US Army Corps of Engineers®

SPECIAL PUBLIC NOTICE

APPLICATION FOR RENEWAL OF
REGIONAL GENERAL PERMIT No. 28

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2008-00950-TS
Comment Period: November 25, 2008 through December 26, 2008
Project Manager: Theresa Stevens; 805-585-2146; Theresa.Stevens@usace.army.mil

Applicant
Richard Cameron
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

Contact
Janna Watanabe
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

Location
The Port of Long Beach in Long Beach, Los Angeles County, California (see attached map).

Activity
The applicant has requested reauthorization of their maintenance dredging permit (SPL-2003-00417-JLB, Regional General Permit No. 28) and to conduct routine maintenance activities within the Port as described below. The intent of the permit is to provide blanket authority of routine maintenance dredging needs and routine maintenance on existing structures and facilities located in waters of the U.S.

Maintenance Dredging

The applicant has proposed to conduct routine maintenance dredging of up to 40,000 cubic yards per year, and no more than 200,000 cubic yards in a five-year period. Sampling and analysis of dredged materials, as well as disposal operations, would be considered on a case by case basis, and written approval from the Corps would be required for each proposed maintenance dredging activity. Also, if the applicant proposed to use unconfined ocean disposal at LA-2, concurrence from the USEPA would also be required. Finally, before allowing unconfined ocean disposal, the Corps and EPA would require the applicant demonstrate an exhaustive search for alternative disposal sites including

beneficial reuse at other regional sites, including landfill, upland sites, and in-harbor beneficial reuse sites pursuant to the Clean Water Action Section 404(b)(1) requirements of the Marine Protection Research and Sanctuaries Act (MPRSA). In any case, if the material is deemed not suitable for unconfined disposal, other sediment storage options will be required.

Routine Maintenance of Existing Structures/Facilities

These activities may include the following:

- Removal of debris/objects posing a navigational safety hazard to vessels. This may include sunken ships, concrete, rubber tires, pipelines protruding above the mudline, timber pilings, and other miscellaneous debris.
- Routine wharf maintenance work, including like-for-like repair or replacement of piles, fenders, or other wharf structural components.
- Maintenance, repair or like-for-like replacement of rock rip rap.
- Repair, minor modification and in-alignment replacement of docks, floats, piers, and bulkheads.

Disposal of materials resulting from these activities will include temporary placement at an upland location within the Port of Long Beach for drying and sorting prior to disposal. Any scrap steel will be recycled and rock/concrete will be crushed into miscellaneous road base for Port use. Non-recyclable debris will be disposed of at upland landfills appropriate for the type of debris generated and in accordance with federal and state regulations. Maintenance project involving a discharge of fill (such as jet driving) would require separate authorization, as well as 401 certification from the Regional Board. Projects involving an increase in shading or permanent impacts to waters of the U.S. would also require separate authorization.

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 of March 3, 1899 (33 U.S. C. 403), Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S. C. 1413), and the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Ventura Field Office
Attention: Theresa Stevens
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.

Preliminary Review of Selected Factors

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 California Regional Water Quality Control 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.

Coastal Zone Management- The applicant will be required to demonstrate the proposed dredging and routine maintenance is consistent with an approved Port Master Plan. Furthermore, for any proposed unconfined ocean disposal, separate authorization from the California Coastal Commission would be required.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the RMS Queen Mary is docked within the Port of Long Beach at Pier J. The proposed activities would take place within the Port of Long Beach and occur below the water surface or on existing structures and facilities. Maintenance dredging and routine maintenance of existing structures and facilities (in a like-for-like manner) is not expected to affect listed or eligible historical or archaeological resources within the Port of Long Beach or Long Beach Harbor. 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- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Maintenance dredging and routine maintenance of existing structures and facilities occur adjacent to, underneath and within operational commercial shipping terminals. Although two federally listed species, the California brown pelican (*Pelicanus occidentalis*) and the California Least tern (*Sterna antillarum brownii*) occur within the Port of Long Beach, the proposed maintenance dredging and routine maintenance activities of existing structures and facilities would have no effect on the species because proposed activities would occur in close proximity to terminals with a high ambient level of noise and disturbance and no suitable foraging or roosting habitats. California brown pelicans use the harbor year-round for resting but do not breed there. Pelicans may occasionally perch on structures in the Port.

The peregrine falcon (*Falco peregrinus anatum)* is fully protected in California, and was delisted by the U.S. Fish and Wildlife Service in 1999. This species has recently nested on the Schuyler F. Heim Bridge over the Cerritos Channel. Peregrine falcons could fly or forage over the harbor, but this species is not expected to be adversely affected by maintenance dredging or other routine maintenance activities because disturbances would be short term and falcons are acclimated to Port activities.

