October 3, 2024

San Diego County Air Pollution Control District
Attn: Eric Luther
Supervising Air Resources Specialist (Eric.Luther@sdapcd.org)
10124 Old Grove Road
San Diego, CA 92131

Re: CEQA Scoping for Austal USA Floating Dry Dock Project
San Diego Coastkeeper Comments

Dear Mr. Luther,

On behalf of San Diego Coastkeeper ("Coastkeeper"), please accept the following comments regarding the Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("EIR") for the Austral USA Floating Dry Dock Project ("Project") located adjacent to Navy Base San Diego on San Diego Bay.

San Diego Coastkeeper works to protect and restore the waters of the San Diego region through water quality monitoring, advocacy, education, community engagement, and enforcement. Coastkeeper actively seeks agency implementation of federal, state, and local laws, regulations, and permits; regularly engages in the administrative review and public comment procedures for agency actions; and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

In order to fulfill the legal requirements of the California Environmental Quality Act ("CEQA"), the EIR should, among other things, (a) identify a reasonable range of alternatives that includes a "no project" alterative; (b) analyze the broad range of environmental impacts caused by the expansive project; and (c) include measures to mitigate significant environmental impacts of the project, as described below. Coastkeeper's primary concern is that a floating dry dock in San Diego Bay, equipped to support military vessels up to 500 feet in length, will have significant impacts on biological resources and water quality. The EIR must adequately assess the impacts associated with construction and operation of the project that were overlooked in the Initial Study ("IS"). In light of the foregoing, Coastkeeper offers the following comments and recommendations:

I. The EIR Must Assess and Mitigate Impacts to Biological Resources.

A. The Project Area and Proposed Project Description.

According to the IS itself, the project site is located in the South San Diego Bay, an ecologically significant coastal area known for its diverse marine habitats. South San Diego Bay is home to the San Diego Bay National Wildlife Refuge, a 2,300-acre protected refuge managed by the U.S. National Fish and Wildlife Service, and the Project site is located little over a half mile from this protected area.[1] The bay supports rocky intertidal zones, submerged aquatic vegetation, and eelgrass beds which are critical habitats for numerous fish species, invertebrates, and waterfowl. Resident and migratory bird species use the bay for foraging, nesting, and resting. San Diego Bay contains habitat for species protected under the Federal Endangered Species Act (ESA), Marine Mammals Protection Act, Migratory Bird Treaty Act (MBTA), and Magnuson-Steven Fishery Conservation and Management. Further, the Project site is located within a nearly 5-mile radius of the sediment contamination area covered by the 2012 Cleanup and Abatement Order, which includes the portion of San Diego Bay from Sampson Street to Chollas Creek, referred to as the "Shipyard Sediment Site."[2]

B. The IS Understates the Project's Impact on Biological Resources in the San Diego Bay.

As the IS acknowledges, various activities associated with construction and operation may result in increased physical disturbances, localized sediment resuspension, and increased turbidity, which could impact biological resources. Construction and maintenance operations may increase turbidity, which the IS correctly identifies as a threat to critical native eelgrass habitats. "[D]isruption to eelgrass outside of the immediate project area can occur due to increased turbidity. Prolonged increases in turbidity can reduce primary productivity associated with eelgrass because turbid water prevents sunlight from reaching this primary producer and other sensitive species."[3]

The IS fails to acknowledge that the disturbed sediment, which will contribute to high turbidity, is extremely likely to be contaminated with PCBs and other legacy pollutants from the long-standing industrial operations in this area of San Diego Bay. Therefore, the deleterious impacts will be far greater than only diminished sunlight, and will impact numerous species aside from eelgrass. Suspended and settleable solids are deleterious to benthic organisms and may cause the formation of anaerobic conditions. They can clog fish gills and interfere with respiration in aquatic fauna. These impacts are exacerbated when such solids are contaminated with toxic and carcinogenic pollutants such as PCBs, copper and other heavy metals.

Eelgrass supports multiple ecological functions including sediment stabilization, wave dampening, carbon cycling, nutrient uptake, and habitat structuring. Eelgrass habitat ranks among the most productive habitats in the ocean and are an important component of the San

---

[1] U.S. Fish & Wildlife Service, San Diego Bay National Wildlife Refuge, *About the Refuge*, https://www.fws.gov/refuge/San_Diego_Bay/about.html.
[2] Sediment cleanup and abatement order: https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2012/R9-2012-0024.pdf
[3] IS at 39-40.

Diego Bay food web, and as well as a foundational species, vital to entire ecosystems, and thus serves as critical biological indicator of ecosystem health. Furthermore, eelgrass beds can capture carbon from the atmosphere up to 35 times faster than tropical rainforests.[4] While seagrasses, such as eelgrass, only make up about 0.2% of the total seafloor, they account for almost 10% of the global ocean carbon storage annually.[5] Eelgrass's carbon storage characteristics, combined with its ability to protect shorelines via the slowing of water currents and stabilization of sediments, elevates it as an effective, nature-based climate adaptation solution.

