PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
RENEWAL OF REGIONAL GENERAL PERMIT (RGP) NO. 24
MAINTENANCE DREDGING OF VENTURA HARBOR

Public Notice/Application No.: SPL-2011-01154-AJS
Project: Ventura Harbor Maintenance Dredging (RGP 24) renewal
Comment Period: August 9, 2017 through September 8, 2017
Project Manager: Jerry Hidalgo; (805) 585-2145; Gerardo.L.Hidalgo@usace.army.mil

Applicant
Richard Parsons
Ventura Port District
1603 Anchors Way Drive
Ventura, California 93001-4229

Contact
Richard Parsons
Ventura Port District
1603 Anchors Way Drive
Ventura, California 93001-4229

Location

In the Ventura Harbor and adjacent beaches, in the City and County of Ventura, CA (at: 34.249955° latitude, -119.266418° longitude).

Activity

To conduct maintenance dredging at Ventura Harbor and dredged material disposal at designated locations in the vicinity of the harbor in association with Ventura Harbor Maintenance Dredging (RGP 24) renewal (see attached drawings). For more information see Additional Information section below.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued with special conditions under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Gerardo Hidalgo
2151 Alessandro Drive, Suite 110
Ventura, California 93001-3766

Alternatively, comments can be sent electronically to: Gerardo.L.Hidalgo@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. Waste Discharge Requirements (File No.76-59) were renewed by the Los Angeles Regional Water Quality Control Board during their October 13, 2016 hearing in lieu of a Section 401 Water Quality Certification.

Coastal Zone Management- The applicant has certified the proposed activity would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission the project is consistent with the State's Coastal Zone Management Plan. The applicant currently has a Coastal Development Permit for maintenance dredging of Ventura Harbor, as well as disposal activities as proposed herein, as approved by the California Coastal Commission September 8, 2016 (File No. 4-16-0333). The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- In order to meet their obligations under the Magnusson-Stevens Fishery Conservation and Management Act, federal agencies must consult with the NMFS to address the effects of their actions on designated Essential Fish Habitat (EFH). The proposed action is within designated EFH for two federal Fishery Management Plans (FMP): the Coastal Pelagics FMP and Pacific Groundfish FMP. Potential adverse effects to EFH that may result from the dredging activities of the proposed action include removal/burial of benthic communities, temporary increases in turbidity which in turn attenuates light transmission through the water column, increased bioavailability of contaminants, entrainment of organisms, noise disturbances, and alteration to hydrodynamic regimes and physical habitat. Potential adverse effects of dredged material disposal (both in the surf zone and within the inner harbor) include burial of benthic communities, effects to adjacent habitats, increased turbidity and increased bioavailability of contaminants. The potential spread of the invasive alga Caulerpa toxifolia is another potential area of concern as the removal and redeposition of material could inadvertently encourage the spread of this invasive species. To date it has not been documented within Ventura Harbor and the applicant would be required to conduct pre-dredge surveys to verify presence/absence of Caulerpa. Disposal of material in the surf zone may also adversely affect spawning of California grunion (*Leuresthes tenuis*).

Prior consultation between the Corps and NMFS for the previous RGP renewal resulted in the implementation of numerous conservation recommendations proposed by NFMS to address the program's potential adverse effects to EFH described above. These measures have been incorporated into the proposed special conditions, listed below. As part of the renewal request, the applicant has requested to amend one of the special conditions (5a) such that pre-project eelgrass surveys would not have to be conducted between March-October, but instead be conducted prior to each dredging event due to the uncertainty of when dredging may be required. The language of the proposed special condition reflects this suggested change.

Pursuant to the Magnussen-Stevens Fishery Conservation Act, the Corps hereby requests NMFS consider this Public Notice our request to reinitiate consultation for the proposed actions effects to EFH.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. The Corps' Area of Potential Effect (APE) includes the areas within the inner harbor and Federal entrance channel that would be subject to maintenance dredging as depicted on the attached figure (Plate 1). In addition, the Corps' APE includes designated disposal areas adjacent to the area covered by maintenance dredging activities (Plates 2-6). All areas within the Corps' APE have been subjected to routine dredging and disposal operations under existing authorizations, thus the presence of previously unknown historic or cultural resources within the areas is highly unlikely.

Endangered Species- There are three federally-listed threatened or endangered species that utilize Ventura Harbor or the surrounding area: California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), and steelhead trout (*Oncorhynchus mykiss*). The proposed disposal areas south of Ventura Harbor and extending past the Santa Clara River mouth (Plates 2-3) are within designated and proposed critical habitat for western snowy plover, and the Santa Clara River is within designated critical habitat for steelhead trout. In addition, the beach extending north of the harbor and including the proposed "Pierpont Beach disposal area" (Plate 6) is within proposed critical habitat for the plover.

As part of the renewal of RGP 24 in 2011-2012, the Corps completed informal consultation with the U.S. Fish & Wildlife Service (USFWS) to address the program's effects on the western snowy plover, California least tern, as well as effects to designated critical habitat for the plover. In addition, the Corps completed informal consultation with the National Marine Fisheries Service (NMFS) to address the program's effects to steelhead trout and its designated critical habitat. Special conditions were included in the RGP to ensure adverse effects to these species would be avoided.

As part of the current request to renew RGP 24, the Corps has again made a determination that the proposed action, with the inclusion of the proposed special conditions listed below, is not likely to adversely affect these federally listed species over the 5-year life of the permit. The Corps will be initiating informal consultation with the USFWS and NMFS to address the program's effects on these species and designated critical habitat and request their concurrence with our determination.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The applicant proposes to maintenance dredge up to 3,500,000 cubic yards of material over a five year period, not to exceed 600,000 cubic yards per year within the entrance channel and offshore sand traps, and 100,000 cubic yards per year within the inner harbor in order to maintain depths for safe navigation. Disposal of material would occur in the surf zone to replenish adjacent beaches, in the inner harbor at specified deposition sites, and in uplands if necessary (see attached figures). Several minor modifications to the activity have also been incorporated at the request of the applicant. In addition, several new conditions have been incorporated to reflect current Los Angeles District policy.

