 30 in  
24 2054 with the dredging of the CNC, as opposed to only 19 without the dredging. (NOL 4, AR  
25 USA-29505.) However, neither the Geotechnical nor the Coastal Engineering reports evaluate  
26 the impact of the ship wakes from any of these vessels, nor is there any evaluation of how  
27 increasing the "deep water sink" of the CNC by an additional 5%, in combination with the ship  
28 wakes, would impact the Coronado shoreline. (Skelly Dec., Ex. B, p. 6-8.)

1 All of these flawed studies culminated in a flawed Consistency Determination. This  
 2 matter was considered by the Coastal Commission on May 6, 2003. (NOL 16, AR USA-30937.)  
 3 But none of the documents submitted to the Coastal Commission include any discussion of the  
 4 Coronado shoreline. (NOL 16, AR USA-30951-30952.) Indeed, the Staff Report and  
 5 Recommendation on Consistency Determination does not discuss the requirements of Cal. Public  
 6 Resources Code § 30253 at all - that the project not create or contribute to erosion of the  
 7 surrounding area. This is remarkable since the same people working on the Coastal Commission  
 8 reports in February and March 2003 (e.g., Tiffany Kayama, environmental coordinator for the  
 9 project) were the same people discussing erosion of the Coronado shoreline and the January  
 10 2001 Report. (NOL 27, AR USA-31029; NOL 18-23, SLPR-180-187.) Despite this clear  
 11 knowledge, this information was never shared with the Coastal Commission.

12 This lack of information also tainted the evaluation by Coastal Commission Staff of Cal.  
 13 Pub. Res. Code § 30233(a), which permits dredging of coastal waters is permitted, but only  
 14 "where feasible mitigation measures have been provided to minimize adverse environmental  
 15 effects", and "only in accordance with other applicable provisions of the [statute]." The staff  
 16 report and recommendations did evaluate this section, but the discussion did not incorporate any  
 17 discussion of evaluation of the Coronado shoreline. (NOL 16, AR USA-30943.) Without the  
 18 information discussed in the Coronado Shoreline Report, the Coastal Commission was unable to  
 19 evaluate any mitigation measures that are required to minimize adverse environmental effects  
 20 and confirm compliance with the other provisions of the statute such as § 30253.

21 Thus, in the absence of the shoreline erosion information, the Coastal Commission  
 22 concurred with the Consistency Determination submitted by the Army Corps on May 6, 2003.  
 23 (NOL 3, AR USA-29412.) Courts generally do not overturn a consistency determination unless  
 24 there is a compelling reason to do so. City of Sausalito v. O'Neill, 386 F.3d at 1222 (citation  
 25 omitted). However, in this case, just as in City of Sausalito, there is a compelling reason to set  
 26 aside the Consistency Determination issued for the Army Corps' CNC dredging project.

27 The record is clear: the Army Corps knew that ship wakes and deep water sinks were  
 28 causing erosion of the Coronado shoreline. Despite this information, the Corps submitted a

1 Consistency Determination that relied on incomplete and incorrect environmental evaluations.  
 2 After receiving a clearly flawed Consistency Determination, the Army Corps approved and  
 3 implemented a project that allowed larger vessels to use the CNC, and increased one of the deep  
 4 water sinks, without once evaluating how this would impact the Coronado shoreline. The Army  
 5 Corps "entirely failed to consider an important aspect of the problem" and thus its actions were  
 6 arbitrary and capricious. This determination is in accord with cases making similar findings.  
 7 See City of Sausalito v. O'Neill, 386 F.3d at 1223 (consistency determination was arbitrary and  
 8 capricious when it relied on factors which Congress had not intended for consideration);  
 9 California Coastal Commission v. United States, 5 F.Supp.2d at 1112 (Navy did not submit  
 10 sufficient alternatives to filling coastal waters and therefore was not entitled to consistency  
 11 determination); Natural Resources Defense Council, Inc. v. Winter, 530 F.Supp.2d at 1117  
 12 (Navy's failure to include relevant factors in consistency determination was arbitrary and  
 13 capricious; *overruled* at 527 F.Supp.2d 1216, 1233 based on explicit Presidential exemption);  
 14 Friends of the Earth v. U.S. Navy, 841 F.2d 927, 936-937 (9<sup>th</sup> Cir. 1988) (Navy was arbitrary and  
 15 capricious by proceeding with project without completing coastal zone environmental process).

16 The approval of the Feasibility Study and the EIR/EIS which included the flawed  
 17 Consistency Determination, and the subsequent dredging of the CNC, have contributed to the  
 18 erosion of the Coronado shoreline and is in violation of the CCA and the CZMA. These actions  
 19 were not in accordance with law, failed to meet with statutory requirements, and have adversely  
 20 affected the Plaintiffs. Taking the record as a whole, a rational trier of fact could not find for the  
 21 Army Corps. Plaintiffs ask that the Court find that the Consistency Determination obtained by  
 22 the Army Corps, and the subsequent actions relying on this Consistency Determination, were  
 23 arbitrary and capricious and order relief as discussed below.

24 2. The limited discussions of sediment transport in the Administrative Record runs  
 25 counter to the evidence that was before the Army Corps.

26 An agency's actions are arbitrary and capricious if the agency offers an explanation for  
 27 its decision that runs counter to the evidence before the agency. Brower v. Evans, 257 F.3d at  
 28 1065 (citation omitted).

1 The F4 Submittal report dated December 2000 makes the following findings:

2 Section 2.10 Waves – The natural features of San Diego Bay protect the Central Bay  
3 Channel from ocean swells. Waves in the Central Bay Channel are comprised of short  
period wind waves, not exceeding 1 meter in height.

4 Section 2.11 Sediment Transport – Sediment transport within the Central Bay Channel of  
5 San Diego Harbor is minimal. The fact that no maintenance dredging has been required  
6 at the Central Bay Channel since the channel deepening of the mid 1970s indicates a very  
small amount of sedimentation occurs within this area.

7 Section 6 (“Slope Failure”) of the Draft Geotechnical Report, Appendix to the F4  
8 Submittal – The dredging boundary is far enough away from most structures, except the  
wharfing walls of the Port’s main terminal at 5<sup>th</sup> Avenue. However, even this area should  
not fail since the Port has reinforced and upgraded the [protective seawall].

9 (NOL 9, AR SLPR- 0012; NOL 10, AR USA-38086)

10 Approximately three months following the F4 Submittal, the same engineer, John P.  
11 Carroll, signed the Coronado Shoreline Report. (NOL 7, AR USA-29646.) But despite the  
12 findings in the Coronado Shoreline Report that ship wakes and deep water sinks are contributing  
13 to erosion of the Coronado shoreline (NOL 7, AR USA-29636, 29637), the Feasibility Study and  
14 its technical appendices, as well as the evaluations conducted for the EIS/EIR, did not change.

15 The Littoral Transport section in the EIS/EIR focused on ocean waves and currents.  
16 (NOL 2, AR USA-28761-28762.) The sediment transport model on which the Army Corps  
17 relied did not address ship wakes. (NOL 14, AR USA-4904-4921; Skelly Dec., Ex. B, p. 4.)

18 The Feasibility Study also only discussed waves created by wind. (NOL 1, AR USA-  
19 28547.) The Geotechnical and Coastal Engineering Appendices also did not discuss impacts to  
20 the Bay from ship wakes. (Skelly Dec., Ex. B, p. 6-8.) And the only discussion of sediment  
21 transport in the Feasibility Study relates to operation and maintenance of the CNC:

22 “There has historically been very little sedimentation of channels in San Diego  
23 Bay, and due to the depth of the channel and surrounding bathymetry, there is  
24 very little movement of sediment in the project area. . . . The . . . only shoaling  
expected is from sloughing side slopes. This is not expected to increase over  
time, and is not considered in this project.”

25 (NOL 1, AR USA-28580.) But the Corps does not reconcile these findings with its own report  
26 that states the nearby shoreline is eroding up to 1.7 feet/year (NOL 7, AR USA-29636), and their  
27 own calculations show that what they viewed as “little sedimentation” results in a significant  
28 impact on the shoreline. (Skelly Dec., Ex. B, p. 5, 8-9.)

1 An agency "must examine the relevant data and articulate a satisfactory explanation for  
 2 its action including a "rational connection between the facts founds and the choice made.""  
 3 NEDC v. Bonneville Power Admin., 477 F.3d at 687 (citation omitted). "That is, an agency  
 4 must "cogently explain why it has exercised its discretion in a given manner," and "[i]n  
 5 reviewing that explanation [the court] must 'consider whether the decision was based on a  
 6 consideration of the relevant factors and whether there has been a clear error of judgment.'" Id.  
 7 See also Natural Resources Defense Council v. U.S. Forest Service, 421 F.3d 797, 806-810 (9<sup>th</sup>  
 8 Cir. 2005) (setting aside a record of decision which relied on a timber market demand study that  
 9 was misinterpreted by the Forest Service and therefore the explanations underlying the decision  
 10 were counter to the evidence before the agency).

11 In the original 1998 Project Study Plan, the "Engineering Studies" section stated that  
 12 based on a review of past surveys, there are little changes in bathymetric conditions in the CNC,  
 13 and therefore the Army Corps would rely in a 1995 survey for existing conditions and dredge  
 14 quantity calculations. (NOL 6, AR USA-22567.) Despite evidence of a nearby shoreline  
 15 eroding, the Army Corps never altered this position and the findings in all the Corps' subsequent  
 16 reports mirror this original statement. But the Army Corps never conducted a study to reconcile  
 17 these findings with the findings of the Coronado Shoreline Report and therefore the reports and  
 18 the Consistency Determination, which excludes all discussion of these factors, make no rational  
 19 connection between how the Army Corps can find that the Coronado shoreline is eroding due to  
 20 ship wake and deep water sinks, and yet decide to increase the depth of the deep water sink and  
 21 allow larger ships to access the channel without protecting the shoreline. The Army Corps offers  
 22 no cogent explanation; it made a clear error of judgment.

23 Under either an equitable review standard, or the arbitrary and capricious standard, the  
 24 Army Corps violated the statutory requirements of the CZMA and the CCA. Plaintiffs request  
 25 that the Court set aside the May 2003 Consistency Determination, find the actions of the Army  
 26 Corps arbitrary and capricious, find in favor of the Plaintiffs and against the Army Corps on the  
 27 5<sup>th</sup> cause of action, and order relief as discussed below.

28 ///



1 **E. The Court should order the Army Corps to obtain a new Consistency**  
 2 **Determination.**

3 The Army Corps' actions were arbitrary and capricious. Unfortunately, this is not a case  
 4 where a project can be postponed while an agency corrects deficiencies in its underlying studies  
 5 and permits. The dredging of the CNC already has occurred and the harm is ongoing. In such  
 6 instances, affirmative injunctive relief is appropriate. See National Wildlife Federation v.  
 7 National Marine Fisheries Service, 422 F.3d 782, 797-97, 799 (9<sup>th</sup> Cir. 2005).

8 "[A] court's decision to grant or deny injunctive or declaratory relief under APA is  
 9 controlled by principles of equity." National Wildlife Federation v. Espy, 45 F.3d 1337, 1343  
 10 (9<sup>th</sup> Cir. 1995) (citations omitted). "The district court must weigh "the competing claims of  
 11 injury . . . and the effect on each party of the granting or withholding of the requested relief.""  
 12 Id. (citation omitted). "As a court of equity conducting judicial review under the APA, [this  
 13 court] has broad powers to order "mandatory affirmative relief" if such relief is "necessary to  
 14 accomplish complete justice."" NEDC v. Bonneville Power Admin., 477 F.3d at 681 (citations  
 15 omitted). "Stated another way, if [the court] concludes that the [agency] violated the APA by  
 16 acting arbitrarily, capriciously, or contrary to law, [the court has] the ability and indeed the  
 17 juristic duty to remedy [the agency's] violation." Id. "While the court must act within the  
 18 bounds of the statute and without intruding upon the administrative province, it may adjust its  
 19 relief to the exigencies of the case in accordance with the equitable principles governing judicial  
 20 action." Sierra Pacific Indus. v. Lyng, 866 F.2d 1099, 1111 (9<sup>th</sup> Cir. 1989) (citation omitted).

21 With these rules in mind, the only equitable way to redress the Plaintiffs' injuries is to  
 22 order the Army Corps to seek a Consistency Determination that addresses the requirements of  
 23 the CCA: namely, that the project "Assure stability and structural integrity, and neither create  
 24 nor contribute significantly to erosion, geological instability, or destruction of the site or  
 25 surrounding area . . ." (Cal. Pub. Res. Code § 30253) and to incorporate "feasible mitigation  
 26 measures . . . to minimize adverse environmental effects." Cal. Pub. Res. Code § 30233.

27 ///

28 ///

1 "If the record before the agency does not support the agency action, if the agency has not  
 2 considered all relevant factors . . . the proper course, except in rare circumstances, is to remand  
 3 to the agency for additional investigation or explanation." Florida Power & Light Co. v. Lorion,  
 4 470 U.S. 729, 744 (1985). The order suggested by the Plaintiffs remands this matter back to the  
 5 Army Corps, but it contains appropriate parameters that the Court may order pursuant to its  
 6 equitable powers. See Natural Resources Defense Council v. Winter, 530 F.Supp. 2d 1110,  
 7 1119-1121 (C.D. Cal. 2008) (court ordered Navy to implement mitigation measures prior to  
 8 employing specific sonar technology; *overruled* as to the CZMA at 527 F.Supp.2d 1216, 1233  
 9 based on explicit Presidential exemption, but modified affirmative injunctive still upheld by 9<sup>th</sup>  
 10 Circuit under NEPA at 518 F.3d 658 (9<sup>th</sup> Cir. 2008)); California Coastal Commission v. United  
 11 States, 5 F.Supp.2d at 1112 (Navy remanded to Coastal Commission to evaluate alternatives for  
 12 use of dredge spoils); National Wildlife Fed. v. National Marine Fisheries, 422 F.3d 782, 799 (9<sup>th</sup>  
 13 Cir. 2005) (district court's injunctive relief order to provide more water over certain dams  
 14 approved, but remanded to provide more specific directions); Pacific Coast Federation of  
 15 Fishermen's Assoc. v. National Marine Fisheries Service, 265 F.3d 1028, 1035-1038 (9<sup>th</sup> Cir.  
 16 2001) (setting aside 20 timber sales based on insufficient biological opinions); NEDC v.  
 17 Bonneville Power Admin., 477 F.3d 668, 691 (9<sup>th</sup> Cir. 2007) (setting aside decision of  
 18 Bonneville Power Admin. to transfer certain functions previously performed by the Fish Passage  
 19 Center to private organizations and ordering the BPA to continue its contract with the Fish  
 20 Passage Center to perform the tasks in question); National Wildlife Federation v. Espy, 45 F.3d  
 21 1337, 1343 (9<sup>th</sup> Cir. 1995) (discussing authority of court to set aside sale of property); Sierra  
 22 Pacific Indus. v. Lyng, 866 F.2d at 1112 (order revised timber sale contract obligations);  
 23 McElmurray v. U.S. Dept. of Agriculture, 535 F.Supp.2d 1318, 1336 (S.D. Ga. 2008) (court  
 24 ordered the Department of Agriculture to issue credits to plaintiffs after plaintiffs' property was  
 25 contaminated by sludge provided by the City of Augusta); Nelson v. United States of America,  
 26 64 F.Supp.2d 1318, 1326 (N.D. Ga. 1999) (ordering the Forest Service to remove barriers to a  
 27 road to allow use by plaintiffs after Forest Service failed to evaluate whether the road it expected  
 28 plaintiffs to use as an alternative was sufficient).

1       “The Court has the obligation under the APA to conduct judicial review of administrative  
 2 decisions. That statute requires the Court to “hold unlawful and set aside agency action,  
 3 findings, and conclusions found to be . . . arbitrary and capricious.”” McElmurray v. U.S. Dept.  
 4 of Agriculture, 535 F.Supp.2d at 1336 *citing* 5 U.S.C. § 706(2)(A). However, “[t]he agency “is  
 5 not entitled to a second bite of the apple just because it made a poor decision – if that were the  
 6 case, administrative law would be a never ending loop from which aggrieved parties would never  
 7 receive justice.”” *Id. citing McDonnell Douglas Corp. v. NASA*, 895 F.Supp. 316, 319 (Dist.  
 8 D.C. 1995) (other citations omitted).

9       Such is the case here. The Coronado Shoreline Report clearly states that erosion of the  
 10 Coronado shoreline is occurring, erosion caused by waves from ships and deep water sinks.  
 11 (NOL 7, AR USA-29636.) The Army Corps implemented a project that allowed waves from  
 12 larger ships and increased the depth of the CNC, but the Consistency Determination submitted to  
 13 the Coastal Commission did not address erosion issues or provide mitigation measures as  
 14 required by the CCA. The Army Corps should not be given a second bite of the apple to try to  
 15 develop arguments after the fact as to why these provisions of law should not apply. Instead, the  
 16 Army Corps should be ordered to submit a Consistency Determination to the Coastal  
 17 Commission that contains mitigation measures to protect the shoreline as required by Cal. Pub.  
 18 Res. §§ 30233 and 30253. A remand order with these parameters is within the discretion of this  
 19 Court in accordance with principles of equity, is “necessary to accomplish complete justice” and  
 20 is the only remedy available which will remedy the Army Corps’ violation.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

IV.

CONCLUSION

The are no material issues of fact: the Army Corps failed to incorporate the findings of the Coronado Shoreline Report that the Coronado shoreline is eroding due to ship wakes and the presence of deep water sinks when it prepared its environmental evaluations for the dredging of the CNC. The exclusion of this information culminated in the Army Corps seeking a Consistency Determination from the California Coastal Commission that failed to present information that was required by statute. Plaintiffs respectfully request that the Court find and order the following: 1) that the Army Corps' actions in submitting its Consistency Determination, and then proceeding with the project in reliance on that Consistency Determination, were arbitrary and capricious; 2) set aside the May 2003 Consistency Determination; 3) find in favor of the Plaintiffs and against the Army Corps under the 5<sup>th</sup> cause of action; and 4) order the Army Corps to submit a new Consistency Determination to the California Coastal Commission that contains appropriate physical mitigation measures necessary to protect the shoreline as required by Cal. Pub. Res. Code §§ 30233 and 30253.

