



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

EMERGENCY PERMIT FOR VENTURA HARBOR DREDGING

Public Notice/Application No.: SPL-2012-00132-AJS

Project: Ventura Harbor sand trap emergency dredging

Comment Period: April 6, 2012 through May 7, 2012

Project Manager: Antal Szijj; 805-585-2147; Antal.J.Szijj@usace.army.mil

Applicant

Oscar Pena
Ventura Port District
1603 Anchors Way Drive
Ventura, California 93001

Contact

Richard Parsons
2271 Los Encinos Road
Ojai, California 93023-9709

Location

Ventura Harbor entrance channel and adjacent sand trap (dredging operation) and beach areas extending south of entrance channel (disposal) within the city and county of Ventura, CA (at: Lat 34.24887, Long -119.27214).

Activity

On February 29, 2012, the Ventura Port District (Port District) requested emergency authorization to continue dredging operations in the federal entrance channel and adjacent sand trap that was being undertaken by the Corps of Engineers. Due to unforeseen levels of material accumulation in the sand trap area and the limited federal funds available to complete work, the Port District proposed to continue dredging operations at their own expense and utilizing the already mobilized dredge operator. In order to ensure work could be completed before seasonal restrictions would preclude beach disposal and effectively prevent further dredging until the fall, an emergency permit was issued to allow work to continue and provide a means to enforce agreed upon terms and conditions. Use of emergency procedures was deemed necessary as failure to complete additional dredging before the seasonal restrictions went into effect would have resulted in sand from the sand trap migrating into the entrance channel, eventually creating a navigational hazard for boats entering and exiting the harbor and potentially closing the harbor entrance entirely.

Dredging operations were authorized under an emergency individual permit issued on March 5, 2012 with an expiration date of March 31, 2012. Work was completed on March 23, 2012. A total of approximately 273,000 cubic yards of sandy material was dredged from the sand trap adjacent to the entrance channel and within the geographic scope of the federal dredging project between (see attached drawings). As with the preceding federal dredging project, material was disposed of in the

surf zone along the beach south of the harbor and north of the Ventura River estuary. For more information see page 3 of this notice.

Interested parties are hereby notified that an application was received and a Department of the Army permit was issued under emergency procedures on March 5, 2012, for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the completed work, which will become a part of the record. Substantive comments will be described and addressed in our after-the-fact environmental assessment. Comments should be mailed to:

Antal Szijj, Senior Project Manager
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: Antal.J.Szijj@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.

Water Quality- On February 6, 2012, the Los Angeles Regional Water Quality Control Board issued waste discharge requirements (WDR) to the Port District in association with their routine maintenance dredging program, including disposal, which are valid through December 31, 2016 (order no. R4-2012-0027). The WDRs expressly satisfy the requirements of Section 401 of the Clean Water Act and cover dredging of both the inner and outer harbor areas, which includes the area authorized by the emergency permit. At the request of the Los Angeles Regional Water Quality Control Board, water quality monitoring and reporting as stipulated in the WDRs for the Port District's maintenance program was required by the conditions of the emergency permit and carried out by the Port District.

Coastal Zone Management- Dredging operations by the Ventura Port District are covered by an existing Coastal Development Permit issued by the California Coastal Commission on March 6, 2007 (permit no. 4-06-086), which is valid through April 15, 2016.

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. Both the dredging and disposal sites are areas of dynamic erosion and accretion through littoral drift and wave action, and have been subject to dredging and disposal operations on numerous occasions in the past. For these reasons the Corps determined there is little likelihood of any cultural resources to be present or otherwise affected by the emergency work.

Endangered Species- The location of the discharge pipeline along the beach south of the harbor entrance is known to support two federally listed bird species: the endangered California least tern (*Sterna antillarum browni*) and the threatened western snowy plover (*Charadrius nivosus nivosus*). This area is also within designated and proposed critical habitat for the plover. As part of the federal project, avoidance and minimization measures were included to ensure adverse effects to either species would be avoided. Included among those measures is a seasonal restriction that precludes beach disposal in this area after March 31. A biological monitor was also present during disposal operations to ensure adverse effects to either species were avoided.