The Corps has preliminarily determined that maintenance dredging and routine maintenance of existing structures and facilities would not adversely affect listed species or designated critical habitat within the Port. With the public notice, the Corps is requesting U.S. Fish and Wildlife Service concurrence or non-concurrence with this determination.

Essential Fish Habitat Assessment- The Port is located within an area designated as an Essential Fish Habitat (EFH) for two Fishery Management Plans, the Coastal Pelagics Management Plan and the Pacific Groundfish Management Plan. Of the 94 species included under these plans, eight are known to occur in the Port of Long Beach and could be affected by the proposed project (SAIC 2008, MEC and Associates 2002). Of coastal pelagics, only the northern anchovy (*Engraulis mordax*) were abundant. Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*) were common throughout the harbor, and Jack mackerel (*Trachurus symmetricus*) was common in the inner to middle harbor and uncommon in the outer harbor. Of groundfish, only Pacific sanddab (*Citharichthys sordidus*) and black rockfish (*Sebastes melanops*) were identified, and both species were found at the southern end of the Back Channel. Maintenance dredging would likely result in temporary increases in turbidity and suspended solids at dredging site(s), which could decrease light penetration causing a decline in primary productivity due to decreased photosynthesis by phytoplankton. Any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and invertebrate filter feeders. Direct impacts to benthic invertebrates include abrasion, entrainment, or mortality from the cutterhead dredge and clamshell bucket. Impacts to biological resources are expected to be minimized due to the localized nature of dredge operations within the Port. Chambers (2001) suggests that Southern California harbor dredging projects would probably not generate turbidity levels at 100 meters or more from the dredge site that would have a significant effect on marine organisms. Although fish could be affected by turbidity from dredging activities, studies have shown that large-scale channel dredging and landfill operations in the 1980s and 1990s did not have long-term adverse effects on fish populations (MECAS 1988; SAIC and MECAS 1996), because fish are able to avoid the impact by simply swimming out of the area. Noise and disturbance associated with project activities could have short-term adverse impacts on aquatic habitat. However, because noise and disturbance from boat traffic and other activities within the Port

are part of the ambient conditions and given the temporary nature of the project, impacts on fish in the proposed project area are expected to be temporary and minor. Maintenance dredging would remove accumulated sediments (some may be chemically impacted) from the Port. Therefore, while dredging may create adverse short-term impacts to benthic species and local fish populations (such as direct mortality of organisms, burial by settling of suspended sediments, reduced ingestion, or depressed filtration rates), these impacts would be offset by the removal of contaminated sediments that pose an ecological risk and an ongoing hindrance to the overall health of the ecosystem in the Port. Following dredging and routine maintenance, benthic communities are expected to re-colonize from planktonic stages and are expected to recover to a state of biomass and diversity that exceeds the pre-project condition. No permanent loss of benthic habitat would occur, and this would constitute a long-term benefit to managed EFH in the Port.

The Corps has preliminarily determined that maintenance dredging and routine maintenance of existing structures or facilities would not likely adversely affect EFH or managed species in the Port. With this public notice, the Corps is requesting NOAA Fisheries concurrence or non-concurrence with this 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 Activities for Which a Permit is Required

The Port of Long Beach has requested reauthorization of their maintenance dredging permit ((SPL-2003-00417-JLB) and to conduct routine maintenance activities within the Port as described below. The intent of the permit is to provide blanket authority of routine maintenance dredging needs and routine maintenance on existing structures and facilities located in waters of the U.S.

Maintenance Dredging

The applicant would be authorized to conduct maintenance dredging up to 40,000 cubic yards per year, and no more than 200,000 cubic yards in a five-year period. Sampling and analysis of dredged materials, as well as disposal operations, would be considered on a case by case basis, and written approval from the Corps would be required for each proposed maintenance dredging activity. Also, if the applicant proposed to use unconfined ocean disposal at LA-2, concurrence from the USEPA would also be required. Finally, before allowing unconfined ocean disposal, the Corps and EPA would require the applicant demonstrate an exhaustive search for alternative disposal sites including beneficial reuse at other regional sites, including landfill, upland sites, and in-harbor beneficial reuse sites pursuant to the Clean Water Action Section 404(b)(1) requirements of the Marine Protection Research and Sanctuaries Act (MPRSA). If the material is deemed not suitable for unconfined disposal, other sediment storage options will be required.

Routine Maintenance of Existing Structures/Facilities

These activities may include the following:

- Removal of debris/objects posing a navigational safety hazard to vessels. This may include sunken ships, concrete, rubber tires, pipelines protruding above the mudline, timber pilings, and other miscellaneous debris.

- Routine wharf maintenance work, including like-for-like repair or replacement of piles, fenders, or other wharf structural components.
- Maintenance, repair or like-for-like replacement of rock rip rap.
- Repair, minor modification and in-alignment replacement of docks, floats, piers, and bulkheads.