Respectfully submitted,

DATE: SEPTEMBER 11, 2008

OPPER & VARCO, LLP

BY: /s/ RICHARD G. OPPER

RICHARD G. OPPER  
ATTORNEYS FOR PLAINTIFFS SLPR, LLC, CAPTAIN  
(RET.) RICHARD AND MRS. BARBARA SEWALL, AND  
MRS. ANN GOODFELLOW, AS TRUSTEE OF THE  
SURVIVOR'S TRUST UNDER THE GOODFELLOW  
FAMILY TRUST

OPPER & VARCO, LLP  
RICHARD G. OPFER (Bar No. 72163)  
LINDA C. BERESFORD (Bar No. 199145)  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: 619-231-5858  
FACSIMILE: 619-231-5853

ATTORNEYS FOR PLAINTIFFS  
SLPR, LLC, RICHARD AND BARBARA SEWALL,  
ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
TRUST UNDER THE GOODFELLOW FAMILY TRUST

BEUS GILBERT PLLC  
MALCOLM LOEB (Bar No. 133028)  
4800 NORTH SCOTTSDALE ROAD, SUITE 600  
SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-429-3000

ATTORNEYS FOR PLAINTIFF SLPR, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SLPR, LLC, CAPTAIN (RET.) RICHARD  
AND MRS. BARBARA SEWALL, MRS.  
ANN GOODFELLOW, AS TRUSTEE OF  
THE SURVIVOR'S TRUST UNDER THE  
GOODFELLOW FAMILY TRUST, MR.  
LAWRENCE AND MRS. PENELOPE  
GUNNING, AND MR. WILLIAM  
DICKERSON,

PLAINTIFFS,

v.

THE SAN DIEGO UNIFIED PORT  
DISTRICT, UNITED STATES ARMY  
CORPS OF ENGINEERS, UNITED  
STATES NAVY, AND DOES 1  
THROUGH 50, INCLUSIVE,

DEFENDANTS.

CASE NO. 06 CV 1327 W (POR)

DECLARATION OF LEO BEUS IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT ARMY CORPS OF  
ENGINEERS AS TO PLAINTIFFS' FIFTH  
CAUSE OF ACTION

DATE: OCTOBER 27, 2008

CTRM: 7

JUDGE: HON. THOMAS J. WHELAN

I, LEO BEUS, hereby declare as follows:

1. I am the Trustee for SLPR, LLC, the family that owns the house located at 409  
First Street, one of the homes at issue in this case. The following declarations are of my personal  
knowledge and, if sworn as a witness, I could competently testify thereto.

1           2.       Attached as Exhibit A to this declaration is a true and correct copy of portions of a  
2 report called "San Diego Harbor Central Navigation Channel Deepening Project: Final Water  
3 Quality Monitoring Report." On page 1 of this report, it indicates that dredging operations  
4 occurred from October 25, 2004 through March 22, 2005.

5           3.       I learned of the Draft "Coronado Shoreline Initial Appraisal Report" dated  
6 December 2000 on or about July 4, 2005. I immediately began to try to resolve the problems  
7 discussed in that report with the Port District and the Army Corps of Engineers.

8           4.       In about 2005, Kelly Falk of the Port District and representatives of Nam Nguyen  
9 Engineering inspected the shoreline along which my home is located. As a result of their  
10 inspection, the Port District indicated their commitment to pay for the ongoing maintenance of  
11 lateral support for the property along the affected shoreline.

12           5.       In July 2005, Ms. Falk and Eileen Maher, representing the Port District, again  
13 visited my property to evaluate the extent of the damage. During that visit, Ms. Falk and Ms.  
14 Maher observed that the property was damaged and agreed that corrective measures were  
15 required to prevent further damage. Ms. Falk and Ms. Maher advised me that any corrective  
16 measure would need to be permitted by the Army Corps of Engineers.

17           6.       Beginning in the fall of 2005, I initiated multiple contacts with the Army Corps to  
18 discuss the continuing damage to the property and to seek their assistance and approval for  
19 construction of an erosion stabilization barrier. The Corps was unable to promptly respond to  
20 my inquiries, I believe largely due to their commitments of resources in dealing with the  
21 aftermath of Hurricane Katrina.

22           7.       In approximately October 2005, I discussed the matter with Mr. Mark Durham of  
23 the Army Corps. Following his recommendation, a short time later I submitted a RGP 63  
24 emergency permit for the installation of an erosion stabilization barrier ("ESB").

25           8.       On December 7, 2005, Mr. Robert Smith of the Army Corps Regulatory Branch,  
26 San Diego Field Office Supervisor inspected my property. Attached to this declaration as  
27 Exhibit B is a true and correct copy an e-mail dated December 8, 2005 sent by Mr. Smith to me,  
28

1 Ms. Maher of the Port District and several personnel with the Army Corps. In his e-mail, Mr.  
2 Smith states, "The Corps did notice that some of the rock had fallen into the bay and there was  
3 some erosion of fines below the existing rock riprap that was constructed in 2002/2003."

4 9. During his December 7, 2005 visit to my property, Mr. Smith attempted to  
5 physically measure the full extent of the erosion beneath the rip rap. The erosion exceeded his  
6 ability to measure, and was in excess of five (5) feet in depth. Mr. Smith advised me to continue  
7 working with engineers to design an ESB for the property.

8 10. On or about December 15, 2005, I received a phone call from David Catalino,  
9 counsel for the Port District. I again discussed with Mr. Catalino my desire to resolve this matter  
10 quickly and efficiently, but that I needed his assistance in obtaining the necessary permits.

11 11. On or about March 28, 2006, the Army Corps notified me that it would issue a  
12 permit for a "scaled-back" version of the ESB proposed in the RGP 63 permit application. I was  
13 advised by experts and coastal engineers that this "scaled-back" version is insufficient to protect  
14 my property. And in fact, erosion of property continues unabated and is worsening. Most  
15 recently, I have noticed that there are now hollow areas beneath the pool in my backyard.

16 12. Thus, after many months of discussions with the Port District and the Army  
17 Corps, I was unable to receive the permit to install the ESB that is necessary to protect the  
18 properties along the First Street shoreline. Due to the passing of so much time, the cost of the  
19 installation of such a barrier has increased dramatically, in part because a home owner such as us  
20 can no longer access the area from the land-side, which I would have been able to do had they  
21 granted the permit in the fall of 2005 when it was requested. That passageway is now occupied  
22 by a new structure. I am therefore left with no choice but to seek judicial assistance in  
23 compelling the federal government to install appropriate protection for the First Street properties

24 I declare, subject to penalty of perjury under the laws of the United States of America  
25 that the foregoing is true and correct to the best of my knowledge and belief.

26  
27 DATE: September 11, 2008.

/s/ Leo Beus  
Leo Beus

**EXHIBIT A**



M&A# 04-104-01

**San Diego Harbor Central Navigation Channel Deepening Project:  
Final Water Quality Monitoring Report**

*Prepared for*

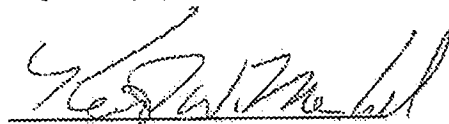
Rich Ferguson  
Manson Construction Company  
1617 Pier D Street  
Long Beach, CA 90802

*Prepared by*

Merkel & Associates, Inc.  
5434 Ruffin Road  
San Diego, California 92123  
Ph: (858) 560-5465  
Fx: (858) 560-7779

April 2005

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."*



Keith Merkel, Principal Consultant

4/21/05  
Date

USA-26780

## **San Diego Harbor Central Navigation Channel Deepening Project: Final Water Quality Monitoring Report**

*Merkel & Associates, Inc.  
April 2005*

### **INTRODUCTION**

Merkel & Associates, Inc. (M&A) has been retained by Manson Construction Company (Manson) to conduct water quality monitoring prior to, during, and following the dredging activities associated with the San Diego Harbor Central Navigation Channel Deepening Project. M&A has performed both the daily turbidity monitoring and the monthly water sampling, per the U.S. Army Corps of Engineers (ACOE) specifications and 401-water-quality certification. The purpose of this report is to summarize and present the results of monitoring performed prior to, during, and after the dredge operations (October 18, 2004 through April 2, 2005).

### **METHODS**

Daily water quality monitoring was performed for the week prior to dredge operations (October 18 through October 23, 2004), each day of operations (October 25 through March 22, 2005), and for one week following work completion (March 28 through April 2, 2005). During the first two months of operations, dredging occurred 24 hours per day, Monday through Saturday. In January 2005, the operating schedule shifted to a 12-hour schedule (Monday through Saturday) during daylight hours with disposal occurring at any time dependent upon dredge volumes and weather. The shift toward 12-hour dredge days was coincident with ACOE quality control surveys. The quality control surveys resulted in a slowed dredge pace; dredge targets and volumes were dependent upon survey results. Water quality monitoring data gaps are summarized in Table 1.

The dredge site is located in central San Diego Bay, north of the Coronado Bay Bridge, in the central portion of the navigation channel (Figure 1). The dredge-disposal site is located offshore of Imperial Beach near the Imperial Beach Pier (Figure 2). Sampling occurred at 5 dredge-site stations and 2 disposal-site stations (Table 2). All sampling stations were monitored once per day during daylight hours (see Table 1 for exceptions). At each dredge-site station, data were collected at approximately 1 meter below the surface and 1 meter above the bottom. Dredge site bottom readings were typically taken 12 meters below the surface. At the disposal-site stations, data were collected at mid-water. Mid-water readings were typically taken 3 to 4 meters below the surface. During the pre- and post-dredge data collection periods 5 samples were taken each day within the dredge footprint, and two samples were taken in the disposal footprint. All other pre- and post-data-collection methods were identical to the operational monitoring. During the

**EXHIBIT B**

Sandra Fisher

From: Smith, Robert R SPL [Robert.R.Smith@spi01.usace.army.mil]  
Sent: Thursday, December 08, 2005 8:35 AM  
To: lbeus@beusgilbert.com; Eileen Maher; Durham, Mark SPL; Large, Burke S SPL; Coler, Kari J SPL  
Subject: Emergency permit request for new wall/rip project for Mr. Beus in San Diego Bay

Leo/Fred

I prepared this meeting summary for your info. Thanks for allowing me to review the site and we hope we can find a solution within your timeframe and will continue to work with you and Fred.

On 12/7/05 the Corps representative (Robert Smith) met with Mr. Leo Beus and his contractor Mr. Fred Perry onsite at this property. We met onsite and reviewed the extent of erosion of the riprap wall currently built on the property. The Corps did notice that some of the rock had fallen into the bay and there was some erosion of fines below the existing rock riprap that was constructed in 2002/2003. No damage to the wall or the backyard or pool was noted. Mr. Perry stated that they had a mid January deadline to start the wall project due to an access possibility that would use another downstream property to construct both the riprap along the other properties (already permitted under another permit done by Kari Coler in the SD Corps office) and save costs relating to the potential use of a barge instead of by land.

1) The Corps requested a copy of the Corps permit for the original work to see how we had permitted it originally and Mr. Perry agreed to fax a copy to the Corps. If the existing permit is still valid we agreed to examine other ways to utilize the existing permit. To date the Corps is unable to locate the permit in our system but we will continue to search for the permit.

2) Mr. Smith told Mr. Beus that the RGP63 permit request was still being reviewed by Corps management and no decision had been made as we were still gathering info.

Mr. Smith did state that ordinarily the Corps could not use RGP63 for new work but only for the minimal amount of work necessary to remedy the emergency problem. Mr. Smith also stated that other Nationwide permits could be utilized if the RGP63 permit was not appropriate but would require other agency approvals as well.

3) Mr. Smith also asked if the Port had given Mr. Beus anything in writing concerning either the need for a CEQA document, a right of entry permit, a temporary use and occupancy permit, or a Coastal Zone Management Act consistency determination since some of Mr. Beus' project was on Port land. Mr. Beus said they had met with the Port and had gotten info back from them but nothing in writing was done by the Port.

4) The Corps agreed to contact the Port and see where they were with their permits and approvals and possibly set up a meeting to discuss Mr. Beus' project. Mr. Smith also requested that a new cross section be submitted to the Corps that showed the High Tide Line and Mean High Water on the cross section so that the Corps could quantify impacts to waters of the U.S.

Robert Revo Smith Jr., P.E.  
Environmental Engineer/Civil Engineer  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
(858) 674-6784  
fax (858) 674-5388  
email:robert.r.smith@usace.army.mil

12/08/2005

1 **OPPER & VARCO, LLP**  
2 RICHARD G. OPFER (Bar No. 721603)  
3 LINDA C. BERESFORD (Bar No. 199145)  
4 225 BROADWAY, SUITE 1900  
5 SAN DIEGO, CALIFORNIA 92101  
6 TELEPHONE: 619-231-5858  
7 FACSIMILE: 619-231-5853

8 **ATTORNEYS FOR PLAINTIFFS**  
9 SLPR, LLC, RICHARD AND BARBARA SEWALL,  
10 ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
11 TRUST UNDER THE GOODFELLOW FAMILY TRUST

12 **BEUS GILBERT PLLC**  
13 MALCOLM LOEB (Bar No. 130026)  
14 4800 NORTH SCOTTSDALE ROAD, SUITE 600  
15 SCOTTSDALE, ARIZONA 85251  
16 TELEPHONE: 480-429-3000

17 **ATTORNEYS FOR PLAINTIFF SLPR, LLC**

18  
19  
20 **UNITED STATES DISTRICT COURT**  
21 **SOUTHERN DISTRICT OF CALIFORNIA**  
22

23 **SLPR, LLC, CAPTAIN (RET.) RICHARD**  
24 **AND MRS. BARBARA SEWALL, MRS.**  
25 **ANN GOODFELLOW, AS TRUSTEE OF**  
26 **THE SURVIVOR'S TRUST UNDER THE**  
27 **GOODFELLOW FAMILY TRUST, MR.**  
28 **LAWRENCE AND MRS. PENELOPE**  
**GUNNING, AND MR. WILLIAM**  
**DICKERSON,**

**PLAINTIFFS,**

**v.**

**THE SAN DIEGO UNIFIED PORT**  
**DISTRICT, UNITED STATES ARMY**  
**CORPS OF ENGINEERS, UNITED**  
**STATES NAVY, AND DOES 1**  
**THROUGH 50, INCLUSIVE,**

**DEFENDANTS.**

**CASE No. 06 CV 1327 W (POR)**

**DECLARATION OF DAVID W. SKELLY**  
**IN SUPPORT OF PLAINTIFFS' MOTION**  
**FOR PARTIAL SUMMARY JUDGMENT**  
**AGAINST DEFENDANT ARMY CORPS OF**  
**ENGINEERS AS TO PLAINTIFFS' FIFTH**  
**CAUSE OF ACTION**

**DATE: OCTOBER 27, 2008**

**COURTROOM: 7**

**JUDGE: HON. THOMAS J. WHELAN**

1 I, DAVID W. SKELLY, hereby declare as follows:

2 1. The following declarations are of my personal knowledge and, if sworn as a  
3 witness, I could competently testify thereto.

4 2. I am a licensed civil engineer in California, Hawaii, and Oregon specializing in  
5 coastal processes and coastal oceanography. I am currently vice president and principal engineer  
6 for GeoSoils, Inc. My particular areas of expertise are nearshore waves, beach sediment  
7 transport, and the design and engineering of coastal structures. I was formerly employed at the  
8 Scripps Institution of Oceanography Center for Coastal Studies for 17 years. While at Scripps, I  
9 worked on sedimentation problems in Navy harbors under contract from Naval Facilities  
10 Engineering Command and the Office of Navy Research. I was a co-author of a major U.S.  
11 Army Corps of Engineers Coast of California Storm and Tidal Wave Study report (CCSTWS 86-  
12 1) February 1986.

13 3. I have researched wave shoaling, nearshore sediment transport, and coastal  
14 erosion problems throughout the world. I have over 34 years experience in coastal processes and  
15 coastal engineering. I have authored numerous technical reports concerning waves and wave  
16 forces on coastal structures. I have designed and engineered several nearshore structures  
17 including harbors, marinas, seawalls, breakwaters, jetties, and groins. A true and correct copy of  
18 my resume is attached to this declaration as Exhibit A.

19 4. I am familiar with the dredging that has occurred in San Diego Bay over the past  
20 fifteen years. Specifically, I have reviewed documents describing the dredging that was in the  
21 area of the Bay called the "Turning Basin" which was performed by the Navy in or about 1998.  
22 I have also reviewed particular sections of the Environmental Impact Report, and appendices  
23 thereto, and the Feasibility Study, and appendices thereto, prepared by the Army Corps in 2003,  
24 in preparation for the dredging of the Central Navigation Channel.

25 5. I reviewed the technical documents on which the Army Corps relied when it  
26 prepared its 2003 Environmental Impact Report, Feasibility Study, and California Coastal  
27 Commission Consistency Determination to determine: 1) if the Army Corps considered all  
28

1 relevant factors when it evaluated whether dredging the Central Navigation Channel would  
2 impact erosion of the First Street shoreline; 2) if the Army Corps did not consider all relevant  
3 factors, to explain the technical subject matter surrounding these issues; and 3) whether dredging  
4 the Central Navigation Channel, in combination with other factors occurring in the Bay, likely  
5 has an ongoing impact on erosion of the First Street shoreline.

6 6. Following my review, I prepared a report called, "Review of the Army Corps'  
7 Analysis Regarding Impacts on the First Street Shoreline Associated with the Dredging of the  
8 Central Navigation Channel", dated September 8, 2008. A true and correct copy of this report is  
9 attached as Exhibit B to this declaration.

10 I declare, subject to penalty of perjury under the laws of the United States of America  
11 that the foregoing is true and correct to the best of my knowledge and belief.

12  
13 DATE: September 11, 2008.

/s/ David W. Skelly  
David W. Skelly

**EXHIBIT A**



#### **PROFESSIONAL REGISTRATION**

Registered Civil Engineer: California R.C.E. 47857

Registered Civil Engineer: Oregon P.E. 70939

Registered Civil Engineer: Hawaii P.E. 9877

#### **PROFESSIONAL EXPERIENCE**

Mr. Skelly is vice president and principal engineer for GeoSoils Inc (GSI). He has worked with GSI for the last decade on numerous shoreline and land development projects. Mr. Skelly has over 30 years experience in coastal engineering. Prior to joining the GSI team he worked as a research engineer at the Center for Coastal Studies at Scripps Institution of Oceanography for 17 years. During his tenure at Scripps, Mr. Skelly worked on coastal erosion problems throughout the world. Mr. Skelly's funding while at Scripps was primarily from contracts through NAVFAC and the Office of Naval Research. He has written numerous technical reports and published papers on these projects. He was a co-author of a major US Army Corp of Engineers, Los Angeles District, Coast of California Storm and Tidal Wave Study report. He has extensive experience with coastal process in the San Diego County. Skelly Engineering also performs wave shoaling and uprush analysis for coastal development. Mr. Skelly has analyzed coastal processes, wave forces, water elevation, longshore transport of sand, and coastal erosion.

Mr. Skelly has extensive experience in producing geological and environmental documentation concerning coastal projects on the federal, state and local level. Mr. Skelly has contributed to several recent and on going EIR/EIS investigations. Mr. Skelly was a sub-consultant to Science Applications International Corporation (SAIC) for the beach nourishment project at Imperial Beach, the Navy Homeporting Project, and the San Dieguito Lagoon restoration project.