The proposed activity would be two-fold:

1. Maintenance dredge, to design depths, up to 100,000 cubic yards of material per year for five years from the inner harbor (Areas A-F) and deposit the dredged material in the surf zone at the Santa Clara River mouth during periods of a minimum 100 cubic feet per second flow and a minimum of 300 feet from where the channel enters the ocean (Plate 4), or in three depressions within the harbor (Plate 1), or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

   Design depths are as follows: -18 feet MLLW in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, as shown on the figures referenced above and Plate 5.

   If limited access to the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain prevents hydraulic, floating clamshell, or hopper operations, maintenance dredge to design depths, up to 2,500 cubic yards of material per year for five years, from the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain using a shore-based clamshell operation with upland disposal.

2. Maintenance dredge, to design depths, up to 600,000 cubic yards of material per year for five years from the Ventura Harbor entrance channel and offshore sand traps (Federal Project Dredging Areas, Plate 1) and dispose of the material within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty (Plate 2) and/or north of the harbor entrance in cells 1 and 2 of the Pierpont Groin Field (Plate 6) or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is navigation, which is considered water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to maintain adequate design depths for safe navigation within Ventura Harbor, and to dispose of the dredged material in compliance with applicable regulations.

Additional Project Information

Baseline information – For the past 30 years, the Ventura Port District had been previously authorized by the Corps (10 years under Permit No. 83-097-RC, 10 years under Permit No. 94-50481-TW and 5 years under Permit No. 2006-01735-PHT and for the past 5 years under Regional General Permit No. 2011-01154-AJS) to maintenance dredge the inner harbor, entrance channel, and offshore sand traps. At the present time, the Corps of Engineers is responsible for maintenance dredging the Federal entrance channel and sand trap areas once every year. Ventura Port District's proposal is intended to augment the Corps' existing dredging program when federal funding is not available to complete dredging of the entrance channel.

Under the existing RGP the following volumes of dredging and disposal have occurred during the past five years (all within the inner harbor):

- March 9, 2016 – 2,452 cubic yards (cy), deposited in South Beach, approximately 4,000 feet south of the Harbor Entrance

The existing permit prohibits the Ventura Port District Permittee from dredging and disposing material in navigable waters of the U.S. that have not been tested and determined by the Corps Regulatory Division, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. The existing permit requires that the Ventura Port District submit to the Corps Regulatory Division and EPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing by the Corps Regulatory Division, in consultation with EPA. Re-testing of previously tested dredged areas is required after three years from the date of the sediment sampling. Additionally, the existing permit allows this time limit to be shorten given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps Regulatory Division. However, prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual or Ocean Disposal Manual as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area.

The most recent sediment sampling was conducted in February 2016, based on a sampling and analysis plan reviewed and approved by the Corps. The sampling results found very low concentrations of contaminants (including metals, organochloride pesticides, polychlorinated biphenyls, volatile organics, polycyclic aromatic hydrocarbons) that were well below environmental significance and regulatory thresholds. These results are consistent with many years of sediment sampling showing very low contaminant levels. The next round of sampling would be completed prior to any additional dredging activity.

Project description – The source of the material that would be dredged comes from littoral drift and local storm drains. Sediment analyses conducted to date show that the material dredged from the entrance channel and offshore sand traps is suitable for surf zone disposal along the 10,000 feet of beach extending southward from the harbor's south jetty and/or north of the harbor entrance in cells 1 and 2 of the Pierpont Groin Field or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth, and material dredged from the inner harbor is suitable for disposal at the mouth of the Santa Clara River, or in the three low spots within the harbor, or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth. Copies of past results are available upon request. All potential dredging and disposal locations are depicted on the attached figures.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Pursuant to the 404(b)(1) Guidelines, avoidance in the context of the proposed action would require complete avoidance of any discharge of fill material within waters of the United States (i.e. no disposal of dredged material within designated beach/surf zone disposal areas nor within low spots within the Harbor). All dredged material would therefore need to be disposed of at an upland location and in a manner that does not allow return water to re-enter waters. As disposal of dredged

material deemed suitable for beach nourishment is a component of the overall project purpose, complete avoidance is not considered practicable.

Minimization: As with the current RGP, several measures to minimize adverse effects on the aquatic environment would be incorporated into the permit. These are described below under "proposed special conditions."

Compensation: Compensatory mitigation is not proposed at this time as there are no permanent losses of waters or impacts that would otherwise result in a permanent adverse impact to the aquatic environment. In the event eelgrass habitat is adversely affected as a result dredging and/or disposal operations (based on pre- and post-project surveys and monitoring), the applicant would be required to mitigate in accordance with the Southern California Eelgrass Mitigation Policy.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are similar to those included in the previously issued RGP:

General Conditions

1. The time limit for completing the authorized activity ends five years from the date of issuance. Requests for renewal should be submitted within 6 months of the date of expiration of this permit.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you transfer responsibility for conducting the activity associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

7. The Permittee shall maintain a copy of this permit on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.

Special Conditions

1. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. Prior to each maintenance dredging event within the inner harbor or within “Area A” of the entrance channel (Federal Project), the Permittee shall conduct a pre-project *Caulerpa taxifolia* (Caulerpa) survey in accordance with the Caulerpa Control Protocol (http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf). The survey may be conducted concurrent with pre-project eelgrass survey described in Special Condition 5a. The results of that survey shall be funished to the Corps of Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters.

4. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

5a. Prior to each maintenance dredging event, the Permittee shall conduct a pre-project eelgrass survey in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_final.pdf). The pre-project eelgrass survey shall be conducted no more than 60 days prior to the commencement of dredging. The Permittee shall provide the results of the pre-project eelgrass survey to the Corps, National Marine Fisheries Service (NMFS), and California Department of Fish and Game at least 15 days prior to initiation of proposed work.

5b. If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project eelgrass survey shall be conducted in accordance with the SCEMP. The post-project eelgrass survey shall be conducted and submitted to the Corps and NMFS within 30 calendar days of project completion.

