



PUBLIC NOTICE

APPLICATION FOR STANDARD INDIVIDUAL PERMIT PORT OF LOS ANGELES INNER CABRILLO BEACH EXCAVATION & OUTER CABRILLO BEACH NOURISHMENT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2011-00685-TS

Project: Inner Cabrillo Beach Excavation and Outer Cabrillo Beach Nourishment

Comment Period: December 9, 2011 through January 9, 2012

Project Manager: Theresa Stevens, Ph.D.; 805-585-2146; theresa.stevens@usace.army.mil

Applicant:

Antonio V. Gioiello, Chief Harbor Engineer
Port of Los Angeles
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Contact:

John Foxworthy, P.E.
Port of Los Angeles
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Location:

Los Angeles Harbor, Port of Los Angeles at Inner Cabrillo Beach and Outer Cabrillo Beach near the City of San Pedro and within the City and County of Los Angeles, California (33.709526 N / -118.279903 W).

Activity:

Excavate approximately 50,000 cubic yards (cy) of accumulated sand from Inner Cabrillo Beach and place the material on Outer Cabrillo Beach as required by the Los Angeles Regional Water Quality Control Board's bacterial Total Maximum Daily Load (Basin Plan Amendment No. 2004-011) (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments should be mailed to:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
ATTN: SPL-2011-00685-TS
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: theresa.stevens@usace.army.mil

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 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.

EIS Determination- A preliminary determination has been made that 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 Los Angeles Regional Water Quality Control Board (Board). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence. 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 that the project is consistent with the State's Coastal Zone Management Plan.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. A wreck site of an unknown 19th century vessel (CA-LAN-1450H) was recorded by the USACE (1988) in the subtidal zone north of Inner Cabrillo Beach. The site included remains of a wooden sailing vessel. For safety reasons, the remains of the vessel that extended above the sea bottom were removed subsequent to the site recording. In addition, the Cabrillo Beach Bathhouse is locally listed as Historic - Cultural Monument (# 571) by the City of Los Angeles. Based on this information, the Corps has determined there would be no affect on listed or eligible cultural or historic resources as a result of the proposed action. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- California least terns (*Sterna antillarum browni*) are present in the Port of Los Angeles, and are known to nest on a dedicated 15-acre site at Pier 400 in the Outer Harbor. Least terns occasionally rest on the sand and forage in the shallow waters of the Inner Cabrillo Beach area which is about one mile from the least tern nesting site at Pier 400. There is no designated critical habitat for California least tern or any other federally-listed species in the Port of Los Angeles. The California least tern is not known to nest on Inner Cabrillo Beach or Outer Cabrillo Beach, and the project could be scheduled to avoid the least tern nesting season. The proposed project would take place over a period of approximately 8 weeks between November 2012 and March 2013 and thus avoid the California least tern nesting season. Because the least tern does not nest on the Inner Cabrillo Beach or on the Outer Cabrillo Beach but rather rests on the sand seasonally, the Corps has determined that the proposed project would have no affect on California least terns or on designated critical habitat for this species. No other federally-listed species or designated critical habitat is known to occur in the project vicinity.

Essential Fish Habitat (EFH): Biological resources including information on Essential Fish Habitat and managed fisheries species in San Pedro Bay were recently described in several environmental documents and in the 2008 Biological Survey Report for Los Angeles and Long Beach Harbors (SAIC 2010).

The most common federally managed species present in the Inner Cabrillo Beach and Outer Cabrillo Beach area are northern anchovy, Pacific sardine, and jack mackerel (MEC and Associates 2002). Grunion may also utilize the Outer Cabrillo Beach for spawning during certain times of the year. Grunion spawn in the wet sand of the high tides on four nights after a full moon and four nights after a new moon every month starting in February through August. The February and August runs are historically minimal. Grunion primarily spawn on the outer beach but also spawn (less often during the season) on the inner beach, including the sand on the south side of the beach up against the

breakwater. In 1991, this information was shared with the contractors the Port and County of Los Angeles hired to replenish the sand of Outer Cabrillo Beach. The dates for the previous replenishment project were chosen to avoid grunion spawning time (Spring through Fall 1991).

The proposed project would take place between November 2012 and March 2013 and would largely avoid the grunion spawning season. However, the proposed project could affect FMP species through habitat disturbance, noise, and turbidity. These effects would be temporary, and occur over approximately 8 weeks with a rapid return to baseline water quality conditions following completion of excavation and beach nourishment activities. Sand accretion at the Inner Cabrillo Beach is an ongoing process and it is anticipated beach sand will begin accumulating follow completion of the proposed project. No permanent loss of habitat would occur as a result of the proposed project and it is expected few if any individual fish would be lost because it is expected that fish would avoid the work area and scheduling of the project could avoid the grunion spawning season, resulting in no loss of sustainable fisheries.