Mr. Skelly has extensive experience in coastal geology, shoreline erosion, bluff erosion, soils engineering, and the design, permitting and construction of shore protection devices. Projects include levee engineering and design in San Francisco Bay, seawall and marina engineering in Baja California Sur, coastal boardwalk design and protection in Pacifica, and seawall projects throughout Southern California. Mr. Skelly has served as an expert witness for coastal processes litigation.

#### **PROFESSIONAL AFFILIATIONS**

\*Member American Society of Civil Engineers

\*Member American Shore and Beach Preservation Association

\*Founding Member Association of Coastal Engineers

**EXHIBIT B**

Review of the Army Corps' 2003 Analysis Regarding Impacts on the First Street  
Shoreline Associated with the Dredging of the Central Navigation Channel

Prepared by David W. Skelly

September 8, 2008

A. Introduction

The purpose of this document is to discuss whether the 2003 Feasibility Study, Environmental Impact Report, and appendices to both documents, prepared by the Army Corps to support the dredging of the Central Navigation Channel, considered all relevant factors when it determined that dredging the Central Navigation Channel would have no impact on the sediment transport in San Diego Bay. To perform this analysis, I reviewed the following documents:

Portions of the San Diego Harbor Central Navigation Channel Feasibility Report, Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") September 2003, including the "Computer Model Study on Changes in Water Currents and Sediment Transport Rates due to Proposed Dredging of the Shipping Channel," dated 1995, by Don Sutton, Ken Richter, and Scott Kinghorn\*, NRaD, San Diego, CA, \*Southwest Division, Naval Facilities Engineering Command, and the May 2003 California Coastal Commission Consistency Determination; and

Portions of the San Diego Harbor Central Navigation Channel Feasibility Report, Main Report, September 2003, including the Geotechnical Report (Appendix B) and the Coastal Engineering Report (Appendix C).

The other documents on which I relied to perform this analysis are listed in the "Additional References" section of this document, and citations made in this report are with respect to the Administrative Record.

After reviewing these documents and performing independent calculations, it is my opinion that the Army Corps did not consider all relevant factors when it determined that dredging the Central Navigation Channel would have no impact on sediment transport

2

within San Diego Bay. The Army Corps documents fail to discuss potentially significant impacts to shoreline areas within the influence of the Central Navigation Channel dredging project; particularly, the potential impacts of the project on the acknowledged erosion (sediment transport) problem along the First Street shoreline. Therefore, relevant and important information was omitted when the Army Corps prepared its Consistency Determination from the California Coastal Commission in May 2003.

**B. "Computer Model Study on Changes in Water Currents and Sediment Transport Rates due to Proposed Dredging of the Shipping Channel," dated 1995, by Don Sutton, Ken Richter, and Scott Kinghorn\*, NRaD, San Diego, CA, \*Southwest Division, Naval Facilities Engineering Command**

**1. The focus of the 1995 Computer Model Study.**

The 1995 computer model study (the "1995 study", NOL 14) was used by the Navy when preparing the 1995 Environmental Impact Statement for the dredging of the Turning Basin. The 1995 model relies on a 1992, 2-dimensional, depth averaged, hydrodynamic computer model developed at the United States Geological Survey to predict changes that will occur in tide driven water currents between 1995 bathymetric conditions and those proposed after dredging the Turning Basin in 1998. The changes in tidal driven current velocities modeled were then applied to a numerical sediment transport model to determine changes in sediment transport as a result of the proposed 1998 Turning Basin dredging. The Navy's model predicted little changes in tidal currents and, therefore, little change in sediment transport rates.

2. Application of the 1995 Computer Model Study to the Army Corps' evaluation of dredging the Central Navigation Channel.<sup>3</sup>

The Army Corps subsequently applied the results from the 1995 model to evaluate the proposed dredging of the Central Navigation Channel. The 2003 EIS/EIR concludes "Based upon the results of the Navy's modeling effort, it is unlikely that the channel modifications ... would significantly affect currents or sediment transport rates in San Diego Bay." (NOL 2, AR USA-28899.) However, there is no discussion in the 2003 Environmental Impact Report showing that the Army Corps evaluated the data from the 1995 model and verified its conclusions were actually correct.

The 1995 model states, "Validation of the hydrodynamic model for San Diego Bay has been ongoing, however, not complete." (NOL 14, AR USA-004908.) This sentence indicates that subsequent data would be available for model validation, but such data or model validation was not presented in the 2003 EIS/EIR. This sentence also states that the model was incomplete as of 1995, yet the Army Corps appears to have made no effort to complete the model before it relied on the model eight years later.

3. Inadequacies with the 1995 Computer Model Study.

The analysis in the 2003 EIS/EIR is offered as a comprehensive investigation of potential sediment transport changes and impacts as a result of the channel deepening project. But the report is not a comprehensive analysis of sediment transport because it does not address all reasonable modes of sediment transport in the project area and in all areas within the influence of the project.

4

The 1995 model focused on changes in depth only in the Channel due to dredging and the resulting changes in tidal current speed. The model did not evaluate currents and sediment transport at the shoreline, outside of the Channel but within the area of influence of the project. The model results showed little change in tidal current velocity and therefore little change in sediment transport. This was the basis for determining that the project would not impact sediment transport rates in the Channel or adjacent areas.

However, the First Street shoreline is directly adjacent to the Naval Air Station North Island Turning Basin and the Central Navigation Channel. In 2001, the Army Corps of Engineers issued a Coronado Shoreline Report which concludes that waves and wakes from ship traffic (ships that necessarily use the Channel) impact the First Street shoreline. (NOL 7, AR USA-29636.) Thus, the First Street shoreline is within the influence of the project. But the 1995 model does not account for dredged slope stability and the potential for down slope sediment transport. The 1995 model also does not account for currents as a result of waves (wind and wake), and vessel movement from ships utilizing the Central Navigation Channel. Thus, the 1995 model does not account for sediment transport due to vessel wakes, propeller wash, and submerged slope sloughing.

San Diego Bay sediments are primarily transported at the shoreline by wind waves and vessel wakes, a fact that was recognized by the Army Corps itself in the January 2001 Coronado Shoreline Report. (NOL 7, AR USA-29636). Typically, shoreline sediments are transported by waves, which in this case are generated by wind and vessel wakes.

The sediment transport analysis of the 2003 EIS/EIR is incomplete because it does not take into account existing erosion problems, and sediment transport due to vessel movement and over steepened gradients from off-shore dredging.

4. The 1995 Computer Model Study calculations show that sediment at the First Street shoreline is transported by ship wakes.

An analysis of the potential for sediment transport at the shoreline due to wakes illustrates that ship wakes/waves can transport significant amounts of sediment. The 1995 model provides a reasonable critical velocity (NOL 14, AR USA-4907) for an average bay floor sediment grain size of 50 cm/sec. Using linear wave theory, the horizontal water velocity near the bottom of a 1 foot high wake is about 60 cm/sec. Thus, according to the 1995 model which found that sediment would transport at 50 cm/sec, a 1 foot high wake is sufficient to move sediment at the shoreline. (The underlying calculations for this statement are provided as Appendix 1 to this report.)

The 2001 Army Corps Coronado Shoreline Report states: "Ship wake in the San Diego Bay is predicted to have an average range of 2 to 3 feet in height." (NOL 7, AR US-29636.) Thus, based on the calculations above, ship wakes of 2 to 3 feet have more than sufficient near bottom velocities to move shoreline sediment. The near bottom water velocity for 1, 2 and 3 feet waves are approximately 60 cm/sec, 80 cm/sec, and 95cm/sec, respectively. (See Appendix 1 to this Report.) It is also important to point out that the sediment transport rate is proportional to the cube of the velocity. This means if the near bottom velocity is doubled, the sediment transport rate is increased by 8; if the velocity is tripled, the transport rate increases by 27. Wakes are an important mechanism for the transport of shoreline, and near shore, sediments.

5. Conclusion.

The 1995 Computer Model Study does not incorporate all relevant information to evaluate whether dredging the Central Navigation Channel would impact erosion on the First Street shoreline. The 1995 Computer Model Study does not include parameters for ship wakes/waves, propeller wash and submerged slope sloughing. As stated above, waves 1 foot high and higher at the shoreline are capable of transporting sediment.

C. San Diego Harbor Deepening Central Navigation Channel Feasibility Report, Geotechnical Appendix B and Coastal Engineering Appendix C

Federal projects have laws, policies, regulations, and guidelines to which they must conform, such as EM 1110-2-1613 (Appendix 3), ER 1110-2-1150 (Appendix 4), ER 110-2-1404 (Appendix 5). (NOL 12, AR USA-29694.) Dredging projects are required to prepare an engineering analysis that includes coastal engineering and geotechnical investigations. (See Appendices 3 – 5.)

1. Geotechnical Appendix B

The geotechnical engineering analysis provided in Appendix B of the 2003 Feasibility Study did not consider slope stability of the dredged channel sides and the impact of down slope movement of sediment into the dredged channel. Such an evaluation is required by EM 1110-2-1613 (Appendix 3, page 2-7). Instead, the Draft San Diego Harbor Deepening Project Draft Detailed Project Report, November 2002, states, "Side slopes are assumed to be stable in a configuration of 5 horizontal to 1 vertical. Interim slopes of 3 horizontal to 1 vertical are assumed for the initial dredge configuration." (NOL 12, AR USA-22659.) A configuration of 3 horizontal to 1 vertical is steeper than



the Corps' assumed stable configuration of 5 horizontal to 1 vertical, but there is no<sup>7</sup> discussion in the geotechnical appendix supporting why a 3 horizontal to 1 vertical is still acceptable and the consequences of dredging to a slope steeper than the assumed stable slope.

At the time of the investigation the Army Corps knew that the over steepened gradients were causing erosion along First Street in Coronado. (NOL 7, AR USA-29636.) The geotechnical analysis considered slope stability and stability of coastal structures at the 10<sup>th</sup> Avenue Marine Terminal (NOL 4, AR USA-29523) but did not evaluate the stability of the structures along the First Street shoreline, and specifically how down slope movement of sediment could impact erosion of the First Street shoreline and impact shore protection structures. The geotechnical engineering analysis provides bathymetry data within the Central Navigation Channel, but there is no bathymetry data analysis in the area of the First Street shoreline, which is within the influence of the area of the project.

## 2. Coastal Engineering Appendix C

The coastal engineering analysis simply states that "sediment transport within the Central Bay Channel of San Diego Harbor is minimal." (NOL 4, AR USA-29562.) The report does not consider any shoreline areas adjacent to the project. The report briefly discusses wind waves (NOL 4, AR USA-29561) but does not evaluate the impact of ship wakes/waves on the transport of sediment, which had been previously identified by the Army Corps in the Coronado Shoreline Report as an important factor in transporting sediment. (NOL 7, AR USA-29636.) In summary, the report entirely fails to

8  
acknowledge the existence of erosion in an area adjacent to and within the influence of the project.

**D. The dredging of the Central Navigation Channel has contributed to the erosion of the First Street shoreline.**

As discussed in Section B.4., calculations show that waves (whether from ships or otherwise) as small as 1 foot in height are sufficient to transport sediment from the First Street shoreline. And while the Army Corps states that there is minimal transport of sediment in the Bay (NOL 12, AR USA-22666), its own calculations demonstrate that sediment is filling in the Central Navigation Channel.

In an e-mail from Joseph Ryan to Michael Green dated June 2, 1999 (NOL 28, AR USA-40409), Mr. Ryan estimates that 125,000 cubic meters will fill along the edges of the Central Navigation Channel every 30 years. This means that approximately 1.25 cubic meters per meter of channel length  $[(75\text{m})(0.5\text{m})/30 \text{ years}] = 1.25$  cubic meters per meter of channel length are transported into the Central Navigation Channel from the Coronado side of the Channel each year.

The Army Corps in the Coronado Shoreline Report determined a shoreline erosion rate on the order of 1 foot per year. (NOL 7, AR USA-29643.) "The prevailing practices for assessing the volume changes in a given beach profile based upon a surface area change is to assume that one cubic yard of volume change in the entire profile corresponds to one square foot of beach surface change above the shoreline." (Appendix 2, page 3-29.) Annually, every 1 foot (0.305 meters) of First Street shoreline retreat converts to about 0.76 cubic meters (1 cubic yard) per foot of shoreline lost in

the profile. The facts support that some or all of this sediment lost from the First Street beach profile falls into the Channel and Turning Basin.

Thus, while the Army Corps states that minimal sediment is transported into the Channel, resulting in maintenance requirements only every 30 years, this translates into a large amount of sediment transported from the shoreline along First Street. However, the area of the Central Navigation Channel and Turning Basins are so large, the movement of this sediment in these deep dredged areas are difficult to measure and see for many years. But what is a little amount of sediment in the Channel and Turning Basin turns out to be a tremendous amount of sediment loss for each of the properties on First Street.

**E. Additional References**

Department of the Army, U.S. Army Corps of Engineers, 2006, Hydraulic Design of Deep Draft Navigation Projects, EM 110-2-1613, dated May 31, (supersedes EM 110-2-1613, dated 8 April 1983.) (Relevant portions provided in Appendix 3.)

\_\_\_\_\_, 2002, Draft San Diego Harbor Deepening Project Draft Detailed Project Report, Draft Main Report, Los Angeles District (NOL 12, AR USA-22609-22697), dated November.

\_\_\_\_\_, 2001, Coronado Shoreline Initial Appraisal Report, Los Angeles District (NOL 7, AR USA-29624-29861), dated January 29.

\_\_\_\_\_, 2000a, San Diego Harbor Feasibility Study, F4 Conference Submittal (NOL 9, AR SLPR-00001-00094), dated November.

\_\_\_\_\_, 2000b, San Diego Harbor Feasibility Study, F4 Conference Submittal, Appendices, Coastal Engineering and Geotechnical Appendices (NOL 10, AR USA-38076-38123), dated November.

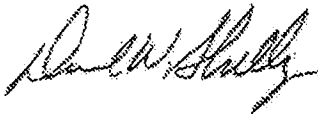
\_\_\_\_\_, 1999, Engineering and Design-Engineering and Design for Civil Works Projects, ER 1110-2-1150, dated August 31. (Relevant portions provided in Appendix 4.)

10

\_\_\_\_\_, 1998a, San Diego Harbor Project Study Plan, (NOL 6, AR USA-22552-22608), dated January.

\_\_\_\_\_, 1996, Engineering and Design, Hydraulic Design of Deep-Draft Navigation Projects, Regulation No. 1110-2-1404, dated January 31. (Appendix 5.)

\_\_\_\_\_, 1991, Coast of California Storm and Tidal Waves Study, State of the Coast Report San Diego Region, dated September. (Relevant portions provided in Appendix 2.)



---

David W. Skelly MS,PE

**APPENDIX 1**

**TO**

**Review of the Army Corps' 2003 Analysis Regarding Impacts on  
the First Street Shoreline Associated with the Dredging of the  
Central Navigation Channel**

**Prepared by David W. Skelly**

**September 8, 2008**

AUTOMATED COASTAL ENGINEERING SYSTEM ... Version 1.02 9/ 6/2008 15:23  
 Project: NEAR BOTTOM VELOCITY FROM WAVES FIRST STREET CORONADO

## LINEAR WAVE THEORY

Wave Ht	Wave Period	Water Depth	Wave Length	Wave Celer	Group Veloc	Energy Density	Energy Flux	Ursell No.
m	sec	m	m	m/sec	m/sec	N-m/m <sup>2</sup>	N-m/s-m	
0.305	2.000	0.457	3.908	1.954	1.674	116.726	195.453	48.72

Vert Coord:	Phase Angle:	Water Surf:	Pressure:	Horiz Displac:	Vertical Velocity:	Acceler:
-0.442 m	0.000 rad	0.152 m	5637.073 N/m <sup>2</sup>	0.000	0.000 m/sec	-0.046 m/s <sup>2</sup>

## LINEAR WAVE THEORY

Wave Ht	Wave Period	Water Depth	Wave Length	Wave Celer	Group Veloc	Energy Density	Energy Flux	Ursell No.
m	sec	m	m	m/sec	m/sec	N-m/m <sup>2</sup>	N-m/s-m	
0.610	2.500	0.914	6.748	2.699	2.215	466.904	1034.432	36.30

Vert Coord:	Phase Angle:	Water Surf:	Pressure:	Horiz Displac:	Vertical Velocity:	Acceler:
-0.853 m	0.000 rad	0.305 m	10793.963 N/m <sup>2</sup>	0.000	0.000 m/sec	-0.114 m/s <sup>2</sup>

## LINEAR WAVE THEORY

Wave Ht	Wave Period	Water Depth	Wave Length	Wave Celer	Group Veloc	Energy Density	Energy Flux	Ursell No.
m	sec	m	m	m/sec	m/sec	N-m/m <sup>2</sup>	N-m/s-m	
0.914	2.500	1.319	7.509	3.004	2.312	1050.633	2429.091	28.45

Vert Coord:	Phase Angle:	Water Surf:	Pressure:	Horiz Displac:	Vertical Velocity:	Acceler:
-1.158 m	0.000 rad	0.457 m	14578.308 N/m <sup>2</sup>	0.000	0.000 m/sec	-0.122 m/s <sup>2</sup>

**APPENDIX 2**

**TO**

**Review of the Army Corps' 2003 Analysis Regarding Impacts on  
the First Street Shoreline Associated with the Dredging of the  
Central Navigation Channel**

**Prepared by David W. Skelly**

**September 8, 2008**

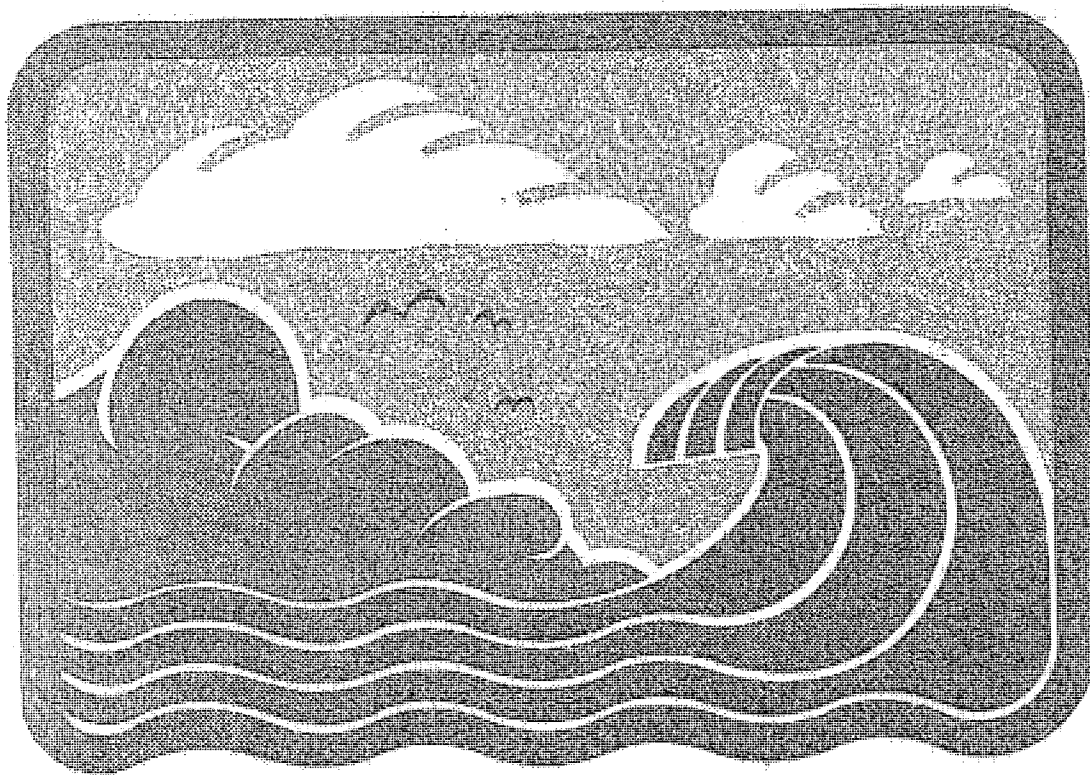


US Army Corps  
of Engineers  
Los Angeles District

## Coast of California Storm and Tidal Waves Study

---

# State of the Coast Report San Diego Region



Volume I — Main Report  
Final — September 1991



- (6) The Oceanside shorelines are characterized by the relatively flat nearshore slopes of 200:1 and beach face slope of 35:1. The flatter nearshore slopes appear to be the product of possible offshore sand deposits resulting from the ongoing sediment nourishment activities.
- (7) The Camp Pendleton Subreach has an average near shore slope of 170:1 and an average beach face slope of 300:1.
- (8) The San Mateo -Dana Point coastal area has an average nearshore slope of 160:1 and beach face slope of approximately 25:1.