Indeed, eelgrass is so important and valuable that the Navy is spending millions of dollars to expand their eelgrass mitigation bank in San Diego Bay. As eelgrass is the bedrock species supporting a large portion of San Diego Bay's ecosystems, any impact to eelgrass will have significant, cumulative biological impacts. As such, these impacts must be further assessed and/or mitigated. Moreover, the Project will require the construction of twenty-two concrete piles using an impact pile driver, and steel H piles installed using a vibratory hammer.[6] Vibratory hammers are available with several different vibration rates, ranging from about 1200-2400 vibrations per minute, which operate continuously. Pile driving produces high sound pressure levels in both the surrounding air and underwater environment. Such activities not only dramatically disturb sediments, but are associated with extremely loud noise impacts.

Underwater noise from pile driving activities can injure and even kill aquatic animals. Studies have shown damage to hair cells, swim bladders, and soft tissues; hearing loss; and mortal injuries such as ruptured swim bladders and/or kidney hemorrhage. While studies have observed such injuries up to 100 meters away, the scientific literature has also documented avoidance response behaviors to pile driving at much, much greater distances. For example, for bottlenose dolphins, auditory injury could only occur within 100 m of pile-driving, while behavioral disturbance could occur up to 50 km away.[7] Harbor porpoises have been observed to be displaced at distances of greater than 20 kilometers during wind farm installations.[8] Such behavioral disturbance can have significant impacts such as displacement from key habitats and/or impact foraging, nursing, and/or mating activities, and therefore the overall fitness, of a marine mammal. Similar avoidance behaviors have been observed in non-mammal marine species as well, and significant population consequences can occur as a result of these behavioral responses.

The only mitigation measures identified by the IS to lessen the noise impact from pile driving involves a "soft start."[9] However, the soft start will not mitigate any longer range biological impacts. The purpose of the soft start is simply to scare animals away from the

---

[4] Mcleod, E., et al. (2011). *A blueprint for blue carbon: toward an improved understanding of the role of vegetated coastal habitats in sequestering CO2. Frontiers in Ecology and the Environment*, 9(10), 552–560. https://esajournals.onlinelibrary.wiley.com/doi/full/10.1890/110004.

[5] Fourqurean, J., Duarte, C., Kennedy, H. et al. *Seagrass ecosystems as a globally significant carbon stock*. Nature Geosci 5, 505–509 (2012). https://doi.org/10.1038/ngeo1477.

[6] IS. At 7.

[7] *Assessing underwater noise levels during pile-driving at an offshore windfarm and its potential effects on marine mammals*, Bailey et. Al, Marine Pollution Bulletin, Volume 60, Issue 6, June 2010, Pages 888-89, https://www.sciencedirect.com/science/article/abs/pii/S0025326X10000044.

[8] *The Journal of the Acoustical Society of America*, *126*(1), 11–14. https://doi.org/10.1121/1.3132523.

[9] IS at 42.

immediate area. Numerous other mitigation measures are available, such as bubble curtains, screens, cofferdams (an insulating sleeve around the pile) or combinations of these measures, have been developed to diminish the potential impacts of pile driving on marine life. Breaks in pile driving activities, to allow animals to travel through and/or return to an area, may also be important. The IS failed to consider any of these alternatives. As such, the EIR must fully assess these significant impacts to aquatic biological resources, as well as consider these additional mitigation strategies.

The IS also acknowledges potential impacts to sensitive aquatic and avian species. For instance, "[c]onstruction-induced noise impacts from pile driving could disrupt the foraging behavior of the California least tern if construction occurs during the California least tern nesting season. Other sensitive fish-foraging avian species such as the brown pelican may similarly be impacted."[10] However, impacts to bird species will extend far beyond these sensitive or endangered species. San Diego Bay is part of a major bird migratory pathway, the Pacific Flyway, and supports large populations of over- wintering birds traveling between northern breeding grounds and southern wintering sites, with over 300 migratory and resident bird species documented to use the bay.[11] Construction noise, and in particular pile driving, is extremely likely to alter the behavior of numerous bird species in the nearby wildlife refuge. However, the IS fails to adequately account for, or propose mitigation strategies for, these biological impacts.

The operation of the FDD sucks massive quantities of seawater into the ballast tanks to submerge the FDD, and then out of ballast tanks for flotation. The operation of these ballasts will draw in high volumes of small flora and fauna, including millions or billions of larva, hold them in an unnatural environment with no light where they will perish, then expel these dead organisms into the bay at high volumes. These cumulative impacts of this much be assessed.

The IS also states that that large reinforced concrete caps measuring approximately 30 by 30 feet would be placed atop each concrete pile. The concrete wharf would be approximately 86 feet long by approximately 68 feet wide (approximately 5,848 square feet). Both of these newly constructed elements will cover what is currently exposed water, which will have biological impacts that must be more thoroughly assessed.

Fixed lighting on the Project is very likely to have a significant impact on biotic behavior of the adjacent marine ecosystem. The specific details of these impacts must be assessed.

Despite the aforementioned impacts, the IS nonetheless finds no significant impact for all biological resources associated with the Project's construction and operation. In light of the potential risks identified in the IS and outlined above, the Project's impacts on biological resources must be adequately assessed and/or mitigated in the EIR.