5c. Any impacts identified by these eelgrass surveys shall be mitigated per sections 3-12 of the SCEMP. Based upon the pre- and post-project eelgrass survey results and in accordance with the SCEMP, the Corps will determine the need and/or amount of eelgrass mitigation required to offset adverse impacts to such habitat. The Corps will transmit its determination to the Permittee in writing. Within 60 calendar days of receiving the Corps determination specifying the need and amount of mitigation, the Permittee shall submit a draft mitigation plan to the Corps for review and approval. The mitigation plan shall be prepared in accordance with the SCEMP. The Permittee shall fully implement the final mitigation plan as approved by the Corps.

Dredging Operations

6. For this permit, the term **dredging operations** shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredged or disposal barge or scow.

7. Dredging authorized in this permit shall be limited to the areas defined in Plates 1 and 5 only. No more 600,000 cubic yards of material per year within the entrance channel and offshore sand traps, and 100,000 cubic yards of material per year from within the inner harbor. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

8. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be as follows: -18 feet below mean lower low water (MLLW) in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, with a maximum allowable over-dredge depth two feet below these depths. No dredging shall occur deeper than the maximum allowable depth at each area dredging design depth plus over-dredge depth) or outside the project boundaries.

9. The Permittee is prohibited from dredging and disposing material in navigable waters of the U.S. that has not been tested and determined by the Corps Regulatory Division, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. The Permittee shall submit to the Corps Regulatory Division and EPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division, in consultation with EPA. Re-testing of previously tested or dredged areas is required after three years from the date of sediment sampling. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps Regulatory Division. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual or Ocean Disposal Manual as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area.

10. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall send a dredging and disposal operations plan to the Corps Regulatory Division and EPA, with the following information:

A) A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.

B) A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and disposal operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.

C) The results of a detailed analysis of all material to be dredged pursuant to an approved SAP.

D) A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:

i) Dredging and disposal procedures for all dredged sediment including all material unsuitable for disposal.

ii) Dredging operations for material suitable for disposal to be dredged from the project area.

iii) Disposal methods to be used for disposal.

iv) A schedule showing when the dredging project is planned to begin and end.

E) A pre-dredging bathymetric condition survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The pre-dredge survey chart shall be prepared showing the following information:

i) The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the pre-dredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.

ii) The dredging design depth, over-dredge depth and the side-slope ratio.

iii) The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.

iv) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and over-dredge depth shall be shaded yellow, and areas below over-dredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps may request additional information.

v) The pre-dredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.

F) A debris management plan to prevent disposal of large debris at all disposal locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

G) The Permittee shall not commence dredging operations unless and until the Permittee receives a Notice to Proceed, in writing, from the Corps Regulatory Division.

11. To ensure navigational safety, the permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Commander, 11th Coast Guard District (dpw)
TEL: (510) 437-2980
E-mail: d11LNM@uscg.mil

Website: http://www.uscg.mil/dp/lnmrequest.asp

U.S. Coast Guard, Sector LA-LB (COTP)
TEL: (310) 521-3860
E-mail: john.p.hennigan@uscg.mil

A copy of each notification to the USCG shall be sent to the Corps' Los Angeles District Office for our file.

A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB Captain of the Port (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by e-mail with at least the following information, transmitted as an attached Word or PDF file:

i) Project description including the type of operation (i.e. dredging, diving, construction, etc).

ii) Location of operation, including Latitude / Longitude (NAD 83).

iii) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.

iv) Vessels involved in the operation (name, size and type).

v) VHF-FM radio frequencies monitored by vessels on scene.

vi) Point of contact and 24 -hour phone number.

vii) Potential hazards to navigation.

viii) Chart number for the area of operation.

ix) Recommend the following language be used in the LNM:"Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."

B) The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps Regulatory Division, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard. Should any federal AtoN be affected by this project, the permittee shall contact the U.S. Coast Guard AtoN office at (510) 437-2982.

C) Should the Permittee determine the work requires the temporary placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request

in writing to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

D) The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

E) The permittee shall contact the USCG Marine Safety Office and the Corps' Los Angeles District Office at least twenty-four (24) hours in advance of any anticipated dredging activity which may restrict navigation within any channel or endanger any bridge.

F) The Permittee shall ensure that the captain of any hopper dredge, tug or other vessel used in the dredging and disposal operations, is a licensed operator under USCG regulations and follows the Inland and Ocean Rules of Navigation or the USCG Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes, operating marine band radio, and other appropriate navigational aids.

G) The Permittee's contractor(s) and the captain of any dredge covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.

12. The permittee shall have an inspector present on the dredging vessel at all times during dredging operations or in the alternative able to attest to the location of the dredging vessel at all times during the dredging operations. The inspector shall ensure that all permit conditions are obeyed during dredging operations. When the individual dredging project is completed, the inspector shall report on permit compliance and indicate whether any permit violations occurred. If any permit violations occurred, the inspector shall provide a complete written explanation of each violation.

13. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps Regulatory Division within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that notice of any violations must be reported to the Permittee immediately.

14. When using a hopper dredge, water flowing through the weirs shall not exceed 10 minutes during dredging operations. The level that a hopper dredge can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

15. When using a disposal barge or scow, no water shall be allowed to flow over the sides. The level that a disposal barge or scow can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

16. The Permittee shall use an electronic positioning system to navigate at the dredging site. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging

operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in the post-dredging completion report per Special Condition 21.

17. The Permittee shall notify the Corps Regulatory Division of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.

18. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters. The Permittee shall forward a copy of the survey to the Corps Regulatory Division and to the National Oceanic and Atmospheric Service for chart updating: Gerald E Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

Disposal Operations

19. For this permit, the term **disposal operations** for a complete individual dredging project is defined as: the hydraulic pumping of dredged material from the dredging site and the placement of dredged material by pipeline at an approved disposal area and/or the transportation of dredged material from the dredging site to the nearshore disposal site, proper disposal of the dredged material at the disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.

20. Disposal of material under this permit is authorized only at the locations approximated on attached Plates 2-4 and 6 or at an appropriate upland location such that runoff from dewatering does not flow into any waters of the United States.