Disposal of materials resulting from these activities will include temporary placement at an upland location within the Port of Long Beach for drying and sorting prior to disposal. Any scrap steel will be recycled and rock/concrete will be crushed into miscellaneous road base for Port use. Non-recyclable debris will be disposed of at upland landfills appropriate for the type of debris generated and in accordance with federal and state regulations. Maintenance project involving a discharge of fill (such as jet driving) would require separate authorization, as well as Section 401 water quality certification from the Regional Board. Projects involving an increase in shading or permanent impacts to waters of the U.S. would also require separate authorization.

Additional Project Information

This proposal represents a reauthorization of the Port's existing maintenance dredging permit (Corps File No. SPL-2003-00417-JLB), which is scheduled to expire on December 31, 2008 and authorization of routine maintenance work on existing structures and facilities in waters of the U.S. as described above.

Proposed Special Conditions

Section 10 – Work in Navigable Waters

1. 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.

2. No earthwork is authorized by this Regional General Permit.

3. The applicant is authorized to perform routine wharf maintenance activities, involving only like-for-like maintenance and replacement/repair work of existing wharf components. No discharges of fill or increases in shading impacts are authorized.

4. No jet driving for purposes of pile replacement is authorized by this RGP. Projects involving jet driving require separate authorization and 401 water quality certification from the Regional Board.

5. No capital improvement projects, expansions, or modifications resulting n a change of the existing use of the facility are authorized by this RGP.

6. Only clean construction materials suitable for use in the oceanic environment are allowed.

7. 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 be placed where it may be washed by rainfall or runoff into waters of the U.S. Therefore, the permittee shall employ all standard Best Management Practices to insure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction. Upon completion of work any excess material or debris shall be removed from the work area and disposed of in an appropriate upland site.

8. The permittee shall provide an annual summary of routine maintenance of existing structures and facilities completed under this RGP to the Corps of Engineers by December 31st of each year.

9. Creosote treated pilings shall not be placed in navigable waters unless all of the following conditions are met:

A) The project involves the repair of existing structures that were originally constructed using wood products;

B) The creosote treated pilings are wrapped in plastic;

C) Measures are taken to prevent damage to plastic wrapping from boat use. Such measures may include installation of rub strips or bumpers;

D) The plastic wrapping is sealed at all joints to prevent leakage; and

E) The plastic material is expected to maintain its integrity for at least ten years, and plastic wrappings that develop holes or leaks must be repaired or replaced in a timely manner by the Permittee.

10. No new construction or expansion of structures is permitted.

11. 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.ucsd.edu/hcd/ccpvl.htm) not earlier than 90 calendar days prior to planned dredging or maintenance and not later than 30 calendar days prior to dredging or maintenance. The results of that survey shall be furnished to the Corps, 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, in consultation with NOAA Fisheries and CDFG. Pile driving activities within the Port of Long Beach are specifically exempted from the Protocol.

12. 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.

13. The Permittee shall notify the Corps 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.

14. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, , not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

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

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

C) Work start and completion dates and the expected duration of operations.

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

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

F) Point of contact and 24 hour phone number.

G) Potential hazards to navigation.

H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

15. 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, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which 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 as well as the U.S. Coast Guard, Aids to Navigation office; the USCG AtoN office can also be contacted at (510) 437-2982. The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.

16. Should the Permittee determine the work requires the 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 as well as the U.S. Coast Guard, Aids to Navigation office; the USCG AtoN office (Mr. Brian Aldrich) can also be contacted at (510) 437-2983. 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 and the U.S. Coast Guard.

17. Upon notification to the U.S. Coast Guard as specified in Special Condition 14, the Permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). 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.

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 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.

19. The permittee understands and agrees that, if future operations by the United States require 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, 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.

20. In the event steel piles will be driven to replace piles of other materials, the contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. At the initiation of each pile driving event, the pile driving shall also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40-60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.

Dredging

1. 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.

2. Dredging authorized in this permit shall be limited to the areas defined in Sampling and Analysis Plan (SAP), and limited to nor more than the number of cubic yards requested. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

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

4. For maintenance dredging under this permit, the maximum dredging design depth (also known as the project depth or grade) shall be the current authorized design depth of the berths, with a maximum allowable overdredge depth of -2 feet below the design grade. No dredging shall occur deeper than – 2 feet below the design grade or outside the project boundaries. Case-by-case requests to extend the allowable overdepth vertical tolerance are acceptable so long as the need can be justified. Such requests will be approved only after consultation with EPA.

5. 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, 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. 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 and EPA a draft

sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps, in consultation with EPA.

6. 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 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 the specified cubic yards of dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.

ii) Dredging and disposal procedures for the specified cubic yards of dredged material determined by the Corps and EPA Region IX to be unsuitable for upland or other disposal.

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

E) A predredging 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 predredge 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 predredge 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 predredging 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.

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.