Eelgrass (*Zostera marina*) is known to occur in shallow water areas in the Inner Cabrillo Beach embayment at a depth of approximately -2.0 MLLW and deeper, which is deeper than the proposed intertidal impacts associated with the majority of the Inner Cabrillo Beach excavation and Outer Cabrillo Beach nourishment. Removal of eelgrass is not anticipated but indirect impacts to eelgrass as a result of increased turbidity during excavation activities in Inner Cabrillo Beach would occur. Therefore, consultation with the National Marine Fisheries Service to address potential impacts to eelgrass is required.

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:

Excavation of approximately 50,000 cubic yards of sand from an approximately 5.2 acre area on the Inner Cabrillo Beach and placement of the sand over an approximately 7.5 acre area on the Outer Cabrillo Beach for the purpose of beach nourishment.

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 is beach sand remediation and beach nourishment. Sand remediation would address the Board's bacterial Total Maximum Daily Load (TMDL) requirement which specifies removal of nearshore sediment at this public beach. The project is 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 remove accumulated sediment from the Inner Cabrillo Beach and to enhance Outer Cabrillo Beach through beach nourishment.

Additional Project Information:

Baseline information - The Inner Cabrillo Beach has formed over a several year period. Beach sand accumulates on the accreted beach, south of the existing bird exclusion structure, as a result of beach sand blowing over the existing breakwater and access road from the Outer Cabrillo Beach and shoaling after sand enters the Los Angeles outer harbor through Angels Gate. In 2005, the Board approved a Basin Plan Amendment (Board Resolution No. 2004-011) and TMDL requirement for bacteria in the Inner Cabrillo Beach and the Port of Los Angeles Main Ship Channel in response to persistent elevated levels of bacteria in the water which pose a public health risk. This means, actions specified in the Basin Plan amendment must be implemented to reduce the contaminant level.

In response to the TMDL, the Port of Los Angeles has taken several actions to address bacterial contamination at Inner Cabrillo Beach. These actions, which occurred prior to the proposed action are summarized in the following table. As a result of these actions, water quality improvements have been realized; however bacterial levels remain elevated in the shallow waters of Inner Cabrillo Beach and the specific TMDL requirements described in this public notice, including the proposed sediment management action, are required the Board.

Inner Cabrillo Beach TMDL Tier I & II Status Update

(Source: Port of Los Angeles Environmental and Engineering Divisions)

Tier I

Description

Date Accomplished

Additional Trash Pick Up	Sept. 2005
Educational Signage	Dec. 2005
Storm Drain Low Flow Diversion	July 2004
Remove Sanitary Sewer Outfall	July 2004
Gravity Sewer Repair	July 2004
Sand Cleaning	Sept. 2005
Redesign Bird Exclusion Structure	Nov. 2005
Tier I Report Complete	Mar. 2006

Tier II

Description

Date Accomplished

Beach Management Plan	Nov. 2008
Remove Old Outfall Line	June 2007
Replace Beach Sand (Phase 1)	June 2007
Replace Beach Sand (Phase 2)	June 2009
Remove Rock Groin	Aug. 2009
Permanent Bird Structure	July 2010

Project description- The Port proposes to excavate approximately 50,000 cubic yards (cy) of accumulated sand from Inner Cabrillo Beach and place the sand on Outer Cabrillo Beach to demonstrate compliance with the Board's bacterial TMDL requirements (see attached drawing). This action may occur more than once during the permit period to address TMDL requirements.

Proposed Mitigation – 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: The majority of the Inner Cabrillo Beach would be avoided. Specifically, the area covered by the bird exclusion structure and proposed bird exclusion structure expansion area would be avoided. While the entire Outer Cabrillo Beach area may be impacted by the proposed beach nourishment, some eroded areas may receive more than 2 feet of sand which may result in other areas of the Outer Cabrillo beach being avoided. Seasonal restrictions would also be implemented to avoid impacts on the California least tern and grunion.

Minimization: Impacts on the Inner Cabrillo Beach would be limited to the south accreted area from an area south of an existing storm drain near the bird exclusion structure to the existing fishing pier. Therefore, impacts to public uses of the Inner Cabrillo Beach would be minimized. Impacts to California least tern and grunion would be minimized by conducting excavation and beach nourishment activities at the project locations outside the nesting and spawning seasons for these species.