21. Disposal of material dredged from the inner harbor shall be conducted below the mean high water line along the 2,500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being at least 300 feet away from the location at which the river flows into the ocean or in the 4,000 feet of nearshore area located approximately 1,000 feet south of the mouth of the Santa Clara River or in three low spots within the harbor depicted on the attached drawings (Plates 2-6). The material to be dredged from the inner harbor and disposed within the river mouth deposition area shall be discharged only during out-going tides or when the river flow, as measures in the vicinity of the Victoria Bridge, is 100 cubic feet per second or greater. The material to be disposed in the low spots within the harbor shall be discharged using a hydraulic pipeline placed in the bottom portion of the pits to minimize turbidity. However, if the permittee can demonstrate that this method would be infeasible, the permittee may request the Corps consider a different method of disposal within the low spots. A different method shall not be utilized without prior approval of the Corps.

22. If a hopper or clamshell dredge is used the permittee shall dispose the dredged material in the designated nearshore disposal area. The approximate location of the nearshore area is indicated on Plate 3. Prior to the disposal of any material in the nearshore disposal area, the corners shall be surveyed by the permittee and approved by the Corps. The permittee shall be responsible for marking the corners of the disposal area with approved buoys and making periodic inspections of the buoy locations. The dredge material shall be deposited in such a way as to create a berm approximately parallel to the shoreline. The mound shall be located in the center of the disposal site, between -15 and -30 feet MLLW contours. Disposal in the nearshore disposal area shall advance only when operational technique, under keel clearance or equipment considerations, will

permit safe operations.

23. The permittee shall use a short to medium range electronic positioning system (EPS) or global positioning system (GPS) throughout disposal operations at the nearshore disposal site. The EPS or GPS must have a minimum accuracy and precision of +/- 16.5 feet (5 meters). The permittee shall ensure that the EPS or GPS shall be activated at least 1,000 feet from the disposal site when traveling, and shall not be deactivated until at least 1,000 feet from the site on the return trip. The permittee shall plot the continuous course of each disposal trip once inside the designated site. The permittee shall use latitude and longitude or UTM coordinates for all plots. The plot shall show: the continuous course of the hopper dredge and/or disposal barge or scow and the time and position of the hopper dredge or disposal barge or scow when disposal commenced and ceased.

24. Beach replenishment at all disposal areas shall not occur twenty-four (24) hours before the predicted start of the first grunion run after March 31 to September 1 of any given year, unless such discharge is approved in writing by the Corps after consultation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Wildlife. If disposal cannot be completed prior to the first predicted grunion run after March 31, a contingency plan shall be implemented as described below:

A) The zone of operations and impact shall not exceed 500 feet in width and shall be fixed for each dredging episode by the Corps in consultation with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the National Marine Fisheries Service.

B) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the mean-higher-high tide line.

C) As the material deposited within the zone of operations accumulates, the discharge pipe shall be extended seaward. Lateral movement of the outfall shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such a location that dredged material remains within the 500 foot zone of operations.

D) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.

E) If upon inspection it is determined by the Corps that adverse impacts to grunion spawning are occurring as a result of the contingency plan, reasonable alternative disposal methods and/or remedial measures shall be evaluated by the Corps and implemented by the permittee at the Corps' direction.

25. The disposal pipeline shall not cross or disturb sand dunes.

26. The permittee shall not remove the onshore pipeline if:

A) The onshore pipeline is in the vicinity of the California least tern nesting area from April 15 to September 1 and,

B) The onshore pipeline is not set back more than 25 feet from the mean high water line 24 hours before the start of the first predicted grunion run of March 31 to September 1.

27. A qualified specialist on Western snowy plover shall be retained to monitor the installation and removal of the discharge pipeline for impacts to this species. The monitor shall be present beginning two weeks prior to construction, throughout the dredge operation, and for two weeks after completion of dredging operations. A report on the monitoring shall be submitted to the Corps at the conclusion of these activities.

28. The deposition of dredged material in the least tern nesting area is prohibited.

29. Disposal operations within designated critical habitat of the Western snowy plover shall be limited to the period from October 15 to March 31 to avoid adverse effects to nesting Western snowy plovers and California least terns. However, disposal operations are allowable in the area extending 1,500 feet south of the harbor's south jetty from September 1 to October 15 of each given year because it is located outside designated critical habitat and would have no effect on plover or terns. To further ensure that the operations will have no effect on plover, the permittee shall limit the number of vehicle trips across the river mouth, or on the beach south of the estuary, to installation, emergency maintenance, and pipeline removal activities. The permittee shall also limit beach re-contouring to the footprint of the pipeline.

30. The captain of the hopper dredge shall insure compliance with all disposal operation general and special conditions defined in this permit. If the captain detects any violation, s/he shall report the violation to the permittee immediately. The permittee shall contact the Corps' Los Angeles District Office at (213) 452-3413 and EPA Region IX at (415) 744-1962 to report the violation within twenty-four (24) hours. The captain of the dredge covered by this permit shall monitor VHF-16 while conducting disposal operations.

Post-Dredging Completion Report

31. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division and NMFS (attention Bryant Chesney, Habitat Conservation Division, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213) within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:

A) Permit and project number.

B) Actual start date and completion date of dredging and disposal operations.

C) Total cubic yards disposed at each disposal site.

D) Total area affected by dredging and disposal operations

E) Mode of dredging.

F) Mode of transportation.

G) Frequency of disposal and plots of all trips to the nearshore disposal site.

H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to each disposal site.

I) Percent sand, silt and clay in dredged material.

J) A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and over-dredge depth shaded yellow, areas below over-dredged depth that were not dredged or areas that were deeper than the over-dredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the over-dredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the pre-dredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.

K) The post-dredging report shall be signed by a duly authorized representative of the Permittee. The Permittee's representative shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Inspections

32. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division, EPA, and(or) the USCG to inspect all phases of the dredging and disposal operations.