Additional Project Information

The Corps of Engineers in the process of renewing a Regional General Permit (RGP) that would authorize routine maintenance dredging operations conducted by the Port District. Due to the expiration of the existing RGP and delays in reauthorization, it was not available to authorize the subject work. The RGP would authorize dredging of both the inner and outer harbor areas, the latter comprising the federally managed entrance channel and adjacent sand trap. As with the emergency permit, work conducted by the Port District within the federal channel would be to augment dredging by the Corps of Engineers in the event federal funding does not fully address the maintenance needs in a given season. A public notice describing the proposed renewal of the RGP and proposed terms and conditions was circulated for public comment on February 14, 2012. The Corps anticipates the RGP would be available for the Port District's use prior to the next maintenance dredging operation in either the inner or outer harbor area.

Special Conditions

The following special conditions were included in the emergency permit issued to the Port District:

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. 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.

4. The Permittee is responsible for the water quality monitoring program and shall prepare reports on monitoring of waste discharge and return water, pursuant to the Waste Discharge Requirements (WDR) of the California Regional Water Quality Control Board (CRWQCB) Los Angeles Region, Order No. R4-2012-0027, File No. 76-59. Copies of these reports shall be provided to the Corps and to the CRWQCB. Receiving water and return water shall be monitored in compliance with CRWQCB requirements. All monitoring associated with this project would be conducted within the area as defined in the WDR (Order No. R4-2006-0097, File No. 76-59). The existing project WDR covers all work and work areas associated with this dredging project.

Dredging Operations

5. 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.

6. 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 operation. 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.

7. 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.

8. 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.

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.

Disposal Operations

10. When placing dredged materials on the beach or nearshore, the contractor shall stay within the boundaries of the identified construction zones as identified in attached Figure 1b for the locations of the proposed placement of suitable dredged material area(s), South Beach, McGrath State Beach, McGrath State Beach Nearshore. Environmentally sensitive areas, such as estuaries, would be avoided.

11. Project features shall not interfere with tidal circulation and fresh water inflows into and through the mouth of the Santa Clara River or its estuary. Beach replenishment activities shall not extend

within 61 meters (200 ft.) of the river or its estuary. Activities boundaries shall be clearly marked.

12. 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 Game. 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.

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

14. 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.

15. 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.

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

17. 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.

18. The Permittee shall notify NMFS at least 72 hours in advance of dredging and disposal operations at (562) 980-4037.

Post-Dredging Completion Report

19. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division, the Los Angeles Regional Water Quality Control Board (attention: Michael Lyons, Contaminated Sediments Division, 320 West Fourth Street, Suite 200, Los Angeles, CA 90013), 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 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 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.
- 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."

Inspections

20. 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.

21. 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 Antal Szijj of my staff at 805-585-2147 or via e-mail at Antal.J.Szijj@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