#### 3.3.4 Sand Volume Changes

In the planning and design of coastal projects, it is useful to know the magnitude of sand volume changes at a given location due to wave action. This type of information is highly desirable for the volumetric design of beach nourishment and the functional design of coastal structures such as jetties, groins and revetments. The prevailing practices in assessing the volume changes in a given beach profile based on surface area change, is to assume that one cubic yard of volume change in the entire profile corresponds to one square foot of beach surface change above the shoreline. This empirical rule was first suggested in 1957 (U.S. Army Corps of Engineers, Shore Protection Planning and Design Manual, 1957). This rule of thumb, provides a handy tool in sediment budget and sand nourishment studies though its validity has yet to be checked.

In order to examine the validity of the above simple rule correlating one square foot (sf) of beach surface area change to one cu yd/ft of profile sand volume change in the San Diego Coastal Region, changes in beach surface area and volume changes presented in appendices C, D, and F were further analyzed to establish needed site specific relationships between volume changes and shoreline movement.

Figures 3-8 to 3-25 show the plots summarizing this analysis where the effect of the MHHW shoreline movements (erosion/accretion) were correlated to the corresponding surveyed profile volume changes for all the three cells and six subreaches of the study. The volume changes in the above analysis refer to that portion extending from the profile base line to water depths of MHHW, MSL, -10 ft, 30 ft, and -40 ft deviation (from MLLW) where as the beach surface area or shoreline change refer to the (MHHW) line. The data shown in Figures 3-8 through 3-16 covers all the measured profiles data presented in appendix F while Figures 3-17 through 3-25 consider only extreme events causing maximum shoreline movements and volume changes. Shown also in the above figures, are the computed volume change to shoreline movement ratio, as obtained from the best-fit regression lines plot. Table 3-6

summarizes the results of this analysis for the selected cells and subreaches of the San Diego Region shorelines. Data presented in Table 3-6 indicate that the volume change/shoreline movement (V/S) ratio varies for different depth ranges in the profile. The spatial variation of V/S along the entire length of the San Diego shoreline is rather uniform to water depths of -10 ft elevation (MLLW). For water depths deeper than 10 feet (MLLW) and considering all data points, the correlation between volume and shoreline change is not very well defined except for the Oceanside Harbor Subreach (subreach 4 of Figure 3-14). If only the extreme events are considered, a more defined correlation exists between V and S for water depth up to -40 ft (MLLW), as shown in Figures 3-17 to 3-25 and Table 3-6.

It should be noted that the accuracy of the estimated volume change for water depths greater than 10 ft (MLLW), is a function of the survey method and conditions. It is usually expected to experience more survey errors in this depth range (> 10 ft) and this could have an impact on the established relationships. It is therefore recommended to limit the results of this analysis to water depths  $\leq$  10 ft below MLLW. The results can be applied to estimate the required nourishment rates for preserving a given beach width.

**APPENDIX 3**

**TO**

**Review of the Army Corps' 2003 Analysis Regarding Impacts on  
the First Street Shoreline Associated with the Dredging of the  
Central Navigation Channel**

**Prepared by David W. Skelly**

**September 8, 2008**

CECW-CE

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Washington, DC 20314-1000

EM 1110-2-1613

Manual  
No. 1110-2-1613


31 May 2006

Engineering and Design  
HYDRAULIC DESIGN OF DEEP DRAFT NAVIGATION PROJECTS

1. Purpose. This manual provides design guidance for improving deep-draft navigation projects. The design goal applicable to project development is to provide a safe, efficient, environmentally sound, and cost-effective waterway for ships and other vessels. An economic objective is to provide for these goals while minimizing and balancing the initial construction costs and future maintenance costs. The general guidance presented in this manual is based on *average* navigation conditions and situations. The design engineer will adapt these guidelines to the local, site-specific conditions of the project. Usually, the final project design will be developed by application of a ship navigation study, incorporating real-time ship simulation tests with local professional pilots. Deviations from this guidance are acceptable if properly substantiated and approved by Headquarters, U.S. Army Corps of Engineers.
2. Applicability. This manual applies to all USACE commands having civil works responsibilities. The manual will be used in project planning, design, construction, operation, and maintenance as applicable.
3. Distribution Statement. This publication is approved for public release; distribution is unlimited.

FOR THE COMMANDER:

5 Appendices  
Appendix A – References  
Appendix B – Conversion Factors and Constants  
Appendix C – Ship Simulator Applications to  
Waterways Design—Lessons Learned  
Appendix D – Ship Simulator Scope of Work  
Appendix E – Sample Wave-Induced Ship Motion  
Calculation for Tankers Using the Kimon Method (1982)  
Glossary

  
JOHN R. McMAHON  
Colonel, Corps of Engineers  
Chief of Staff

---

This manual supersedes EM 1110-2-1613, 8 April 1983.

## TABLE OF CONTENTS

Publication Number: EM 1110-2-1613

Title: Engineering and Design - Hydraulic Design of Deep Draft Navigation Projects

Proponent: CECW-CE

Publication Date: 31 May 2006

Distribution Restriction Statement: Approved for public release; distribution is unlimited.

File Format: Adobe Acrobat.pdf. Adobe Acrobat Reader software is required to read portable document files (pdf). Click [Viewers](#) to access free Adobe Acrobat Reader software and follow installation instructions or go directly to the Adobe homepage at <http://www.adobe.com>.

File Size: Files 1 MB or larger have had their file size noted.

---

Entire document (This file contains all elements of the document inclusive of appendices. File size: 7.8 MB.)

Basic document (This file contains all elements of the document exclusive of appendices. File size: 5.3 MB.)

Transmittal Letter

Table of Contents

Chapter 1 - Introduction

Chapter 2 - Project Study Formulation

Chapter 3 - Deep Draft Ships

Chapter 4 - Ship Operations

Chapter 5 - Design Factors and Studies

Chapter 6 - Channel Depth (File size: 1.1 MB)

Chapter 7 - Channel Dredging and Disposal

Chapter 8 - Channel Width

Chapter 9 - Integral Features

Chapter 10 - Aids to Navigation

Chapter 11 - Effects of Ice on Design

Chapter 12 - Operation and Maintenance

Chapter 13 - Navigation Model Studies (File size: 1.1 MB)

Appendix A - References

Appendix B - Conversion Factors and Constants

Appendix C - Ship Simulator Applications to Waterways Design - Lessons Learned

Appendix D - Ship Simulator Scope of Work

Appendix E - Sample Wave-Induced Ship Motion Calculation for Tankers Using the Kimon Method

(1982)

Glossary

EM 1110-2-1613  
31 May 06

## CHAPTER 2

### Project Study Formulation

2-1. Project Design. Design of a navigation project requires an understanding of the port and waterway needs, assembly and evaluation of all pertinent information, and development of a rational improvement plan. The planner/design engineer is responsible for developing and formulating several project design alternatives. This will allow the economically optimum plan to be clearly evident and readily substantiated. Project safety and efficiency should receive primary consideration before the cost-effectiveness of the project is determined. Planning for the project will require the anticipation of any possible development and operational problems and evaluation of alternative solutions. The cost of each proposed project must be considered in the development or improvement of the alternative deep-draft channel designs. A navigation project study plan should also be developed that will provide guidance during project formulation at all stages of project planning and design.

2-2. Typical Project Elements. Figure 2-1 presents an example generic harbor defining many of the typical project elements discussed below. The following project features are normally the responsibility of the Corps:

- a. *Entrance channel.* A navigable channel connecting the ocean or lake to an enclosed water body such as a bay, estuary, river, or mouth of a navigable stream.
- b. *Jetties.* Structural features that provide obstructions to littoral drift, control entrance currents, prevent or reduce shoaling in the entrance channel, maintain channel alignment, and provide protection from waves for navigation.
- c. *Breakwaters.* Structures designed to provide shelter from waves and improve navigation conditions. Such structures may be combined with jetties where required (EM 1110-2-2504).
- d. *Interior channel.* The access channel system inside a water body that connects the entrance channel (inlet or bar) to a port or harbor with appropriate ship facilities. Interior channels are usually located to provide some protection from waves and weather and are located in bays, estuaries, or rivers.
- e. *Turning basin.* An area that provides for the turning of a ship (bow to stern). Turning basins are usually located at or near the upper end of the interior channel and possibly at one or more intermediate points along long channels.
- f. *Anchorage area.* An area inside a water body providing the ships some protection from the weather while lying at anchor to stand by, load or unload cargo, await repairs, etc.

EM 1110-2-1613  
31 May 06

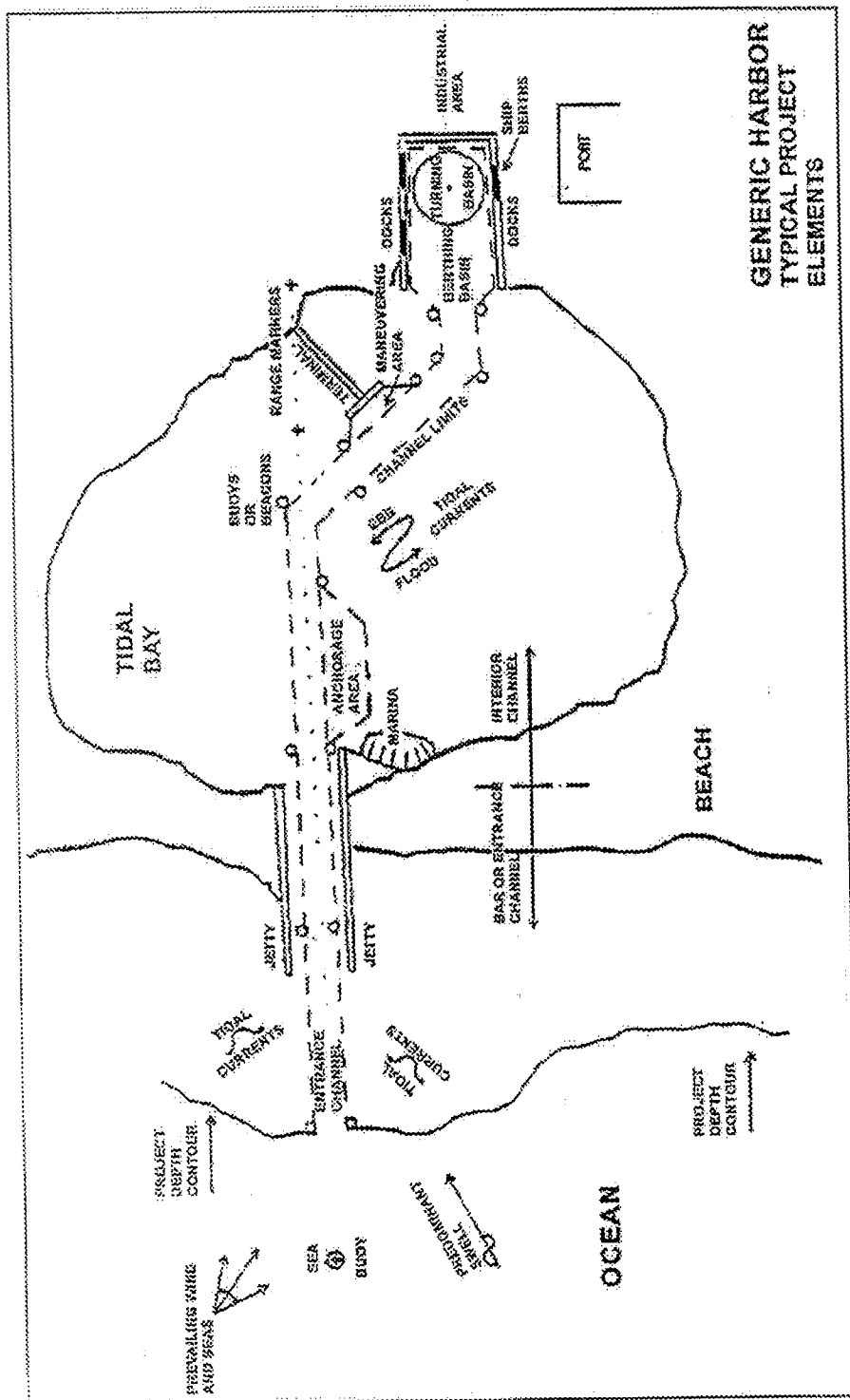


Figure 2-1. Generic harbor with typical project

EM 1110-2-1513

31 May 06

*g. Special features.* Specifically designed structural elements that provide for special project design requirements, such as salinity control barriers, ship locks, ice control booms, bridge pier protection (fendering systems), hurricane barriers, sediment traps, and other similar control works.

2-3. Planning Procedure. The following checklist should be used during preliminary project planning:

- a. Review appropriate HQUSACE Engineer Regulations (ER's), Engineer Manuals (EM's), and Engineer Technical Letters (ETL's).
- b. Consult with local port authority, pilot associations, and harbor terminal users.
- c. Collect and analyze pertinent physical and environmental data.
- d. Review appropriate local pilot or captain ship maneuvering strategy and evaluate existing project navigation conditions.
- e. Determine volume and type of ship traffic and largest ships to be accommodated.
- f. Determine volume and type of commodity that will be moved.
- g. Determine amount, type, and frequency of hazardous cargo (liquefied natural gas (LNG), ammunition, oil, radioactive, etc.) movement and evaluate special requirements.
- h. Select and list the required project design operational conditions.
- i. Select channel layout and alternative dimensions to be considered and determine advantages and disadvantages with annual costs.
- j. Assess any adverse environmental and other impacts.
- k. Define environmental mitigation needs and enhancement opportunities, especially beneficial uses for dredged material.

2-4. Design Considerations. The amount and type of ship traffic that will use the navigation channel are very important in project planning and design. The project economic considerations will require information on commodities moved by the ship traffic. The designer will use information on the type of traffic to select the design ship, which is usually the largest ship of the major commodity movers expected to use the project improvements on a frequent and continuing basis. The amount of ship traffic and the length of access channel will determine the mode of navigation traffic to be provided, whether one-way or two-way. Consideration should also be given to providing one-way traffic for large ships and two-way traffic for smaller vessels, and providing channel segments with passing lanes. The designer should consider a stepped channel with different depths for loaded ballasted ships. Project layouts should be prepared using various channel alignments and dimensions and each alternative evaluated on the basis of economic efficiency involving commodity tonnage moved, ship transit time, safety, environmental and social impacts, and construction and maintenance costs.



EM 1110-2-1613

31 May 06

2-5. Project Safety. The designer must consider and include aspects of project safety, efficiency of ship operations, and reliability of the proposed project. Safety of the project will depend on the size and maneuverability of the ships using the waterway, size and type of channel, aids to navigation provided, magnitude and direction of currents in the waterway, wind and wave effects, and experience and judgment of the local pilots. Since human factors (pilot skill and diligence) are involved in navigation channel safety and are difficult to evaluate, potentially hazardous conditions should be eliminated in the project design insofar as practicable. Therefore, optimum design of a specific waterway will require an evaluation of the physical environmental conditions, especially the currents and weather conditions and judgment of safety factors based on local pilot information.

2-6. U.S. Coast Guard. Consultations should be conducted with the local Coast Guard office in both the preliminary and final design processes. Their views on navigation channel and bridge safety, ship maneuverability, navigation traffic management, navigation operational restrictions, and optimum placement of aids to navigation should be incorporated into the design and presented in appropriate reports and design memoranda.

2-7. Physical Data. The design of a navigation project will require the collection, analysis, and evaluation of information on many aspects that impact project design. The following data are required:<sup>3</sup>

*a. Design ship.*

- (1) Type, size, and dimensions (length, beam, draft).
- (2) Maneuverability and normal operational speed.
- (3) Engine type and power rating.
- (4) Bow and/or stern thrusters—power and thrust.
- (5) Number and frequency of transits.
- (6) Type of cargo handled.
- (7) Cargo load condition (trim and draft).
- (8) Number and size of screws and rudders.
- (9) Definitive maneuvering trial or computed data.
- (10) Ballasted operation condition (trim and draft).

*b. Waterway traffic.*

- (1) Ship size variation for present and future channel.

---

<sup>3</sup> Many of the design factors may be seasonal, including the ship traffic volume and size mix. Seasonal variations in traffic mix and other parameters, e.g., wind, waves, fresh water inflows, etc., should be identified in the data gathered.

EM 1110-2-1613  
31 May 06

- (2) Smaller vessel use and congestion.
- (3) Navigation cross-traffic condition.
- (4) Ship meeting, passing, and overtaking.
- (5) High number of small craft (sailing ships, fishing vessels).

*c. Weather.*

- (1) Visibility, day or night transits.
- (2) Frequency of fog, smog, snow, storms.
- (3) Ice conditions (thickness, duration, extent).
- (4) Rainfall and temperature.

*d. Currents.*

- (1) Speed, direction, and duration--flood and ebb.
- (2) Astronomical tide and/or river flow.
- (3) Tide height/current relation.
- (4) Wind tide--induced currents.
- (5) Current variation with depth.

*e. Wind and waves.*

- (1) Wind force, direction, and duration.
- (2) Wind generated waves--heights, period, length, direction, duration, and frequency.
- (3) Wind variability or gustiness.
- (4) Swell waves--heights, period, length, direction, duration, and frequency.
- (5) Waves from passing vessels.
- (6) Surges and seiching in berthing areas, particularly where containerships are loaded and unloaded.