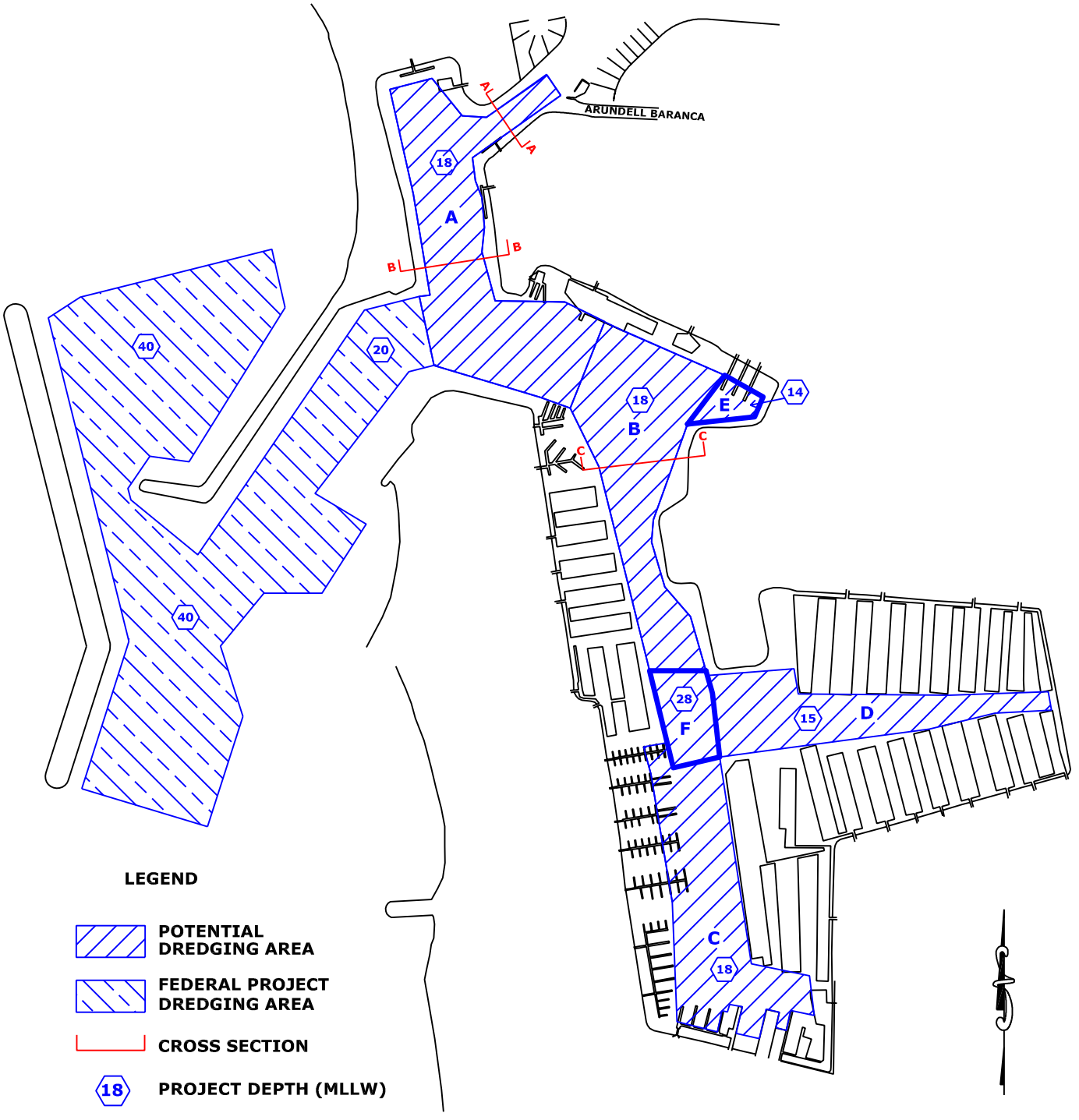
33. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps Regulatory Division, EPA, and(or) the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

For additional information please call Jerry Hidalgo of my staff at (805) 585-2145 or via e-mail at Gerardo.L.Hidalgo@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
2151 Alessandro Drive, Suite 110
Ventura, California 93001-3766
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY



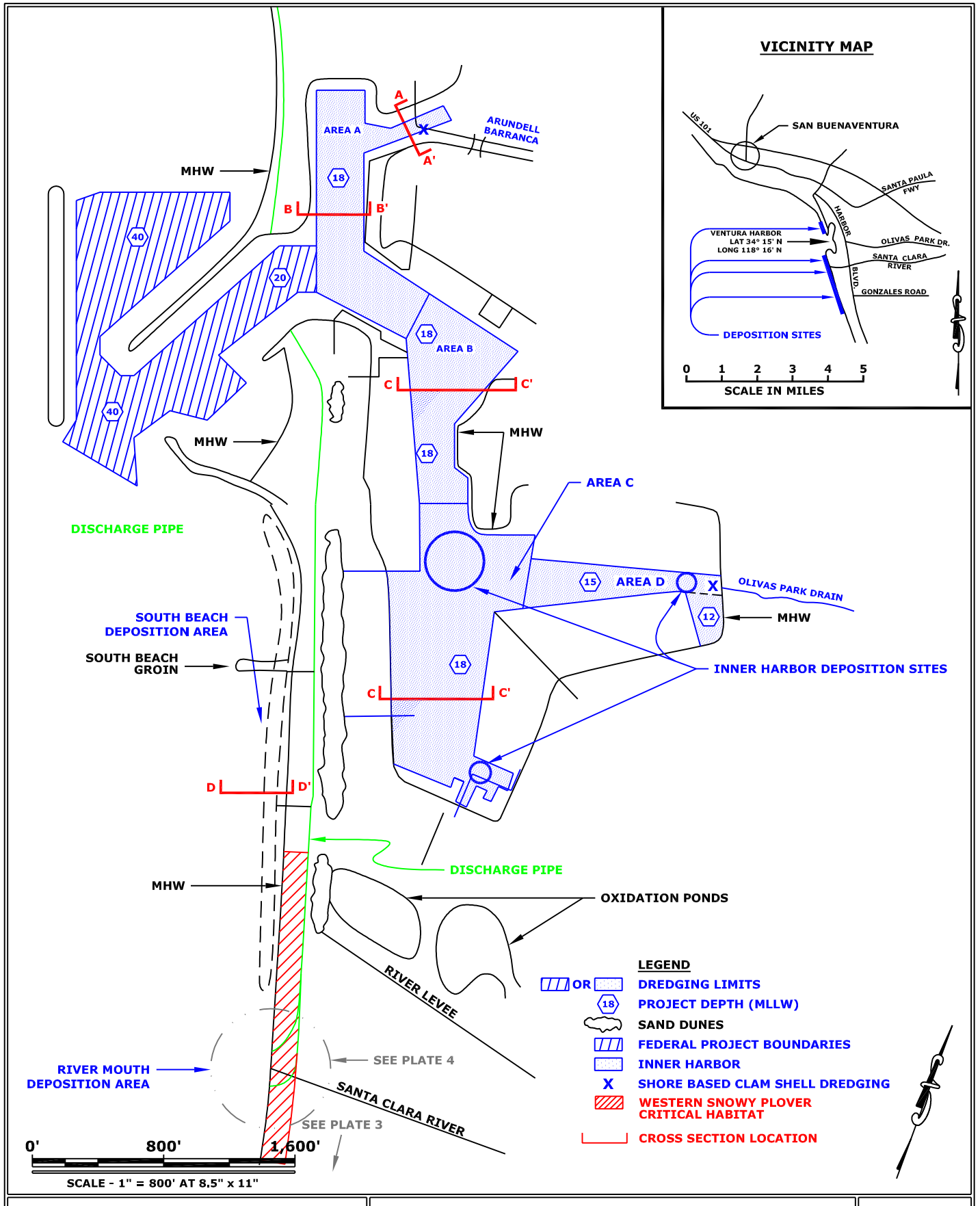
Applied Environmental Technologies, Inc.
4561 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