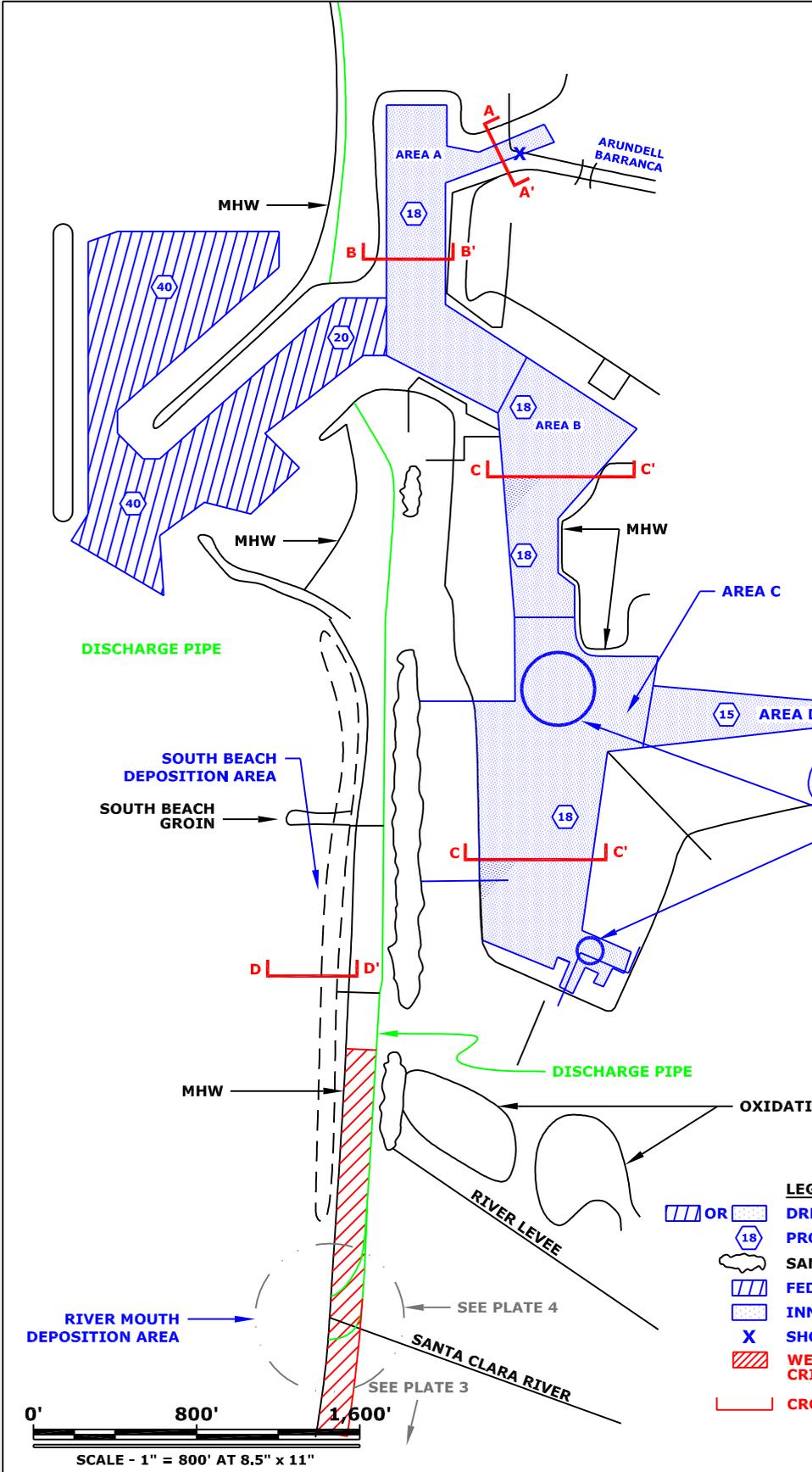
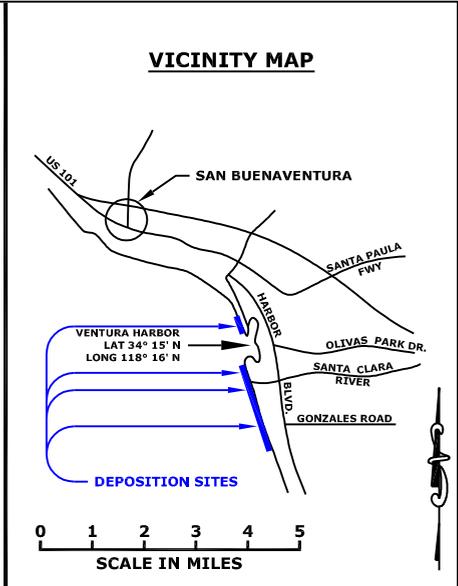


Regulatory Program Goals:

- 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.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001
WWW.SPL.USACE.ARMY.MIL



- LEGEND**
- OR DREDGING LIMITS
 - PROJECT DEPTH (MLLW)
 - SAND DUNES
 - FEDERAL PROJECT BOUNDARIES
 - INNER HARBOR
 - SHORE BASED CLAM SHELL DREDGING
 - WESTERN SNOWY PLOVER CRITICAL HABITAT
 - CROSS SECTION LOCATION

Applied Environmental Technologies, Inc.
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