*f. Navigation constraints.*

- (1) Obstructions--sunken vessels, abandoned structures.
- (2) Overhead bridges and power line crossings--location, type, and clearances.

EM 1110-2-1613

31 May 06

- (3) Dredging operations--location and frequency.
- (4) Visible obstructions--high banks, headlands.
- (5) Turns and curves with crosscurrents.
- (6) Strong changes in banks and currents--ends of jetties, side channels, and anchorages.
- (7) Shipyards, terminals, and other moored ships.
- (8) Small-craft harbors and marinas.
- (9) Underground pipelines and cables--location, type, and clearances.

*g Water level.*

- (1) Tidal variation--range, type of tide (diurnal, semidiurnal, or mixed).
- (2) Tide datum plane--average high and low water.
- (3) Upland river inflow--frequency and duration of effect.
- (4) Abnormal high and low hurricane, storm surge, and wind tide.

*h Channel data.*

- (1) Channel and overbank hydrography.
- (2) Channel cross section (canal, trench, shallow water).
- (3) Alignment and configuration--turns and curves.
- (4) Channel depth, width, and side slopes.
- (5) Navigation traffic pattern (one-way, two-way).
- (6) Dock and pier configuration--open (piles) or closed (solid, filled construction), finger piers, parallel to channel berthing.
- (7) Length of channel.
- (8) Intersecting lanes, one-way sections in two-way channels, passing areas in one-way channels.

(9) Approach fairways

*i Operational factors.*

- (1) Limits for ship transit operations--wind, daylight/night, tide height, current window.

EM 1110-2-1613  
31 May 06

- (2) Limits for ship sizes.
- (3) Bar closure--waves, fog, and wind.
- (4) Required underkeel ship clearance.
- (5) Ship traffic daily variation.
- (6) Speed reduction to increase safety.
- (7) Tidal advantage--riding high tide for larger draft.
- (8) Ship lightering--offloading to smaller ships, boats, barges.
- (9) Required spacing between ships in tandem.

*j. Geotechnical.*

- (1) Stability of side slopes.
- (2) Dredging conditions--hazardous, toxic, and radioactive waste (HTRW), and other polluted material.

- (3) Subsurface bedrock.
- (4) Soil properties--bed and bank material (soft, fluid "mud," or hard).

*k. Sedimentation.*

- (1) Rate of and tendency for siltation.
- (2) Sediment sizes and distribution.
- (3) Movement--scour and shoal areas.
- (4) Source of sediments--upland or littoral.
- (5) Sediment management facilities and techniques.

*l. Water quality.*

- (1) Salinity distribution and variability.
- (2) Dredge disposal areas.
- (3) Biological population--type, density, and distribution.
- (4) Environmentally sensitive areas.

BM 1110-2-1613  
31 May 06

*m. Special concerns.*

- (1) Large change in channel alignment.
- (2) Substantial increase in ship size or load or change in type.
- (3) Major increase in port or terminal ship traffic.
- (4) New port with new pilots.
- (5) Effectiveness of proposed plans to deliver benefits.
- (6) Known safety problems.

*n. Design opportunities.*

- (1) Channel curves--changing to straight segments.
- (2) Channel width--review for possible reduction or need, for local widenings.
- (3) Duplicate channels--ensure absolute requirement.
- (4) Multiple turning basins--possible reduction of number.
- (5) Anchorage areas--determine usage and possibly abandon some.

*o. Support services.*

- (1) Licensed pilotage.
- (2) Tug availability--power, number, and bollard pull.
- (3) Aids to navigation--buoys, channel markers, and range markers.
- (4) Vessel traffic service--advisory or control.
- (5) Information availability (hydrological and hydrometeorological data).
- (6) Dredging and charting services--frequency, accuracy.

2-8. Typical Engineering Studies. The following list gives some examples of topics that require detailed coverage in normal navigation project design. More information on some of these topics is presented in subsequent portions of this manual.

- a. Design ship*
- b. Water level.*
- c. Currents.*

EM 1110-2-1613  
31 May 06

- d. Waves.*
- e. Sedimentation.*
- f. Channel depth.*
- g. Channel width.*
- h. Channel alignment.*
- i. Dredging and disposal.*
- j. Turning basins.*
- k. Entrance channel.*
- l. Jetties and breakwaters.*
- m. Environmental impacts.*
- n. Accident record.*
- o. Pilot interviews.*
- p. Aids to navigation.*
- q. Model testing.*
  - (1) Hydraulic/tidal.*
  - (2) Sedimentation.*
  - (3) Salinity.*
  - (4) Water quality.*
  - (5) Ice.*
- r. Ship simulation study.*
- s. Operation and maintenance plan.*

EM 1110-2-1613  
31 May 06

## CHAPTER 5

## Design Factors and Studies

5-1. Tides and Currents.

a. *Currents.* In most navigation project design studies, tidal or river currents are usually the most important environmental conditions and dominate environmental ship forces. Measurements and predictions of currents are needed to determine the effects on ship motions and controllability for analysis of project navigation. The current patterns are also used to estimate the rates of sediment erosion and deposition, to determine the extent and characteristics of salinity intrusion, and to define the possible environmental impacts, such as changes in flushing characteristics. Currents may be caused by tidal forces, tributary stream inflow, or upland river discharge. Wind stress effects on open-water bodies will also generate currents, such as in coastal regions and large lakes or bays. Project current patterns (speed and direction) should be available for a variety of discharges and/or tide ranges for typical navigation situations, including the existing and proposed project design conditions. Tidal currents in some coastal harbor channels are predicted and available from the National Oceanographic and Atmospheric Agency (NOAA). River discharge data are measured and published by the U.S. Geological Survey (USGS). These data sources can be used as starting points for initial studies but should be supplemented by field data and physical or mathematical model studies during continued design studies.

b. *Current Forces.* Current effects on ship navigation are dependent on the direction and pattern of currents with respect to the direction of the navigation channel. Currents aligned with a straight channel centerline coincident with the ship sailing direction will cause a simple addition or subtraction to the ship speed, depending on whether the current is adverse or fair. Sailing with a fair tide can make control of a ship difficult due to the reduced propeller speed and rudder forces, while the ship moves with increased ground speed. A ship sailing in a channel will require a constant yaw angle if a crosscurrent is present in the channel causing a transverse slip force. Strong current forces can adversely affect navigation while the ship is maneuvering through the harbor channels and turning basins, especially when ships are being decelerated before turning around or berthing. The project planner/designer must consider current forces and their navigational impact on the channel and turning basin dimensions. Crosscurrents and spatially nonuniform flow are particularly hazardous to ships where the bow and stern are affected by different magnitudes and/or direction of currents, thus inducing a turning moment about the ship. Locally increased channel width may be required where currents are strong to compensate for the increased difficulty. Current effects on ship navigation are also important in channel turns, even when currents are aligned with the channel, due to the change in ship attitude with respect to the current direction.

c. *Current Modeling.* In most cases, navigation project design studies will require the development of a mathematical current model for use in predicting tidal or river currents with various project flow conditions. Early in the project formulation phase during the initial study, such an investigation should be planned by the navigation project study manager. For ship simulator studies, current patterns along and across the navigation channel are required. A two-dimensional (2-D) finite element model that gives depth-averaged current calculations has been most advantageous. The same hydrodynamic model can often be used to drive salinity, water quality, and

EM 1110-2-1613

11 May 06

sedimentation studies if the project study requires these considerations. Examples of applications of this model and additional guidance are available in EM 1110-2-1607 and Thomas and McAnally (1985).

*d. Water Levels.* Both maximum and minimum water surface level frequencies and durations as well as amplitudes of water level fluctuations are needed for design. Water levels can be affected by ocean tides, storm surges, harbor seiches, lake fluctuations, and river discharges. High-water levels are used to determine wave penetration and height of jetties, training structures, and overhead obstructions. Low-water levels are used to determine available and needed depths for various size ships and other vessels.

*e. Tide Predictions.* NOAA calculates and publishes tide height predictions and tide ranges for all major coastal ports and harbors in the United States. Published tide predictions are suitable for initial studies; other sources of published data should be inventoried and used in design where suitable and available. Tide level and current modeling for existing and proposed navigation project conditions is usually required at later design stages.

*f. Tidal Datums.* Channel depths for navigation projects are usually authorized and referred to some long-term average low-water datum plane based on measured field water level data. These measurements are usually conducted by NOAA and are used in their chart and tidal prediction tables and in establishing appropriate tidal datums. All project design features should be developed in a consistent manner, using the appropriate low-water datum plane. It is especially important to reconcile different datums presented in a variety of maps, charts, hydrographic data, etc., which can lead to confusion and possible mistakes. The relationship of the low-water datum to the National Geodetic Vertical Datum (NGVD) will also be needed for vertical control of design and construction. The low-water datum for the Atlantic and Gulf Coasts is being converted to mean lower low water (mllw) to be consistent with the Pacific Coast. The appropriate low-water datums for various localities are listed:

- (1) Tidal ocean coastlines: mllw.
- (2) Great Lakes: International Great Lakes Datum (IGLD).
- (3) Nontidal rivers: Mean 15-day lowest navigation season water level referred to as the Low-Water Datum Plane.

## 5-2. Wind and Waves.

*a. Effects on Ships.* Wind effects on a project include the direct forces on ships sailing through the navigation channels and the indirect development of wind waves in the harbor or coastal ocean region. Waves generated in the harbor or bay area are usually small in height and normally have minor effects on typical design ships. However, wind waves generated by local storms near the port entrance channel (seas) may have an impact on ships. Estimates of wind are needed for project design, mainly because of the effect on ship motions and controllability. Historical wind data are usually available from the National Weather Service. Local topography may modify the wind data, usually available only at the local airport, and change the wind patterns at the navigation channel. Wind studies should include prevailing wind directions and speed, both averages and variability. Seasonal variations of the mean and extreme wind conditions with



EM 1110-2-1613

31 May 06

appropriate statistics (return period, frequency of occurrence, duration, etc.) are to be included in the wind study.

*b. Wind Forces.* Direct forces on ships from the wind are of primary importance for certain types of ships, especially when ship speeds are restricted or are reduced during normal operations. The forces are in direct proportion to the ship area exposed above water (projecting areas, also called the wind or sail area), which varies due to superstructure design and ship loading condition. The following situations are especially important and require careful consideration:

- (1) Tankers in ballast (light ship) condition.
- (2) Bulk carriers in ballast (light ship) condition.
- (3) Automobile or car carriers.
- (4) Containerships with containers on deck.
- (5) Ferry boats.
- (6) LNG and liquefied petroleum gas (LPG) ships.

S-3 Sedimentation. The following aspects of sedimentation must be considered for deep-draft navigation projects: characteristics of the native soils or materials to be removed within the project channel; characteristics of sediments introduced into the upper reaches of the navigation project by riverine or other upland discharges; characteristics of sediments introduced into the lower reaches of the project by littoral processes, including wave action, resulting in beach erosion, and salinity intrusion; hydrodynamic and water chemistry conditions in the project region; and limitations or restrictions on dredging, dredged material disposal techniques and beach erosion control using sand bypassing methods. More detailed discussion on beach erosion and sand bypassing is available in EM's 1110-2-1502, 1110-2-1616, and 1110-2-2904.

*a. Native soils.* Native soils must be considered first from the standpoint of channel construction. Problem soils encountered in channel construction may consist of consolidated clays, cemented sands, or outcroppings of bedrock. These materials may require special dredging equipment, techniques, and disposal and will thus have an impact on construction costs. Channel location and alignment may be determined by the existence of hard-to-remove materials along alternate channel routes. Native soils must also be considered from the standpoint of maintenance dredging following project construction. The existence of fine sands, silts, or easily erodible clays along the route of the project may indicate large dredging requirements to maintain the project channel in future years. For example, wind or ship waves in shallow areas adjacent to the navigation channel may resuspend significant quantities of unconsolidated fine sediments that might eventually be transported toward and deposited in the navigation channel. Surficial sediment sampling should be conducted throughout the project area, and core borings and/or subsurface acoustic measurements should be made along the most attractive channel routes to fully assess the composition and characteristics of native soils or the presence of rock. Methods will be discussed later to predict the fate of sediment particles located near the navigation channel.

EM 1110-2-1613

31 May 06

b. *Riverine sediments.* Sediments transported to the project by riverine flows in estuaries or embayments usually consist of coarse to medium sands carried primarily as bed load, medium to fine sands carried as bed and/or suspended load, and silts and clays carried as suspended load. When the project channel includes the zone where rivers enter embayments, the coarse and medium sands and even some of the fine sands and silts may deposit as flow velocities are reduced below that necessary to maintain motion of the sediment particles. These deposits of sand and silt are often in the form of delta-shaped shoals that recur annually and require maintenance dredging for control. The finer sands and silts will usually be deposited in the lower reaches of the navigation project, but the deposition will usually be distributed over a fairly long reach of the channel. High stage-discharge events may alter the pattern of deposition from time to time and distribute the coarser particles over a longer reach of the channel than usual. Deposition of clay particles is dependent on the hydrodynamics and water characteristics of the lower reaches of the navigation project. If the project is in an estuarine setting where salty water from the ocean can mix with the sediment-carrying riverine waters, such as Savannah Harbor for example, a phenomenon known as flocculation occurs, whereby the clay particles aggregate into larger and heavier flocs that are likely to deposit. In some instances, very heavy concentrations of the flocs remain in suspension in a layer near the bottom, referred to as fluff or fluid mud. Prior to permanent deposition of clay sediments, which is a time-dependent process, the tidal hydrodynamics of an estuarine system tend to concentrate the location of the flocs. If the estuarine system is of the stratified type, i.e., there is a well-defined saltwater layer underlying the freshwater layer, the bulk of the clay-particle shoals will be concentrated in a zone mapping the upstream intrusion of the saltwater layer. If the saltwater-freshwater interface is less well defined, the clay-particle shoals will be distributed more widely through the middle and lower reaches of the project. In nonsaltwater settings, such as the Great Lakes, the clay particles may remain in suspension and be introduced into the lake region as suspended load. Maintenance dredging is almost always required to maintain channel depths and widths through the areas of clay particle deposition. Methods for predicting the locations and magnitudes of the sand- and clay-particle deposits in the navigation project will be discussed later.

c. *River reaches.* In cases where the deep-draft project extends well upriver (above the zone of flow reversal), such as the Columbia River or the lower Mississippi River, deposition of medium to coarse sands occurs in the river crossings, with most of the fine sand and silt moved downstream to estuarine or coastal zones. Not all river crossings along a navigation project require maintenance dredging. In many cases, the minimum crossing depth that occurs naturally over a water year is greater than the project depth. For example, of the several river crossings that exist on the lower Mississippi River from Baton Rouge, LA, downstream to the Head of Passes, a distance of about 225 river miles, only about 7 of the 225 miles require annual maintenance dredging. Of course, if the project were deepened, the number of crossings requiring maintenance dredging would most likely increase.

d. *Littoral sediments.* Sediments are introduced into the navigation project from the littoral systems that exist in all lakes and oceans. Nearshore currents driven by waves, wind, tides, or water-mass movement cause sediment particles, usually medium to fine sands but occasionally clays and silts, to be moved along the shore. As the sand-size sediments reach the deeper waters of the navigation project, deposition occurs in and near the entrance channel. Clays entering from the lower end may be transported upstream by estuarine circulation. Structures such as jetties are used to trap the sands and keep shoals from forming in the navigation project. A sand-bypassing arrangement may be necessary to maintain the trapping capability of the jetty structures and to

EM 1110-2-1613

31 May 06

minimize damage to adjacent beaches that interruption of the littoral process usually causes. The planner/designer is required to study and develop predictions of erosion and accretion for a distance of 10 miles on either side of an entrance channel improvement project.

*e. Predictive techniques.* Four basic approaches are available to study sedimentation processes in deep-draft navigation channel projects: field studies, physical hydraulic model studies, numerical model studies, and combinations of these study techniques. Field studies include collection of prototype data in such a manner that future behavior can be extrapolated or developed into general design principles, and also trial-and-error remedial measures in which proposed remedial schemes are constructed without the benefit of corroborating studies. The collection of prototype data is always recommended for deep-draft navigation projects; trial-and-error remedial schemes must be highly justified prior to installation because of the high risk of failure involved. Physical models have been used for many years to study sedimentation problems associated with deep-draft navigation projects, but it is not possible to accurately predict deposition volumes. Numerical modeling of sedimentation phenomena is becoming a relatively well-developed technique that employs special computational methods such as finite difference or finite element approximations to solve mathematical expressions that do not have closed-form solutions. In some situations, numerical models can provide a reasonable prediction of deposition volumes. Physical and numerical models are discussed in more detail in EM 1110-2-1607. It should be stressed that both physical and numerical models rely heavily on prototype observations; therefore, if model studies are anticipated, the lead time and resources must be provided to collect the quality and quantity of data necessary to support these studies. In some cases, combinations of the various techniques may be used that involve the application of physical and numerical models as well as prototype data and analytical procedures to take advantage of the strong points of each technique.

*f. Channel shoaling.* Sediment budget and shoaling studies are needed for before- and after-construction conditions. These studies provide the basis for estimating maintenance dredging requirements, disposal area locations, training structures, and entrance sand-bypass assessment. Shoaling rates are needed for river expansions caused by port facilities and turning basins. Information on sediment budget is contained in the *Shore Protection Manual* (1984).

*g. Beach erosion.* Many navigation channels connect the ocean to an estuary or bay through sandy beaches. When jetties are built to prevent littoral drift from entering the channel, the volume of sand reaching the downdrift beach is reduced. This reduced littoral drift usually results in erosion of the downdrift beach. If the erosion is unacceptable from an economic or environmental standpoint, mitigation measures will be required. Traditional methods of erosion control are shoreline protection with revetments, breakwaters, groins, and nourishment by bypassing sand from one side of the inlet to the other. Some bypassing methods involve the use of weirs with sand traps, detached breakwaters, and various methods of dredging and sand pumping, including jet pumps.

*h. Bank protection.* To reduce bank erosion, bank protection is sometimes provided. Guidance on the design of riprap protection on navigable waterways is provided by Maynard (1984). A computer program, NAVEFF, is available to assist in determining the drawdown and return flow velocities generated by a ship moving through a restricted waterway (Maynard 1996, 1999). Information on the design of flexible revetments is also available, (Permanent International Association of Navigation Compresses (PIANC) 1987). This reference also provides guidance on

EM 1110-2-1613

31 May 06

the computation of ship wake waves. Use of reinforced vegetative bank protection using geotextiles may also be useful (PIANC 1996).

#### 3-4. Water Quality Impacts.

*a. Physical Changes.* The development of a navigation channel that is larger than previously existed in an estuary or bay could cause physical, biological, and water quality changes affecting the ecosystem. The following physical changes require evaluation:

- (1) Salinity.
- (2) Tide heights (water levels).
- (3) Current velocities and duration.
- (4) Water circulation pattern.
- (5) Shoaling and erosion in the vicinity of the channel.
- (6) Possible effects on adjacent shoreline resulting from changes in wave patterns.
- (7) Tidal flushing rate.
- (8) Pollution dispersion rate.