SITE PLAN SHOWING PROPOSED DREDGING LOCATIONS

VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 0062-22_Q2	JANUARY 19, 2012	PROJECT NUMBER 0062-22

PLATE 1



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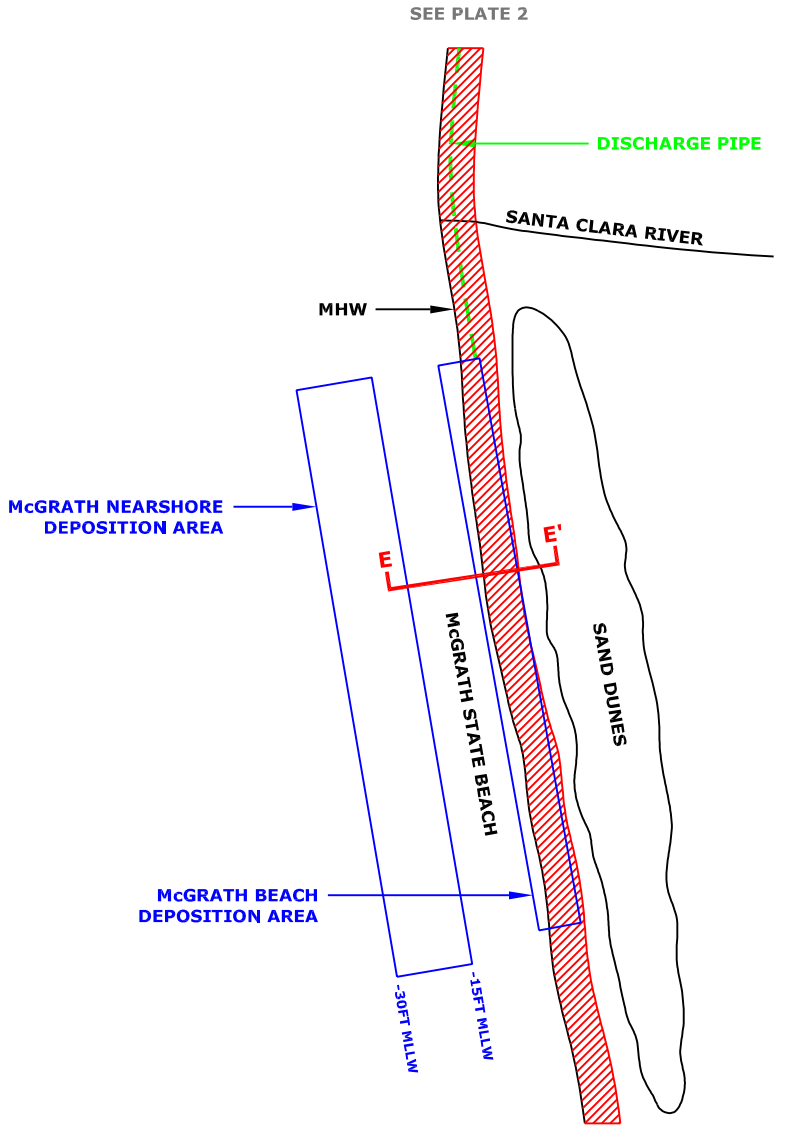
4561 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DEPOSITION AREAS
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101DS | JANUARY 20, 2012 | PROJECT NUMBER 0062-21

PLATE 2



LEGEND

WESTERN SNOWY PLOVER CRITICAL HABITAT

0' 1,600' 3,200'

SCALE - 1" = 1,600' AT 8.5" x 11"