Compensation: No compensatory mitigation is proposed. However, in the event eelgrass is impacted during excavation/dredging of sand from the Inner Cabrillo Beach, mitigation for eelgrass impacts in accordance with the Southern California Eelgrass Mitigation Policy would be required by the Corps.

Proposed Permit Conditions

General Conditions:

1. The time limit for completing the authorized activity ends on **December 31, 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 of this permit from this office, which may require restoration of the area.

3. Pursuant to 36 C.F.R. Section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division Staff (Theresa Stevens, Ph.D. at 805-585-2146) and Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. Section 800.13.

4. If you sell the property 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. 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.

Furthermore, you must comply with the following non-discretionary Special Conditions:

Special Conditions:

1. The Permittee shall notify the Corps of Engineers Regulatory Division at least 90 days in advance of excavation and beach nourishment activities at the Inner Cabrillo Beach and Outer Cabrillo Beach sites. Notification shall include a written description of all proposed work, project schedule and estimate of project duration, updated biological resources information including eelgrass and *Caulerpa* surveys, design drawings (vicinity map, plan view, cross section, profile), and all additional information described below.
2. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memo indicating the date authorized impacts to waters of the U.S. ceased.
3. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
4. A pre-construction survey of the project area for *Caulerpa taxifolia* (*Caulerpa*) shall be conducted in accordance with the *Caulerpa* Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of that survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated,

treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFG.

5. **FOR DREDGING PROJECTS WITH THE POTENTIAL TO IMPACT EELGRASS:**
Prior to each maintenance dredging event, a pre-project eelgrass survey should be conducted in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (<http://swr.nmfs.noaa.gov/hcd/eelpol.htm>). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the SCEMP.
6. 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.
7. 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.
8. 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) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (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:
 - 1) Project description including the type of operation (i.e. dredging, diving, construction, etc).
 - 2) Location of operation, including Latitude / Longitude (NAD 83).
 - 3) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.

- 4) Vessels involved in the operation (name, size and type).
 - 5) VHF-FM radio frequencies monitored by vessels on scene.
 - 6) Point of contact and 24 -hour phone number.
 - 7) Potential hazards to navigation.
 - 8) Chart number for the area of operation.
 - 9) 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.
- 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.
9. 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.
10. 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.

11. 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 haul truck, hopper dredge, disposal barge or scow.
12. Dredging authorized in this permit shall be limited to the areas defined in Figure 4 of the application dated June 27, 2011. No more than 50,000 cubic yards of material are authorized for dredging from the Inner Cabrillo Beach by the Permittee. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.
13. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be -2-feet below mean lower low water (MLLW). No dredging shall occur deeper than -2-feet below MLLW or outside the project boundaries.
14. 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. 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. 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.
15. 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 dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.
 - ii) Dredging and disposal procedures for material determined by the Corps and EPA Region IX to be suitable for ocean disposal.
 - iii) 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, overdredge 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 overdredge depth shall be shaded yellow, and areas below overdredge 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.

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

17. 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.

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

19. 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) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (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:
- 1) Project description including the type of operation (i.e. dredging, diving, construction, etc).
 - 2) Location of operation, including Latitude / Longitude (NAD 83).
 - 3) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.
 - 4) Vessels involved in the operation (name, size and type).
 - 5) VHF-FM radio frequencies monitored by vessels on scene.
 - 6) Point of contact and 24 -hour phone number.
 - 7) Potential hazards to navigation.
 - 8) Chart number for the area of operation.
 - 9) Recommend the following language be used in the Local Notice to Mariners: 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.
- 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
25. 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.
26. 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.

27. 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.
28. 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.
29. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division 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) Start date and completion date of dredging and disposal operations.
 - C) Total cubic yards placed for beach nourishment.
 - D) Mode of dredging.
 - E) Mode of transportation.
 - F) Form of dredged material.
 - G) Frequency of disposal and plots of all trips to the Outer Cabrillo Beach nourishment site.
 - H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the Outer Cabrillo Beach nourishment site.
 - I) Percent sand, silt and clay in dredged material.
 - J) A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
 - K) 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 overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the overdredge 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.
 - L) 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.

For additional information please contact Theresa Stevens, Ph.D. of my staff at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

for
① CASTANON 28-NOV-2011
CESPL-RG-N

① ALLEN 23-NOV-2011
CESPL-RG-N

① 22 NOV 2011

STEVENS
CESPL-RG-N