These changes could be negligible when the channel improvement is small compared with the natural ecosystem cross-sectional area. When the physical changes are estimated, a biological assessment of project effects on estuary aquatic life is needed to determine if design changes and mitigation measures are justified. Numerical models are presently the most reliable method of predicting post project conditions and determining the most effective remedial measures that might be required.

*b. Ecological Considerations.* An interdependence exists between the physical, chemical, and biological components of a system. Modification or manipulation of any component will have some effect on the others. Tides, currents, and salinity characteristics determine tidal circulation patterns and thus have a profound influence on the movement and distribution of aquatic plants and animals. The means and extremes of salinity and temperature influence the types and distribution of aquatic life. The effects of navigation projects, including the dredging operations and disposal facilities, upon the environment or ecological relationships are the results of both the direct physical alterations associated with construction activities and the physical or chemical changes that develop after construction. These activities influence water movement, water quality, sediment movement and quality, substrate physical and chemical properties, etc. and will always cause some environmental change in the project area. The effect need not be adverse, and engineering modifications in a tidal ecosystem may be used to enhance ecological conditions by remedying adverse conditions in an estuary caused by previous impacts from urbanization and industrialization. Engineering modifications can also be used to stabilize large variations in natural conditions thereby increasing biological diversity or improving

EM 1110-2-1613

31 May 06

conditions for an individual or group of species. Some of these modifications may provide desirable habitat where that habitat is not presently available.

5-5. Local Coordination.

a. *Pilot Interviews.* Navigation project planners/designers should develop strong coordination with the local pilot groups throughout the project development. Pilot interviews can be used to determine the user's opinion on existing channel navigation safety and wind and wave conditions to be used for design analysis, and the feasibility and safety of proposed channel design alternatives.

b. *U.S. Coast Guard.* The local U.S. Coast Guard (USCG) office should also be contacted early in the project development to solicit views and coordination on channel dimensions and alignment relative to safe navigation. The USCG can also provide guidance on aid to navigation placement and waterway analysis study results.

5-6. Accident Records. Accident Records. Marine accident records are available from the U.S. Coast Guard annual compilation of casualty statistics in an automated system called Coast Guard Automated Main Casualty Data Base (CASMAIN). Accident data on existing navigation channel projects proposed for enlargement or improvement should be studied to determine the number, cause, and location for analysis. In some accidents, the Coast Guard will conduct an inquiry, which may also be valuable in determining navigation problems. The National Transportation Safety Board also reviews specific accidents and develops reports and recommendations on site-specific safety issues. Information from the local pilots and, at some ports, data from vessel traffic services (VTS), if available, can provide valuable information in designing proposed channel improvements. The local Coast Guard District Office and Captain of the Port should be consulted for any available data and investigation summaries.

**APPENDIX 4**

**TO**

**Review of the Army Corps' 2003 Analysis Regarding Impacts on  
the First Street Shoreline Associated with the Dredging of the  
Central Navigation Channel**

**Prepared by David W. Skelly**

**September 8, 2008**

Publications Page

Regulations & Associated Forms

Regulations POC

## TABLE OF CONTENTS

Publication Number: ER 1110-2-1150

Title: Engineering and Design -Engineering and Design for Civil Works Projects

Propponent: CECW-EP

Publication Date: 31 August 1999

Distribution Restriction Statement: Approved for public release; distribution is unlimited.

File Format: Adobe Acrobat.pdf. Adobe Acrobat Reader software is required to read portable document files (pdf). Click Viewers to access free Adobe Acrobat Reader software and follow installation instructions or go directly to the Adobe homepage at <http://www.adobe.com>.

File Size: Files 1 MB or larger have had their file size noted.

---

Entire document (This file contains all elements of the document inclusive of appendices. File size: 218 KB)

Basic document (This file contains all elements of the document exclusive of appendices. File size: 128 KB)

Table of Contents

Appendix A - References

Appendix B - Abbreviations and Acronyms

Appendix C - Content of Engineering Appendix to Feasibility Report

Appendix D - Content and Format of Design Documentation Report

Appendix E - Content and Format of Engineer Documentation Report

Appendix F - Statement of Independent Technical and Legal Review

Appendix G - Outline of Report on Engineering Considerations and Instructions to Field Personnel

Appendix H - Internal Management Control Review Checklist

ER 1110-2-1150  
31 Aug 88

## APPENDIX D CONTENT AND FORMAT OF DESIGN DOCUMENTATION REPORT

### D-1. General

D-1.1 The Design Documentation Report (DDR) is an implementation document that provides the technical basis for the plans and specifications. It serves mainly as a summary of the design to be used by the PDT during development of the P&S. The DDR is used by the independent technical review (ITR) team for reviewing the design and the P&S and is available for future reference. The DDR is primarily an engineering document developed by the lead design engineer in cooperation with the PDT. The engineering members of the PDT, along with the functional chief are responsible for the technical content of the DDR. The original DDR shall be maintained in the official district files. The DDR itself is not a complete record of all design details, which may be necessary to resolve legal issues or to investigate problems during construction or operation. These design details shall also be maintained in the district files. They must be readily retrievable for future reference and appropriately secured to prevent accidental loss or destruction.

D-1.2 Development of the DDR shall start at the beginning of the design phase, when basic criteria decisions are made. Design documentation shall be expanded or modified as the design progresses. In-progress design documentation shall be available for purposes such as coordination among disciplines, reports to management, or in-progress and interim technical reviews.

D-1.3 The DDR shall contain a full record of design decisions, assumptions and methods, subsequent to the Feasibility Report. It shall be sufficiently clear so that an engineer or other individual not familiar with the project could review the DDR and understand how the project evolved into its final configuration, and why each key decision was made. It shall be sufficiently detailed, for each technical specialty, so that the criteria which were used, the critical assumptions which were made, and the analytical methods which were used will be evident for purposes of review and historical documentation. The report shall also contain summaries of important calculation results and selected example calculations for all critical elements of the design. The DDR shall usually be sufficient to support execution of the ITR process without reference to other design records. Since the ITR process is a continuous process through the design phase, the ITR team will need to receive updated versions of the DDR as the design progresses.

D-1.4 The DDR is not finalized until project construction is completed. During the construction phase, design decisions made in connection with contract modifications shall be added to the DDR. The final report shall contain records of the resolution of critical comments during the ITR process, a copy of the Statement of Technical and Legal Review and resolution of critical changes during construction.

D-1.5 For complex projects that may result in several sets of plans and specifications (P&S); it may be appropriate to develop multiple DDR's. If the PDT chooses to have multiple DDR's, the PDT may desire to consider an initial DDR that could address overall project layout and the interfaces between each phase of the project. Use of such multiple reports is at the discretion of the district.

### D-2. Syllabus

A summary of project data applicable to the feature being presented shall be included.



ER 1110-2-1150  
31 Aug 99

#### D-3. Table of Contents

A table of contents shall be provided. It shall include all major paragraph titles, paragraph numbers, page numbers, and a list of graphical information.

#### D-4. Project Description

Include a general description of the entire project as set forth in the feasibility report and/or authorizing document. If the project is authorized, cite the authorization. Describe any differences in the feature now being presented with the authorized plan and/or the plan in the feasibility report and why these changes do not require a post-authorization change.

#### D-5. Pertinent Data

A tabular summary of essential data on the project construction cost, physical features, project purpose, and controlling elevations (e.g., for design flood, real estate acquisition, relocations, etc.) shall be included.

#### D-6. References

Basic data and criteria used in the design, referring to applicable engineer manuals and regulations, guide specifications, and other sources of criteria, shall be listed. Include any criteria waivers approval.

#### D-7. Engineering Studies, Investigations and Design

Results of investigations, analyses, and calculations made for the design shall be included. For each technical specialty, include clear definitions of all criteria, analysis methods, and assumptions. The results shall include the description and information necessary to perform independent review to understand the purposes stated in paragraph D-1.3. Such information shall include, as applicable, the following:

D-7.1. Determination of final location and resulting site plan for specific features.

D-7.2. Refinements to project hydrology for specific features.

D-7.3. Determination of pertinent hydraulic design features, flow characteristics and discharge capacities, but not detailed design computations, except in unusual or unprecedented cases when such computations will facilitate review. Sufficient detailed design shall be included for the IIR team and for the preparation of R&B of critical spillways and other water control structures and refinements in levee alignments.

D-7.4. Design water surface profiles, discharge coefficients and curves, and other plotted data or tabulations.

D-7.5. Results of hydraulic model tests when the hydraulic design is based on a model study.

D-7.6. For offshore placement of dredged material, the locations of disposal areas and an indication as to whether material is expected to redeposit in the dredged area. For onshore placement, proposed diking to prevent runback shall be indicated, or the rationale for not providing diking shall be given. For design of recreational areas, the effects of possible sediment deposition or shore erosion on waterfront facilities shall be discussed.

ER 1110-2-1150  
31 Aug 99

D-7.7. Determination of the stability of shoreline and harbor structures, including sand budget analysis characteristics of wave and littoral drift, design still water level, and specific gravity of materials, where applicable. Principles of wave diffraction and refraction analysis shall be employed where pertinent, and diagrams for critical conditions shall be included.

D-7.8. Instrumentation plans including instrumentation during construction shall be discussed and justified, including type, locations, and objectives. Instrumentation facilities essential to long-term evaluation and assessment of structural safety shall be identified. Threshold values for anticipated project performance shall be indicated. Plans, cross sections, and details of the installation of planned instruments shall be presented.

D-7.9. Stability safety factors, applied loads, load factors, and material strengths shall be listed along with comparisons between calculated values and criteria requirements. Typical calculations shall be included for selected critical elements. Summaries of results shall be provided for remaining elements. Analyses shall document the final structural design for the project, except for detailing requirements.

D-7.10. Results of detailed seismic evaluations of structural elements and results of thermal stress evaluations of structural elements. Sufficient data shall be presented to document fully all assumptions and analysis methods. Voluminous results may be presented in a condensed form.

D-7.11. Results of geotechnical investigations, which supplement previous studies but are limited in extent to the area represented by the subject DDR.

D-7.12. Determination of adequacy and use of materials, strengths, stability, slopes, and protection of critical sections of embankments and foundations. Examples of calculations for slope stability, consolidation, settlement, bearing capacity, and seepage analyses shall be included.

D-7.13. Determination of source, adequacy, and use of construction materials, or appropriate references to previously prepared DDR's on the subject. When rubble-mound structures are involved, include the names and locations of satisfactory quarries, estimates of available quantities of suitable stone in the quarry, or lists of other quarry locations.

D-7.14. Determination of the most effective water control plan (including but not limited to dewatering and pressure relief) and order of work which will result in the least property damages, construction delays, or possibility of failures. The level of flood protection and risk during construction shall be addressed.

D-7.15. Design computations made to determine size, strength, rating, adequacy, and interrelationships of electrical and mechanical items, but not design computations to develop details, except in unusual cases where such details are critical. Include a summary of the critical aspects of electrical and mechanical features that have been added since completion of the feasibility report. A description of the operation and maintenance requirements shall also be included. Refined quantities and cost estimates including O&M (or OMRR&R) cost data shall be presented.

D-7.16. Results of investigations and analyses that led to required relocations different from those identified in the Feasibility Report. Include documentation of coordination efforts with the Real Estate element to address changes in required relocations. In those cases where a map study suggests an alignment for relocations that investigation or local knowledge indicates to be obviously unsuitable, the fact that such alignment was considered and rejected shall be documented, including reasons for rejection.

ER 1110-2-1150  
31 Aug 99

D-7.17. Determination of the water quality characteristics of a proposed impoundment and the ability of the project's outlet works and regulation scheme to meet downstream water objectives.

D-7.18. Design of disposal areas for cleared and excavated material, including access, grading, and erosion and sediment control.

D-7.19. Summary of HTRW considerations related to worker health and safety and disposal requirements.

D-7.20. Discussion of HTRW remedial and other actions required from the sponsor prior to construction and allowable HTRW levels at the start of construction. Also, include a summary of any HTRW investigations, regulatory compliance issues, and remedial activity.

D-7.21. Copies of correspondence with manufacturers concerning items presented in the design. Also, when no additional environmental documentation is required, copies of correspondence documenting additional coordination with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and state natural and cultural resource agencies since completion of the Feasibility Report.

D-7.22. Operation, maintenance, repair, replacement and rehabilitation requirements to be included in the O&M (or O&M&R&P) manual furnished to project operators and local interests.

D-7.23. For projects involving channel and/or debris basin clean out, the anticipated frequency and equipment requirements.

D-7.24. Description of the facilities designed to accommodate the physically handicapped.

D-7.25. Results of water analysis and soil testing to determine the need for corrosion mitigation. The water analysis shall include resistivity and pH at the site. If it appears that extensive corrosion mitigation shall be required, complete information on the results of surveys and tests to determine the corrosion characteristics of the water and soil at the site, the conclusions reached, and the solution shall be presented. The solution for the various components shall be presented in detail, listing the materials and/or methods proposed for use.

D-7.26. For government furnished property (GFP), include a Memorandum for Record (MFR) documenting the following three elements:

D-7.26.1. A description of such property.

D-7.26.2. An explanation as to why use of GFP is in the Government's best interest, and

D-7.26.3. Reference to any necessary coordination and concurrence within the District

D-7.27. For items such as hydraulic turbines, turbine governors, hydraulic turbine driven generators, transformers, and miscellaneous powerhouse equipment for which guide specification have been prepared for procurement under supply contracts, no explanation is required in the MFR.

D-7.28. A summary of all environmental engineering factors and considerations that have been incorporated into the project as established in the authorizing document. This includes a discussion of the environmental impact of proposed project features and measures proposed to mitigate any environmental damage or to enhance the environment including a visual impact analysis. A brief discussion shall include changes, if any, that will need to be reflected in the NEPA document. Explain how the views of natural and cultural resource agencies were incorporated into project design or construction. Include summary of any HTRW investigations and any remedial activity.

ER 1110-Z-1150  
31 Aug 99

D-7.29. A reference to all value engineering (VE) studies that have been prepared for the current design, including a summary of significant VE proposals incorporated.

#### **D-8. Graphical Information**

Design drawings, sketches, charts, diagrams, maps, profiles, or other graphical information necessary to clearly illustrate the design shall be included or referenced to the contract plans. The maps shall clearly identify all place names mentioned in the text of the DDR.

#### **D-9. Cost Estimates**

D-9.1. Cost estimates shall be based on quantities and unit prices, historical data, or cost models depending on the level of design information available. The method selected must be equivalent and establish reasonable supportable costs for comparison of alternate designs.

D-9.2. The total current working estimate developed, as the baseline estimate in the defined work breakdown structure must be continuously updated, as the design is refined. The baseline cost estimate set the target during the feasibility phase for managing and controlling project costs. Effort must be directed continuously to evaluating costs versus design requirements to maintain a design-to-cost philosophy. As the design is refined, the costs associated with each feature become more specific to satisfy the scope requirements and the uncertainties are reduced. A total current working estimate must be prepared at each major milestone in the project development. The cost estimate documentation shall be in the MCACES format and include the summary sheets for direct costs, indirect costs, and owner costs to the subfeature level for all features and a total project cost summary that addresses escalation through project completion. It must contain a narrative that discusses cost relationships and assumptions made based on the level of design, quantity issues and unknowns. The narrative shall also identify the risks or uncertainties used in the development of contingencies.

#### **D-10. Technical Review Documentation**

Both reviews by the PDT and by the ITR team shall be documented in the DDR. Include documentation of in-progress reviews (IPR's) at key decision points in the design process, resolutions and agreements reached in technical review conferences (TRC's), and annotated comments surfaced during the independent technical review process. Technical review documentation shall be included as an appendix in the DDR. In addition a copy of the Statement of Technical and Legal Review for the design and P&S process shall be included in the DDR. The documentation from the ITR team required by the QCR may be either included or referenced in the DDR.

#### **D-11. Relocation Documentation Report for Navigation**

In a relocation documentation report for navigation projects, the locations of existing facilities proposed for remedial work shall be fully described so as to show whether such existing facilities are located in navigable or non-navigable waters. If located on or along navigable waterways, information shall be

ER 1110-2:1150  
31 Aug 99

included as to the elevation of existing ordinary high water and whether such existing facilities are located above or below the elevation of existing ordinary high water.

#### D-12. Format of Design Documentation Report

In-progress design documentation and its supporting documents such as drawings, sketches, criteria, manufacturer's data, etc. may exist in hard copy, electronic form or a combination of these. An official copy of the final DDR is necessary for construction support, reference, future projects, litigation, and etc. The complete design analysis and DDR shall be maintained in the official district files for as long as the project exists. It may be produced in the form of a bound hard copy or any permanent electronic media such as CD-ROMs, in accordance with this appendix and the following guidelines:

D-12.1 *Table of Contents* - To facilitate references and review, each DDR shall have a table of contents, which identifies major paragraphs of the text, appendices and graphical information.

D-12.2 *Text* - All text paragraphs shall be numbered or lettered.

D-12.3 *Graphical Information* - Graphical information shall be appropriate for binding and filing.

D-12.4 *Calculations* - Calculations and summaries of analysis results shall be presented in appendices, in a form readable and understandable for the reviewer. Edit calculations, if necessary, to clarify analysis methods for the reviewer and to remove unnecessary pages, such as repetitive trials and errors. Calculations shall always include page numbers and shall be preceded by a detailed table of contents.

D-12.5 *Binding and Cover* - Bindings for DDR's shall be of a type that facilitates removal of pages and substitutes of revised pages.

D-12.6 *Numbering* - DDR's for a complex project shall be numbered in sequence, generally as the design progresses. Each DDR shall contain a front flyleaf identifying all previously issued and currently scheduled DDR's for the particular project, including their actual or expected completion dates.

**APPENDIX 5**

**TO**

**Review of the Army Corps' 2003 Analysis Regarding Impacts on  
the First Street Shoreline Associated with the Dredging of the  
Central Navigation Channel**

**Prepared by David W. Skelly**

**September 8, 2008**

6

OECW-EH-D

DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Washington, DC 20314-1000

ER 1110-2-1404

Regulation  
No. 1110-2-1404

31 January 1996

## Engineering and Design HYDRAULIC DESIGN OF DEEP-DRAFT NAVIGATION PROJECTS

### 1. Purpose

This regulation prescribes the design procedure and rationale for the hydraulic design of deep-draft navigation projects.

### 2. General

Deep draft, as used in this regulation, generally refers to project depths exceeding 16 ft. Design guidance is contained in the references listed in paragraph 4 and recognized engineering publications.

### 3. Applicability

This regulation applies to HQUSACE elements, major subordinate commands (MSC), districts, laboratories, and field operating activities having civil works responsibilities.