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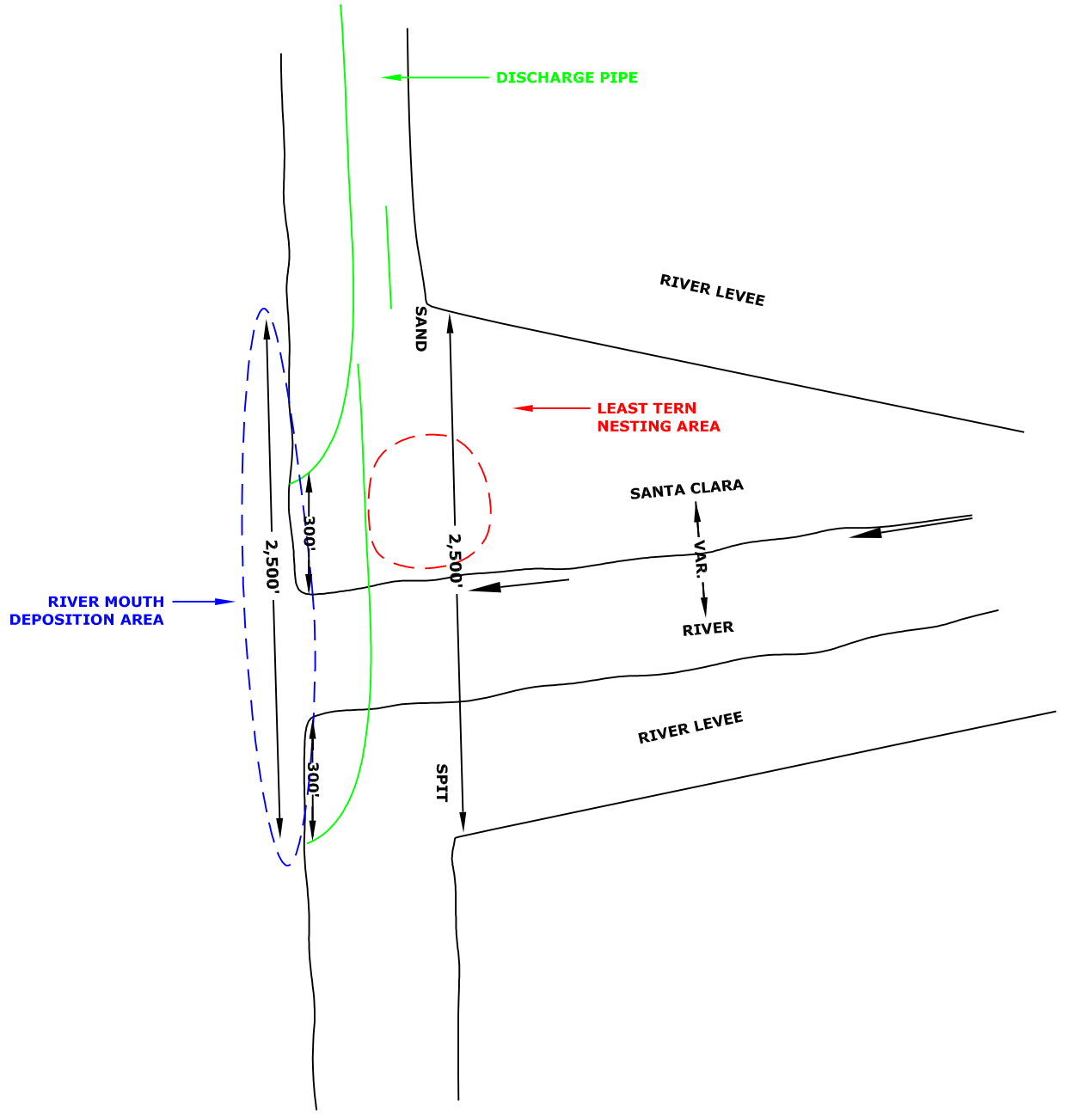
PROPOSED MCGRATH BEACH DEPOSITION AREA
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101E | JULY 13, 2006 | PROJECT NUMBER 0062-21

PLATE 3



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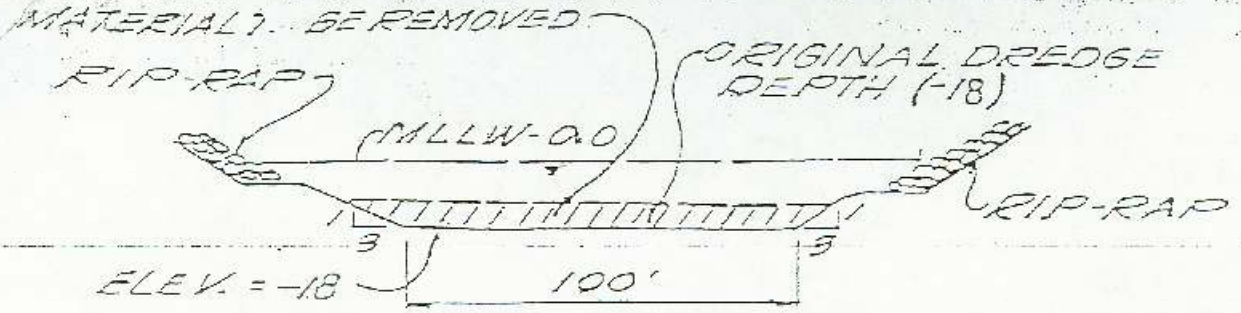
Phone (805)650-1400 Fax (805)650-1576

PROPOSED RIVER MOUTH DEPOSITION AREA
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101A	JULY 13, 2006	PROJECT NUMBER 0062-21

PLATE 4



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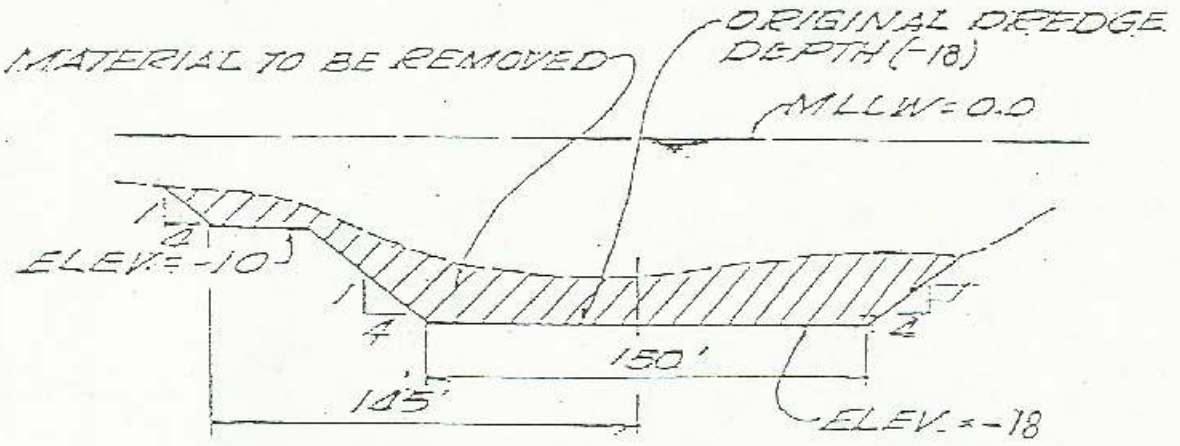