II. The EIR Must Assess and Mitigate Hydrology and Water Quality Impacts.

A. Water Quality History of the Proposed Project Area Must be Considered.

Current sources of pollution to San Diego Bay identified in the IS include underground dewatering, industries on the bay and upstream, marinas and anchorages, U.S. Naval activities,

[10] IS at 38.
[11] IS at 36.

materials used for underwater hull cleaning and vessel antifouling paints, and urban runoff. Additional pollution sources include creosote-treated wood pier pilings, which are a source of polycyclic aromatic hydrocarbons, stormwater runoff from land used for industrial, commercial, and transportation purposes, bilge water discharge, and oil spills.

Due to the Project's proximity to sensitive sedimentation control areas covered by the Cleanup and Abatement Order, Coastkeeper recommends further impact and mitigation analysis in the EIR, including a marine sediment characterization study.

B. The IS Understates the Project's Impact on Water Quality in the San Diego Bay and Improperly Relies on Pre-Existing Permit Obligations to Find No Potential Significant Impact.

The IS repeatedly relies on existing utility connections at the Austal Facility as well as pre-existing obligations under separate permits as forms of mitigation, or to justify its finding of no significant impacts to water quality. For instance, all operations at the Facility must comply with the existing Vessel General Permit (VGP) requirements as well as the facility-specific NPDES permit Order No. R9-2013-0026 NPDES No. CAG719001, Boatyards and Boat Maintenance and Repair Facilities General Permit (Boatyard General Permit). The Boatyard General Permit outlines the operational limitations, monitoring requirements, and water quality standards that covered facilities must meet. The IS incorrectly concludes that, due to the Facility's obligations to comply with the VGP and Boatyard General Permit, the Project's impacts to water quality are less than significant. The existence of a permit does not equate to conformance with a permit, and therefore does not render impacts insignificant. On the contrary, these permits were issued specifically because massive over-water industrial operations such as dry docked maintenance of large military vessels poses significant threats to water quality.

Information available to Coastkeeper, including language in the Boatyard General Permit, suggest that boatyards and boat maintenance and repair facilities conduct activities that include, but are not limited to; exterior/interior surface coating application/removal (e.g., painting and sanding), wood work, metal work, fiberglass work, hydrowashing, hull cleaning, engine repair, general mechanical/fixture repair, and hazardous waste storage.[12] The IS also acknowledges abrasive blasting, hydro blasting, and metal grinding. These industrial activities along with material handling equipment or activities, raw materials, by-products, waste materials or industrial machinery, generate pollutants that have the significant potential to discharge pollutants to receiving waters, especially when exposed to storm water.[13] Potential storm water pollutants often associated with boat maintenance and repair operations include: biochemical oxygen demand (BOD), metals (copper and zinc), total petroleum hydrocarbons (TPH), oil and grease, tributyltin (TBT), settleable solids, total suspended solids (TSS), and total organic carbon (TOC).[14]

In addition to storm water, the activities associated with the proposed project include the discharge of ballast water and drydock flood water. The Boatyard General Permit specifically

---

[12] *See* NPDES permit Order No. R9-2013-0026 NPDES No. CAG719001, Boatyards and Boat Maintenance and Repair Facilities General Permit (Boatyard General Permit) at 7.
[13] *Id*.
[14] *Id*.

calls out the Austal Predecessor, Marine Group Boat Works, noting "[p]otential pollutants from drydock flooding include materials and wastes from boat maintenance and repair operations left on the drydock deck prior to flooding.[15] Potential pollutants in drydock ballast water include sediment and solids that may enter the drydock ballasts, and pollutants already present in the San Diego Bay water pumped into the ballasts.[16] The IS broadly claims that "levels of contamination in the water and sediment in the San Diego Bay appear to be lower than in previous decades." However, the water quality of San Diego Bay in previous decades was abysmal, so comparison to such conditions is unhelpful. Despite improvements, water quality in and around the heavily industrialized and militarized Project area remains poor, and sediment in numerous areas the San Diego Bay remains contaminated. This significant water quality and sediment problems will only be perpetuated and exacerbated by further sediment disturbance, and likely pollutant contribution of the Project.

The IS cannot simply point to the VPG and Boatyard General Permit without further analysis of the aforementioned pollution threats to water and sediment quality posed by the Project's construction and operation. Significant impacts to water and sediment quality are likely result from the Project without considerable mitigation. Therefore, the Project's significant impacts to water quality and sediment must analyzed in the EIR.

III. Conclusion

The IS ignored significant environmental impacts to biological resources and water quality and improperly deferred analysis of impacts by relying on various permit obligations. The EIR must adequately assess these overlooked impacts associated with the Project's construction and operation. The Project should conduct a marine sediment characterization study in conjunction with the Project's CEQA review, and not improperly defer analysis of such impacts and formulation of specific mitigation measures.

Coastkeeper thanks the SDCAPCD for preparing a draft EIR to assess, avoid, and/or mitigate the Project's significant impacts.

Respectfully,

Pat McD

Patrick McDonough
Senior Attorney

[15] *Id.* at 8.
[16] *Id.*