### 4. References

- a. ER 1110-2-1150, Engineering and Design for Civil Works Projects.
- b. EM 1110-2-1403, Hydraulic and Hydrologic Studies by Corps Separate Field Operating Activities and Districts.

This regulation supersedes ER 1110-2-1404, dated 1 June 1996.

c. ER 1110-2-1461, Design of Navigation Channels Using Ship-Simulation Techniques.

d. EM 1110-2-1607, Tidal Hydraulics.

e. EM 1110-2-1613, Hydraulic Design of Deep-Draft Navigation Projects.

f. EM 1110-2-2904, Design of Breakwaters and Jetties.

### 5. Project Rationale

The design of a deep-draft navigation project must result in a plan that provides for a safe, efficient, reliable, and economically justified project with appropriate consideration of environmental and social aspects.

a. Safety concerns the potential hazard to life and property, resulting from the consequences of ship to ship, ship to bridge, ship to moorage, and moored vessel interactions, etc.

b. Efficiency is the optimal combination of channel, turning basin, and anchorage depths, widths, and alignments to allow transits and maneuvers at normal speeds considering weather, waves, currents, and traffic congestion with minimal assistance from support vessels.

c. Reliability involves the ability to achieve project purposes and proper functioning of facilities such as aids to navigation, bridge pier fendering, jetties, dikes, breakwaters, etc.

ER 1110-2-1404  
31 Jan 88

d. Economic justification is based on the initial, operational, maintenance, repair, rehabilitation, and replacement costs optimized on an annual cost basis.

e. Environmental and social aspects comprise fish and wildlife protection and restoration, recreational opportunity development, water quality restoration, human resources protection, and wetlands preservation and mitigation of adverse aspects, etc.

## 6. Project Design Process

a. *General.* The initial step in the hydraulic design process is to develop a hydraulic design plan. The designer is responsible for developing the recommended design, having studied sufficient alternatives to identify the plan that maximizes net benefits. Applicable Corps policy and guidance are to be followed with particular attention to risk-based processes. Careful consideration of the type and complexity of the hydraulic design study required at various stages is necessary. An uncomplicated small project may require only basic studies while a complex project may require progression to more sophisticated studies as the design proceeds.

b. *Coordination.* The hydraulic design study plan will identify inputs of data and results of other studies required to properly conduct the hydraulic design studies. Coordination with other disciplines to assure the timely availability, format, and adequacy of hydraulic design technical information input to and output from the hydraulic studies is essential. The project plan will indicate, by schedule or other means, the timing of the hydraulic design studies, input from others, and interfacing of outputs with the design study progress.

c. *Design vessel.* The study plan proceeds on the basis of alternative design fleets represented by a design vessel. Determination of the design fleet is the responsibility of the planning discipline. Selecting the design vessel representative of a design fleet is the joint responsibility of engineering and planning disciplines. The project geometries for channels, turning basins, and exchanges (depths, widths, and alignments) are based on the selected design vessel. Using the design vessel, the standards listed in paragraph 5 are to be fulfilled.

d. *Models.* It is imperative that all necessary complex and costly studies such as mathematical models, physical models, and ship simulator studies be identified and scheduled in the initial stages of the project study.

Data from models must be planned for and obtained in a form adaptable to the probabilistic design evaluation/trade-off process.

e. *Studies.* Following assembly of the initial inputs of data and the required study results, the initial hydraulic design studies (hydrodynamic circulation and currents, wind and waves, alignments, widths, depths, etc.) will be undertaken in support of the project study. Alternative designs are to be studied and presented in sufficient detail (including probabilistic analysis) to provide a valid basis for plan comparison and to substantiate the recommended design commensurate with the project design study plan progress. The plan is to be continuously updated in response to project study modifications.

## 7. Hydraulic Design Presentation

The hydraulic design presentation in reports must cover the following:

a. *General.* Basically the hydraulic design portion of all reports forwarded for approval or information should contain sufficient detail to allow an independent assessment as to the soundness of the report conclusions and recommendations. The accuracy of the hydraulic design studies (computations, physical and mathematical models, ship simulation studies, etc.) is dependent on the accuracy of the input data and the degree to which the computational procedure is representative of the phenomena under consideration. The uncertainties involved in project design or modification are to be presented according to current HQUSACE instructions. Report presentations will be sufficiently descriptive (write-ups, drawings, tables, equations, coefficients, model or simulator reports, example computations, etc.) to satisfy the basic requirements given at the beginning of this paragraph.

b. *With- and without-project conditions.* Both project conditions must be thoroughly described and shown on drawings. This is to assure that the reviewer will understand the entire project functioning as well as the changes proposed.

c. *Channel alignment.* The channel alignment, including the entrance channel, is to be portrayed by a continuous center line, preferably on hydrographic survey sheets. Location of shoals and nearby side structures such as docks, bridge piers and abutments, is



ER 1110-2-1404  
31 Jan 96

essential. Bottom materials and their locations need to be identified. Existing and proposed structures to maintain channel alignment such as groins, dikes, jetties, breakwaters, wave absorbers, revetments, etc., must be identified and located on drawings.

*d. Channel depth.* The required channel depth (unimproved project depth) is based on the draft of the loaded design vessel plus squat, sinkage in fresh water, effect of wind and wave action, and safety and efficiency clearance. Additional depth may be required because of the location of the vessel saltwater intake and to provide for advanced maintenance and dredging to be made, but these latter two factors are not included in the authorized project depth. Channel depths are portrayed on drawings by typical cross sections. These cross sections should also show side slopes and their interaction with adjacent structures.

*e. Channel width.* Factors considered in the determination of channel width are one-way, two-way, or passing traffic; winds, currents, and curvature; and vessel maneuverability, continuous or intermittent bank conditions, etc. Both edges of the channel are to be depicted on drawings throughout the length of the project. As with channel depth, over-width dredging may be used to accommodate dredging tolerance and advanced maintenance, where cost-effective.

*f. Turning basins and unobscures.* Depict the boundaries of these features and show typical cross sections to indicate side slopes and nearby structural foundations.

*g. Water levels.* The presentation is to include sufficient information to fully describe water levels from river discharges, tides, storm surges, etc., throughout the project.

*h. Waves.* Describe the design wave climate (height, period, and direction) for each portion of the channel subject to a distinct climate. Explain the rationale for the selection of the design condition. Show wave notes when appropriate.

*i. Wind.* Treat the wind climate in the same manner as the wave climate.

*j. Currents.* Describe the current variability throughout the project and give design (both ebb and flow when applicable) values.

*k. Channel shoaling.* Present the results of sedimentation studies. These are necessary as substantiation for annual dredging considerations to include disposal provisions.

*l. Project safety.* Present the existing channel safety record and discuss the improvements envisioned. The U.S. Coast Guard is to be consulted and their written views recorded in regard to channel safety.

*m. Navigation aids.* As with channel safety, the U.S. Coast Guard is to be consulted and their concurrence as to type and location of navigation aids recorded. The presentation is to cover all kinds of aids proposed for the project including but not limited to buoys, range markers, and electronics such as the differential global positioning system.

*n. Pilot/captain interviews.* Pilots and shipmasters are to be interviewed to determine their opinions and recommendations on existing channel safety; operational limiting wind, wave, current, and visibility conditions; design vessel; traffic patterns; port operating rules; aids to navigation; tug assistance requirements; and the proposed project design and desired modifications.

*o. Dredging and disposal.* The location, type, amount, interval, and cost of initial and maintenance dredging are to be discussed and portrayed on drawings. A disposal plan for both initial and maintenance dredging is essential.

*p. Environment.* The report must present the results of hydraulic studies both mathematical and physical (hydrodynamic, circulation, sedimentation, etc.) as required for environmental studies.

*q. Datum.* The appropriate low water datum for the project location and its relationship to the National Geodetic Vertical Datum (NGVD) is to be recorded.

*r. Operation and maintenance.* An Operation, Maintenance, Replacement, Repair, and Rehabilitation (OMRR&R) plan is to be developed. The plan elements should consist of, where appropriate, hydrographic survey extent and frequency; inspection of structures identification and frequency; and records such as tide gage, waves, salinity, etc. A discussion of the plan and identification of plan elements and the annual OMRR&R.

EW 1110-2-1404  
31 Jan 98

data as required in report presentation. This plan is to be revised prior to completion of the first useful portion of the project. The M&C commander is authorized to approve the project OMRE&B plan.

FOR THE COMMANDER:



ROBERT H. GRIFFIN  
Colonel, Corps of Engineers  
Chief of Staff

OPPER & VARCO, LLP  
RICHARD G. OPFER (Bar No. 72183)  
LINDA C. BERESFORD (Bar No. 199145)  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: 619-231-5858  
FACSIMILE: 619-231-5853

ATTORNEYS FOR PLAINTIFFS  
SLPR, LLC, RICHARD AND BARBARA SEWALL, AND  
ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
TRUST UNDER THE GOODFELLOW FAMILY TRUST

BEUS GILBERT PLLC  
MALCOLM LOEB (Bar No. 130026)  
4800 NORTH SCOTTSDALE ROAD, SUITE 600  
SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-429-3000

ATTORNEYS FOR PLAINTIFF SLPR, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SLPR, LLC, BARBARA SEWALL, AND  
ANN GOODFELLOW, AS TRUSTEE OF  
THE SURVIVOR'S TRUST UNDER THE  
GOODFELLOW FAMILY TRUST,

PLAINTIFFS,

v.

THE SAN DIEGO UNIFIED PORT  
DISTRICT, UNITED STATES ARMY  
CORPS OF ENGINEERS, AND THE  
UNITED STATES NAVY,

DEFENDANTS.

CASE No. 06 CV 1327 W (POR)

NOTICE OF LODGMENT OF  
ADMINISTRATIVE RECORD FOR THE  
FINAL AGENCY ACTION FOR THE  
DREDGING OF THE CENTRAL  
NAVIGATION CHANNEL

FILED CONCURRENT WITH  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT

DATE: OCTOBER 27, 2008  
COURTROOM: 7  
JUDGE: HON. THOMAS J. WHELAN

The Plaintiffs hereby lodge the following excerpts of the Administrative Record for Final  
Agency Action relating to the Dredging of the Central Navigation Channel in San Diego Bay.

Volume I of III

- San Diego Harbor Central Navigation Channel Feasibility Report –  
Volume I of IV – Main Report, September 2003 – USA-28521-28613.

///

2. San Diego Harbor Central Navigation Channel Feasibility Report –  
Volume II of IV – Environmental Impact Statement/Environmental Impact  
Report, September 2003 – USA-28614-29143.

Volume II of III

3. San Diego Harbor Central Navigation Channel Feasibility Report –  
Volume III of IV – Environmental Impact Statement/Environmental  
Impact Report Appendices, September 2003 – USA-29144-29446.

4. San Diego Harbor Central Navigation Channel Feasibility Report –  
Volume IV of IV – Technical Appendices, September 2003 – USA-  
29447-29581.

Volume III of III

5. Figure of Project Area – USA-26727.  
6. San Diego Harbor Project Study Plan – January 1998 – USA-22552-  
22608.  
7. Coronado Shoreline Initial Appraisal Report, January 29, 2001 – USA-  
29624-29681.<sup>1</sup>  
8. Staff notes from March 18, 1998 Public Workshop for San Diego Harbor  
Deepening Project – USA-29978-29981.  
9. San Diego Harbor Feasibility Study F4 Conference Submittal, November  
2000 – SLPR- 00001-00094.<sup>2</sup>

///

///

<sup>1</sup> This document excludes USA-29625-29632, which is Appendix C to the Coronado Shoreline Report, but is provided in its proper location at 29668-29674.

<sup>2</sup> All items introduced with a "SLPR" AR number (items number 9, 18 – 24 listed on this Notice of Lodgment) are documents that were printed from CDs provided by the Army Corps of Engineers as part of the Administrative Record, but these items did not have a bates label number. At the direction of the Army Corps, Plaintiffs assigned their own bates label. The only exception is with respect to item number 17 on this Notice of Lodgment, which is discussed in footnote 5.

- 1           10.           San Diego Harbor Feasibility Study F4 Conference Submittal Appendices,  
2                   Draft Geotechnical Report; Draft Coastal Engineering Report, November  
3                   2000 – USA-38076-38123.<sup>3</sup>
- 4           11.           Notice of Draft Detailed Project Report and Draft Environmental Impact  
5                   Statement/Environmental Impact Report for the San Diego Harbor  
6                   Deepening Project (Central Navigation Channel), December 5, 2002 –  
7                   USA-30677-30678.
- 8           12.           Draft San Diego Harbor Deepening Project Draft Detailed Project Report,  
9                   Draft Main Report, November 2002 – USA-22609-22697.
- 10          13.           Draft Environmental Impact Statement/Environmental Impact Report for  
11                   San Diego Harbor Deepening (Central Navigation Channel), November  
12                   2002 – USA-25924 25932, 26168-26169.<sup>4</sup>
- 13          14.           Appendix C-16 to Environmental Impact Statement for the Navy  
14                   Homeporting Project, 1995, Computer Model Study on Changes in Water  
15                   Currents and Sediment Transport Rates Due to Proposed Dredging of the  
16                   Shipping Channel – USA-004904-004921.
- 17          15.           Letter to Mr. Daniel Abeyta, Acting State Historic Preservation Officer,  
18                   from Robert E. Koplin, Chief, Planning Division, Army Corps of  
19                   Engineers, November 5, 1999 – USA-29766-29772.
- 20          16.           Revised Staff Report and Recommendation on Consistency  
21                   Determination, CD-090-02, May 6, 2003 – USA-30937-30982.

22   ///

23   ///

24   ///

25  
26   <sup>3</sup> The draft Cost Engineering, Economics and Real Estate Reports, and portions of the Coastal  
Engineering Report, are not provided. These will be provided to the Court upon request.

27   <sup>4</sup> The cover page, table of contents and excerpted pages are provided from the Draft EIS/EIR.  
28   The entire Draft EIS/EIR can be made available to the Court upon request.

- 1 17. Staff Recommendation on Consistency Determination submitted by the  
2 United States Navy, CD-95-95, November 16, 1995 -- SLPR- 00095-  
3 00179.<sup>5</sup>
- 4 18. E-mail from Joseph Ryan to Priscilla Perry, et al. re San Diego Harbor  
5 Deepening -- Coronado Beach Nourishment, February 21, 2003 -- SLPR-  
6 00180.
- 7 19. E-mail exchanged between Alex Bantigue, Priscilla Perry and Joseph  
8 Ryan re San Diego Harbor: Coronado potential disposal site, February 26,  
9 2003 -- SLPR- 00181.
- 10 20. Meeting notes prepared by Tiffany Kayama, February 27, 2003 -- SLPR-  
11 00182-00183.
- 12 21. E-mail exchanged between Tiffany Kayama and Alex Bantigue re San  
13 Diego Harbor -- Coronado investigation, March 11, 2003 -- SLPR- 00184.
- 14 22. E-mail from Priscilla Perry to R. Varela, A. Alcorn and E. Maher of the  
15 Port of San Diego re San Diego Harbor Deepening Project, March 14,  
16 2003 -- SLPR- 00185.
- 17 23. E-mail exchanged between Priscilla Perry and Joseph Ryan, et al., March  
18 11, 2003 -- March 17, 2003 -- SLPR- 00186-00187.
- 19 24. E-mail exchanged between Priscilla Perry, Mark Delaplaine of the  
20 California Coastal Commission, et al., August 14, 2003 -- SLPR- 00188.
- 21 25. Department of the Army, U.S. Army Corps of Engineers, ER 1110-2-  
22 1461, October 31, 1989, Design of Navigation Channels Using Ship-  
23 Simulation Techniques -- USA-40398-40403.

24 ///

25 \_\_\_\_\_  
26 <sup>5</sup> This document was not produced by the Army Corps as part of the Administrative Record, but  
27 was relied on by Coastal Commission Staff in preparing the May 2003 Consistency  
28 Determination for this project. (NOL 16, AR USA-30951.) Based on conversations with  
counsel for the Army Corps, Plaintiffs believe the Army Corps agrees this should be part of the  
record.

1 26. Record of Decision, San Diego Harbor Central Navigation Channel,  
2 February 18, 2004 -- USA-30541-30542.

3 27. Letter from Ms. Ruth Bajza Villalobos of the Department of the Army to  
4 Mr. Peter Douglas, Executive Director of the California Coastal  
5 Commission, February 27, 2003 -- USA-31029.

6 28. E-mail from Joseph Ryan to Michael Green -- San Diego Harbor  
7 Estimated O&M Dredging, June 2, 1999 -- USA-40409.

8 Respectfully submitted,

9 DATE: SEPTEMBER 11, 2008

OPPER & VARCO, LLP

10 BY: /s/ RICHARD G. OPPER

11 RICHARD G. OPPER  
12 ATTORNEYS FOR PLAINTIFFS SLPR, LLC, CAPTAIN  
13 (RET.) RICHARD AND MRS. BARBARA SEWALL, AND  
14 MRS. ANN GOODFELLOW, AS TRUSTEE OF THE  
15 SURVIVOR'S TRUST UNDER THE GOODFELLOW  
16 FAMILY TRUST  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

OPPER & VARCO, LLP  
RICHARD G. OPPER (Bar No. 72183)  
LINDA C. BERESFORD (Bar No. 199145)  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: 619-231-5858  
FACSIMILE: 619-231-5853

ATTORNEYS FOR PLAINTIFFS  
SLPR, LLC, RICHARD AND BARBARA SEWALL,  
ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
TRUST UNDER THE GOODFELLOW FAMILY TRUST

BEUS GILBERT PLLC  
MALCOLM LOEB (Bar No. 130026)  
4800 NORTH SCOTTSDALE ROAD, SUITE 500  
SCOTTSDALE, ARIZONA 85251  
TELEPHONE: 480-429-3000

ATTORNEYS FOR PLAINTIFF SLPR, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SLPR, LLC, CAPTAIN (RET.) RICHARD  
AND MRS. BARBARA SEWALL, MRS.  
ANN GOODFELLOW, AS TRUSTEE OF  
THE SURVIVOR'S TRUST UNDER THE  
GOODFELLOW FAMILY TRUST, MR.  
LAWRENCE AND MRS. PENELOPE  
GUNNING, AND MR. WILLIAM  
DICKERSON,

PLAINTIFFS,

v.

THE SAN DIEGO UNIFIED PORT  
DISTRICT, UNITED STATES ARMY  
CORPS OF ENGINEERS, AND THE  
UNITED STATES NAVY,

DEFENDANTS.