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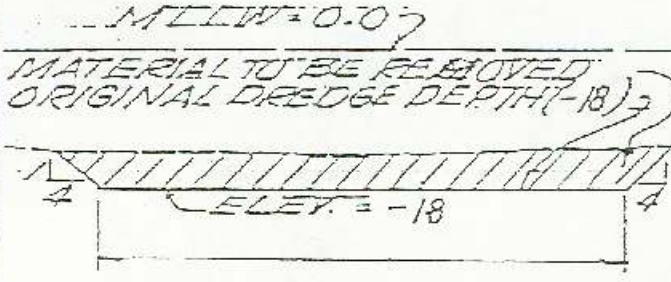

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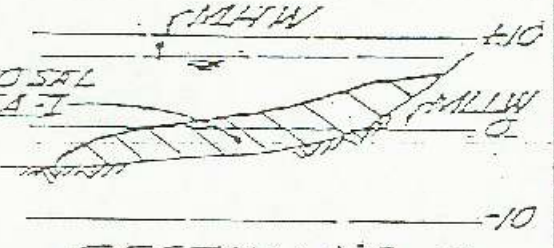

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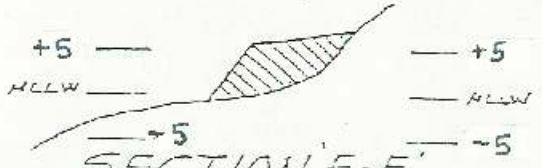

SECTION 'E-E'
NO SCALE

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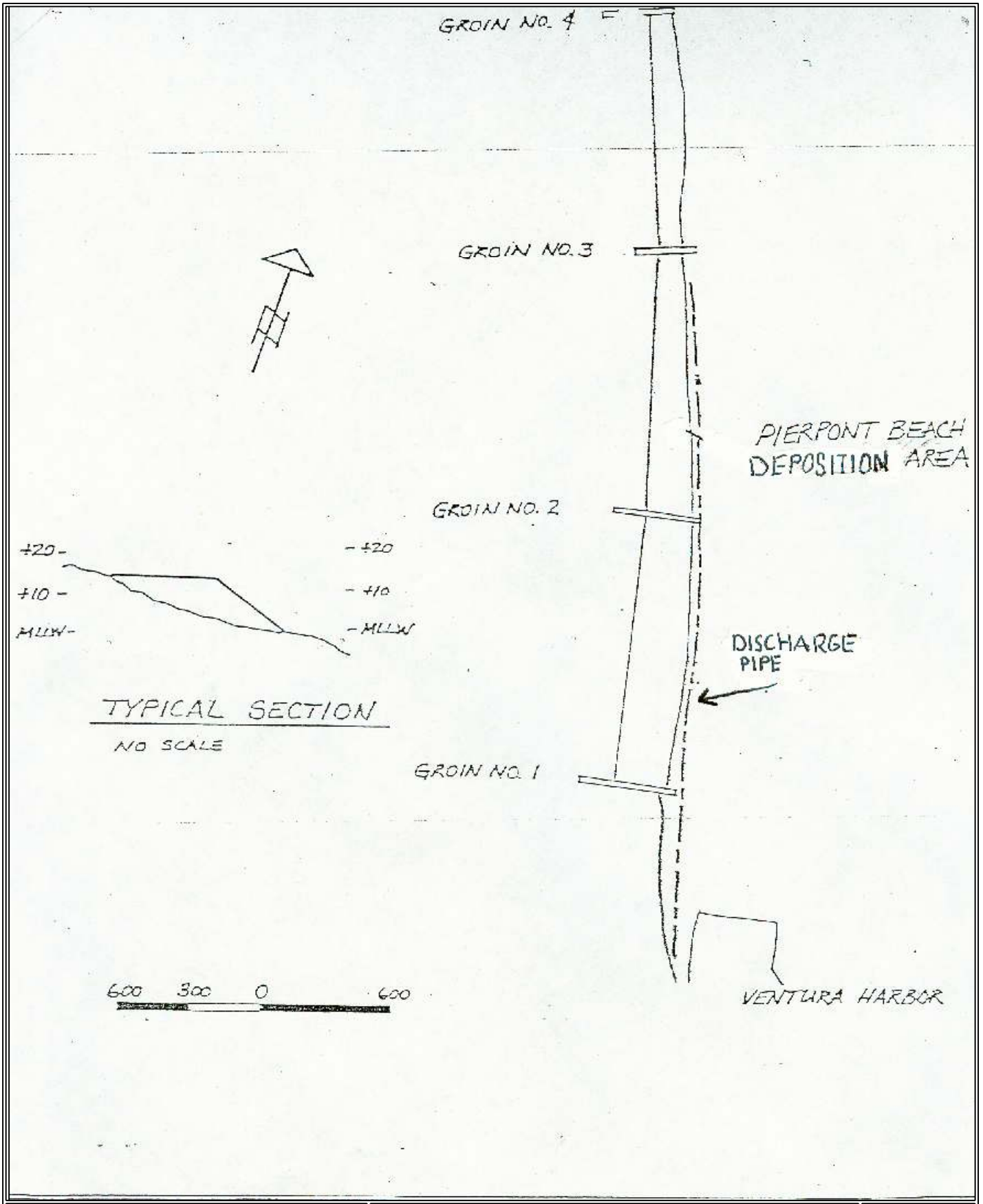
4561 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DREDGING AND DISPOSAL
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622105	JANUARY 20, 2012	PROJECT NUMBER 0062-21

PLATE 5



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4561 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DEPOSITION PIERPONT AREAS
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622106	JANUARY 20, 2012	PROJECT NUMBER 0062-21

PLATE 6