CASE No. 06 CV 1327 W (POR)

NOTICE OF MOTION AND MOTION TO  
SUPPLEMENT THE ADMINISTRATIVE  
RECORD FOR THE FINAL AGENCY  
ACTION FOR THE DREDGING OF THE  
CENTRAL NAVIGATION CHANNEL OR  
FOR THE COURT TO CONSIDER EXTRA-  
RECORD EVIDENCE

DATE: OCTOBER 27, 2008

COURTROOM: 7

JUDGE: HON. THOMAS J. WHELAN

NO ORAL ARGUMENT PURSUANT  
TO LOCAL RULE

Plaintiffs, SLPR, LLC, Captain (Ret.) Richard and Mrs. Barbara Sewall, and Mrs. Ann  
Goodfellow, hereby submit this Notice of Motion and Motion to Supplement the Administrative  
Record for the Final Agency Action for the Dredging of the Central Navigation Channel or for  
the Court to consider extra-record evidence. Plaintiffs request that this motion be heard  
concurrent with Plaintiffs' Motion for Partial Summary Judgment as to Plaintiffs' fifth cause of



1 action pursuant to Federal Rule of Civil Procedure 56, filed simultaneously with this Notice of  
2 Motion and Motion.

3 This Motion requests that the following materials be added to the Administrative Record  
4 for the Final Agency Action for the Dredging of the Central Navigation Channel or for the Court  
5 to consider these materials as extra-record evidence:

- 6 1. The Declaration of David Skelly in Support of Plaintiffs' Motion for Partial  
7 Summary Judgment, filed concurrent with this Notice of Motion;
- 8 2. The Declaration of Leo Beus in Support of Plaintiffs' Motion for Partial Summary  
9 Judgment, filed concurrent with this Notice of Motion.

10 This Motion is based upon:

- 11 1. Plaintiffs' Points and Authorities in Support of Plaintiffs' Motion to Supplement  
12 the Administrative Record or for the Court to consider extra-record evidence;
- 13 2. this Notice of Motion;
- 14 3. Plaintiffs' Points and Authorities in Support of Partial Summary Judgment filed  
15 concurrent with this Notice of Motion;
- 16 4. The Administrative Record for the Final Agency Action for the Dredging of the  
17 Central Navigation Channel lodged by the Plaintiffs with this Court concurrent  
18 with Plaintiffs' Motion for Partial Summary Judgment and concurrent with this  
19 Notice of Motion.

20 Respectfully submitted,

21 DATE: SEPTEMBER 11, 2008

OPPER & VARCO, LLP

22 BY: /s/ RICHARD G. OPFER

23 RICHARD G. OPFER  
24 ATTORNEYS FOR PLAINTIFFS SLPR, LLC, CAPTAIN  
25 (RET.) RICHARD AND MRS. BARBARA SEWALL, AND  
26 MRS. ANN GOODFELLOW, AS TRUSTEE OF THE  
27 SURVIVOR'S TRUST UNDER THE GOODFELLOW  
28 FAMILY TRUST

1 **OPPER & VARCO, LLP**  
2 RICHARD G. OPFER (Bar No. 72163)  
3 LINDA C. BERESFORD (Bar No. 199145)  
4 225 BROADWAY, SUITE 1900  
5 SAN DIEGO, CALIFORNIA 92101  
6 TELEPHONE: 619-231-5858  
7 FACSIMILE: 619-231-5853

8 ATTORNEYS FOR PLAINTIFFS  
9 SLPR, LLC, RICHARD AND BARBARA SEWALL,  
10 ANN GOODFELLOW, AS TRUSTEE OF THE SURVIVOR'S  
11 TRUST UNDER THE GOODFELLOW FAMILY TRUST

12 **BEUS GILBERT PLLC**  
13 MALCOLM LOEB (Bar No. 130026)  
14 4800 NORTH SCOTTSDALE ROAD, SUITE 600  
15 SCOTTSDALE, ARIZONA 85261  
16 TELEPHONE: 480-429-3000

17 ATTORNEYS FOR PLAINTIFF SLPR, LLC

18  
19  
20 **UNITED STATES DISTRICT COURT**  
21 **SOUTHERN DISTRICT OF CALIFORNIA**  
22  
23

24 **SLPR, LLC, CAPTAIN (RET.) RICHARD**  
25 **AND MRS. BARBARA SEWALL, MRS.**  
26 **ANN GOODFELLOW, AS TRUSTEE OF**  
27 **THE SURVIVOR'S TRUST UNDER THE**  
28 **GOODFELLOW FAMILY TRUST, MR.**  
**LAWRENCE AND MRS. PENELOPE**  
**GUNNING, AND MR. WILLIAM**  
**DICKERSON,**

**PLAINTIFFS,**

**v.**

**THE SAN DIEGO UNIFIED PORT**  
**DISTRICT, UNITED STATES ARMY**  
**CORPS OF ENGINEERS, AND THE**  
**UNITED STATES NAVY,**

**DEFENDANTS.**

**CASE No. 06 CV 1327 W (POR)**

**POINTS AND AUTHORITIES IN SUPPORT**  
**OF PLAINTIFFS' MOTION TO**  
**SUPPLEMENT THE ADMINISTRATIVE**  
**RECORD FOR THE FINAL AGENCY**  
**ACTION FOR THE DREDGING OF THE**  
**CENTRAL NAVIGATION CHANNEL OR**  
**TO CONSIDER EXTRA-RECORD**  
**EVIDENCE IN THE ALTERNATIVE**

**DATE: OCTOBER 27, 2008**

**COURTROOM: 7**

**JUDGE: HON. THOMAS J. WHELAN**

## INTRODUCTION

Plaintiffs have filed a motion for partial summary judgment seeking a determination that the Army Corps acted arbitrarily and capriciously when it obtained a flawed Consistency Determination from the California Coastal Commission in May 2003 in support of its project to dredge the Central Navigation Channel in San Diego Bay. Plaintiffs' motion also asks that the Court set aside the May 2003 Consistency Determination and remand the matter back to the California Coastal Commission for consideration of a new Consistency Determination that specifically addresses the requirements of Cal. Pub. Res. Code §§ 30233 and 30253.

Plaintiffs' motion significantly relies on portions of the Administrative Record produced by the Army Corps for the final agency action for the dredging of the Central Navigation Channel and Plaintiffs have lodged 28 documents (or portions thereof) which comprise that part of the Administrative Record on which Plaintiffs' motion relies. Plaintiffs have also submitted two declarations, with exhibits thereto, and request that this Court either supplement the Administrative Record to include these documents, or for the Court to consider this extra-record evidence when ruling on the Plaintiffs' motion for partial summary judgment.

## LEGAL DISCUSSION

**A. The Court may supplement the Administrative Record or consider extra-record evidence when ruling on Plaintiffs' motion for partial summary judgment.**

In most cases, when reviewing an agency action, "the focal point for judicial review should be the administrative record already in existence, not some new record made initially in the reviewing court." National Audubon Society, et al. v. U.S. Forest Service, 46 F.3d 1437, 1447 (9<sup>th</sup> Cir. 1993) (citation omitted). "However, certain circumstances may justify expanding review beyond the record . . . ." Id. (citation omitted).

The Ninth Circuit has allowed extra-record materials: "(1) if necessary to determine 'whether the agency has considered all relevant factors and has explained its decision,' (2) 'when the agency has relied on documents not in the record,' or (3) 'when supplementing the record is necessary to explain technical terms or complex subject matter.'" Southwest Center for Biological Diversity v. U.S. Forest Service, 100 F.3d 1443, 1450 (9<sup>th</sup> Cir. 1996) (citations

1 omitted). "Extra-record documents may also be admitted "when plaintiffs make a showing of  
2 agency bad faith." Id. (citation omitted). Thus, for example, "an allegation that an EIS has  
3 failed to mention a serious environmental consequence may be sufficient to permit the  
4 introduction of new evidence outside of the administrative record . . . ." National Audubon  
5 Society v. U.S. Forest Service, 46 F.3d at 1447 (citations omitted).

6 Plaintiffs have submitted a motion for partial summary judgment against the Army Corps  
7 seeking a declaration that the Army Corps was arbitrary and capricious when it sought its May  
8 2003 Consistency Determination in support of its project to dredge the Central Navigation  
9 Channel. Plaintiffs seek to supplement the Administrative Record for that final agency action, or  
10 have the Court consider as extra-record evidence, the following documents:

- 11 1. The declaration of David W. Skelly in support of Plaintiffs' motion for partial  
12 summary judgment, including Exhibits A and B to Mr. Skelly's declaration;
- 13 2. the declaration of Leo Beus in support of Plaintiffs' motion for partial  
14 summary judgment, Exhibits Appendices A and B thereto.

15 These documents are properly added to the Administrative Record governing this matter,  
16 or in the alternative, should be considered by the Court as extra-record evidence.

17 **B. The declaration of David W. Skelly and the exhibits thereto should be considered by**  
18 **the Court as extra-record evidence because the information demonstrates that the**  
19 **Army Corps failed to consider all relevant factors and explains technical terms.**

20 The declaration of David Skelly and the associated exhibits, including Mr. Skelly's  
21 technical report, are submitted for consideration by this Court as extra-record evidence for two  
22 reasons: 1) to demonstrate to the Court that the Army Corps did not consider all relevant factors  
23 when it prepared its Consistency Determination in May 2003 in support of its project to the  
24 dredge the Central Navigation Channel; and 2) to explain the technical terms and complex  
25 subject matter of the computer model, geotechnical report and coastal engineering report relied  
26 on by the Army Corps when it evaluated the impacts dredging the Central Navigation Channel  
27 would have on the shoreline.

28 ///

1           1.     Mr. Skelly's declaration clarifies which information the Army Corps failed to  
2                 consider when it prepared its Consistency Determination.

3           The exception allowing a Court to consider extra-record evidence for the purpose of  
4 determining whether an agency has failed to consider all relevant factors occurs most frequently  
5 in environmental cases. See National Audubon Society v. U.S. Forest Service, 46 F.3d at 1447  
6 ("a district court may extend its review beyond the administrative record and permit the  
7 introduction of new evidence in NEPA cases where the plaintiff alleges that an EIS has neglected  
8 to mention a serious environmental consequence, failed adequately to discuss some reasonable  
9 alternative, or otherwise swept stubborn problems or serious criticism under the rug").

10          This is the case here: the Army Corps swept the stubborn problem of shoreline erosion  
11 under the rug. It never incorporated the Coronado Shoreline Report conclusions into its  
12 environmental evaluations, and as a result, its Consistency Determination ignored requirements  
13 of the California Public Resources Code to assure that its project would not contribute to erosion.  
14 The Coronado Shoreline Report discusses factors that contribute to erosion of the First Street  
15 shoreline (ship wakes and the presence of steep off-shore gradients), but these factors are never  
16 discussed elsewhere in the Army Corps' reports. Mr. Skelly's documents clarify what type of  
17 information should have been included in the Army Corps' analyses, but wasn't.

18          Reviewing Mr. Skelly's declaration as extra-record evidence is in accord with other  
19 environmental cases where courts have reviewed similar information. See National Audubon  
20 Society v. U.S. Forest Service, 46 F.3d at 1448 (court properly relied on affidavit submitted by  
21 plaintiffs to demonstrate that the Forest Service ignored impacts that timber sales in roadless  
22 areas would have on the environment); Idaho Conservation League v. John Mumma, 956 F.2d  
23 1058, 1520, n.22 (9<sup>th</sup> Cir. 1992) (court properly considered plaintiffs' affidavit clarifying an  
24 alternative that the government failed to consider during environmental review process).

25          Mr. Skelly's declaration is not submitted as a "new rationalization . . . for . . . attacking  
26 the" Army Corps' decision (Southwest Center v. U.S. Forest Service, 100 F.3d at 1450), but is  
27 provided to clarify those factors that were already before the Army Corps in the Coronado  
28 Shoreline Report, but were then never incorporated by into the Corps' subsequent evaluations.

1 Mr. Skelly's declaration, and its exhibits thereto, are properly reviewed by this Court as extra-  
 2 record evidence for the purpose of demonstrating that the Army Corps failed to consider all  
 3 relevant factors when it prepared its Consistency Determination in May 2003 in support of its  
 4 project to dredge the Central Navigation Channel.

5 2. Mr. Skelly's declaration, and exhibits thereto, are necessary to explain  
 6 technical terms and complex subject matter.

7 In addition to clarifying issues the Army Corps failed to consider when it sought its  
 8 Consistency Determination, Mr. Skelly's declaration and report serves to explain what types of  
 9 factors the Army Corps should have considered when evaluating sediment transport (erosion)  
 10 issues. Mr. Skelly's report also explains the calculations provided in the Navy's 1995 computer  
 11 model study and explains what issues the Geotechnical and Coastal Engineering Appendices did  
 12 and did not address. Last, Mr. Skelly's report explains the scope of the calculations performed  
 13 by the Army Corps relating to sediment filling the Central Navigation Channel.

14 Mr. Skelly's report addresses technical issues, some of which may be common sense, but  
 15 others which clearly benefit from further explanation. This declaration therefore is appropriately  
 16 considered by this Court. See Idaho Conservation League v. John Munma, 956 F.2d at 1520,  
 17 n.22 (court properly considered plaintiffs' affidavit clarifying an alternative that the government  
 18 failed to consider during environmental review process because the issues were complex);  
 19 San Luis & Delta-Mendota Water Authority v. Badgley, 136 F.Supp.2d 1136, 1145 (E.D. Cal.  
 20 2000) (court reviewed expert witness declaration submitted by plaintiffs to explain and assist  
 21 understanding complex and technical subject matter); Environment Now! v. Espy, 877 F.Supp.  
 22 1397, 1404 (E.D. Cal. 1994) (same). Mr. Skelly's declaration and report are properly reviewed  
 23 by this Court as extra-record evidence to assist it in the evaluation of the complex models and  
 24 technical reports relied on by the Army Corps in its decision-making process.<sup>1</sup>

25 \_\_\_\_\_  
 26 <sup>1</sup> The Army Corps did not evaluate factors from the Coronado Shoreline Report when it  
 27 conducted its environmental review, resulting in a flawed Consistency Determination. Thus,  
 28 Plaintiffs have not submitted Mr. Skelly's declaration and associated exhibits to "explain agency  
 action" because there is no action to explain; the Army Corps did not conduct an evaluation of  
 these factors to explain. However, if the Army Corps attempts to explain its actions, Plaintiffs  
 reserve the argument to submit Mr. Skelly's declaration to address any such explanation.

1 C. The declaration of Leo Beus and exhibits thereto should be considered by the Court  
2 as extra-record evidence because the information provides background information.

3 In addition to the exceptions noted above, a court may go outside the administrative  
4 record to consider evidence for background information. Public Power Council, et al. v. Peter  
5 Johnson, et al., 674 F.2d 791, 794 (citation omitted). The declaration of Mr. Beus and the two  
6 exhibits thereto are provided to the Court to provide basic background information; specifically,  
7 when the dredging of the Central Navigation Channel occurred and why the parties are now  
8 before the Court. This information is not a "new rationalization . . . for . . . attacking" the Army  
9 Corps' decision (Southwest Center v. U.S. Forest Service, 100 F.3d at 1450) but is provided to  
10 the Court to merely place this matter in context.

11 **CONCLUSION**

12 Mr. Skelly's declaration clarifies the factors that the Army Corps failed to consider when  
13 it sought its Consistency Determination in May 2003 and further explains technical models and  
14 reports relied on by the Army Corps during its decision-making process. Mr. Beus' declaration  
15 provides background information so that the Court may review this case in its proper context.  
16 Plaintiffs' request that these two declarations and the exhibits thereto be considered by the Court  
17 as extra-record evidence or added to the Administrative Record for this matter.

18 Respectfully submitted,

19 DATE: SEPTEMBER 11, 2008

OPPER & VARCO, LLP

20 BY: /s/ RICHARD G. OPPER

21 RICHARD G. OPPER  
22 ATTORNEYS FOR PLAINTIFFS SLPR, LLC, CAPTAIN  
23 (RET.) RICHARD AND MRS. BARBARA SEWALL, AND  
24 MRS. ANN GOODFELLOW, AS TRUSTEE OF THE  
25 SURVIVOR'S TRUST UNDER THE GOODFELLOW  
26 FAMILY TRUST  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**CERTIFICATE OF SERVICE**

CASE NAME: SLPR, LLC v. THE SAN DIEGO UNIFIED PORT DISTRICT, et al.

CASE NO.: 06 cv 1327 – W (POR)

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my current business address is 225 Broadway, Suite 1900, San Diego, California 92101.

On September 10, 2008, I caused service of the following documents:

1. NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT ARMY CORPS OF ENGINEERS FOR PLAINTIFFS' FIFTH CAUSE OF ACTION;
2. PLAINTIFFS' POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT ARMY CORPS OF ENGINEERS ON PLAINTIFFS' FIFTH CAUSE OF ACTION;
3. DECLARATION OF DAVID W. SKELLY IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT ARMY CORPS OF ENGINEERS AS TO PLAINTIFFS' FIFTH CAUSE OF ACTION;
4. DECLARATION OF LEO BEUS IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT ARMY CORPS OF ENGINEERS AS TO PLAINTIFFS' FIFTH CAUSE OF ACTION;
5. NOTICE OF MOTION AND MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD FOR THE FINAL AGENCY ACTION FOR THE DREDGING OF THE CENTRAL NAVIGATION CHANNEL OR FOR THE COURT TO CONSIDER EXTRA-RECORD EVIDENCE;
6. POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD FOR THE FINAL AGENCY ACTION FOR THE DREDGING OF THE CENTRAL NAVIGATION CHANNEL OR TO CONSIDER EXTRA-RECORD EVIDENCE IN THE ALTERNATIVE;
7. NOTICE OF LODGMENT OF ADMINISTRATIVE RECORD FOR THE FINAL AGENCY ACTION FOR THE DREDGING OF THE CENTRAL NAVIGATION CHANNEL

on the following parties by electronically filing the foregoing with the Clerk of the District Court, Southern District of California, using its ECF System, which provides for automatic electronic notification.

///

**CERTIFICATE OF SERVICE**

06 cv 1327 – W (POR)



<p>1 Thomas B. Reeve, Jr.  2 Assistant United States Attorney  3 United States Attorney's Office  4 Federal Office Building  5 Room 6293, at 880 Front Street  6 San Diego, CA 92101-8893  7 <b>Attorney for THE UNITED STATES OF</b>  8 <b>AMERICA and for the UNITED STATES</b>  9 <b>NAVY</b></p>	<p>Beth A. Clukey  Assistant United States Attorney  United States Attorney's Office  Federal Office Building  Room 6293, at 880 Front Street  San Diego, CA 92101-8893  <b>Attorney for THE UNITED STATES OF</b>  <b>AMERICA and for the UNITED STATES</b>  <b>NAVY</b></p>
<p>Leslie Fitzgerald  Deputy Port Attorney  San Diego Unified Port District  P.O. Box 120488  San Diego, CA 92112-0488  <b>Attorney for Defendant PORT DISTRICT</b></p>	<p>Malcolm Loeb  Beus Gilbert  4800 North Scottsdale Road  Suite 6000  Scottsdale, AZ 85251-7642</p>

I declare under penalty of perjury that the foregoing is true and correct and that this certification was executed on September 10, 2008, in San Diego, California.

/s/ Janene Kallen  
Janene Kallen