8. The Permittee shall notify the Commander Eleventh Coast Guard District (USCG), and the Coast Guard Marine Safety Office / Group LA-LB not less than 14 calendar days prior to commencing work and as project information changes. A copy of each notification to the USCG shall be sent to the Corps for our file. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

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

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

C) Work start and completion dates and the expected duration of operations.

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

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

F) Point of contact and 24 hour phone number.

G) Potential hazards to navigation.

H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

9. 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 USCG in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which 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 as well as the USCG, Aids to Navigation office. The Permittee and its contractor(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.

10. Should the Permittee determine the work requires the 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 as well as the U.S. Coast Guard, Aids to Navigation office. 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 and the USCG.

11. 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.

12. 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.

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

14. 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, 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.

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

16. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps 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.

17. 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.

18. 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.

19. 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 20.

20. The Permittee shall submit a post-dredging completion report to the Corps 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 disposed at the disposal site.

D) Mode of dredging.

E) Mode of transportation.

F) Form of dredged material.

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

H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the ocean 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 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 predredging 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 predredging 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 the Permittee or a duly authorized representative of the Permittee. The following certification shall be included in the post-

dredging report:

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.

Ocean Disposal

The following proposed special conditions represent the conditions likely to be applied where unconfined ocean disposal is proposed, representing the most stringent case.

1. For this permit, the term disposal operations shall mean: the transportation of dredged material from the dredging site to the LA-2 ocean disposal site, proper disposal of dredged material at the central disposal area within the ocean disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.

2. The ocean disposal site as circles with the center coordinates and radii listed below:

LA-2: 33 degrees 37.10 minutes North Latitude, 118 degrees 17.40 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

3. No more than the specified number of cubic yards of dredged material excavated at the location defined in the SAP are authorized for disposal at the ocean disposal site.

4. Prior to commencement of any ocean disposal operations, the Permittee shall submit a Scow Certification Checklist to EPA and the Corps for review and approval. The Scow Certification Checklist shall document: the amount of material dredged and loaded into each barge for disposal; the location from which the material in each barge was dredged; the weather report for and sea state conditions anticipated during the transit period; the time that each disposal vessel is expected to depart for, arrive at and return from the ocean disposal site.

5. The Permittee shall notify the USCG by radio on VHF-FM channel 16 or by telephone at least four (4) hours before departing for each disposal site. The notification shall include:

A) Name of Permittee.

B) Corps permit number.

C) Name and identification of vessels (tug boat, hopper dredged or disposal barge or scow) employed in the disposal operation.

D) Loading location of the material to be disposed.

E) Material to be disposed.

F) Time of departure from the dredging site.

G) Estimated time of arrival at the ocean disposal site and estimated time of departure from

the ocean disposal site.

I) Estimated time or arrival at dredging site after the disposal operation is completed.

6. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to the ocean disposal site. The Permittee shall transport dredged material to the ocean disposal site only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.

7. When dredged material is discharged by the Permittee at the ocean disposal site, no portion of the vessel from which the materials are to be released (e.g. hopper dredge or towed barge) may be further than 1,000 feet (305 meters) from the center of the disposal site (the "surface disposal zone" or "SDZ").

8. No more than one disposal vessel may be present within the ocean disposal site SDZ at any time.

9. The captain of any tug boat or other vessel covered by this permit shall monitor VHF-FM channel 16 while conducting disposal operations.

10. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel (e.g., scow) based. An appropriate Global Positioning System (GPS) shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the ocean disposal site boundary, and at a maximum 15-second interval while inside the ocean disposal site boundary. This system must also indicate and record the time and location of each disposal event (e.g., the discharge phase). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the ocean disposal site and its SDZ, superimposed on the appropriate National Oceanic Service navigational chart, so that the operator can confirm proper position within the SDZ before disposing the dredged material.

11. Data recorded from the primary disposal tracking system must be posted by a third party contractor on a near-real time basis to a World Wide Web (Internet) site accessible at a minimum by EPA, the Corps, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps and EPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to ocean disposal site; the beginning and ending locations of the disposal event; and the disposal vessel draft throughout the transit. The requirement for posting this information on the Internet is independent from the hard-copy reporting requirements listed in Special Condition 14 below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent dumping outside the SDZ of the ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the ocean disposal site. Substantial leakage/spillage or other loss for this permit is defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24 hours of the end of that trip, at a minimum to EPA, the Corps, the Permittee, and the prime dredging contractor.

12. If the primary disposal tracking system fails during transit to the ocean disposal site, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow (Alay back@), the estimated scow position would be within the SDZ of the ocean disposal site. In such cases, the towing vessel's position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. The Permittee shall halt further disposal operations using a disposal vessel whose navigation tracking system fails until those primary disposal tracking capabilities are restored.

13. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to EPA and the Corps within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in Special Condition 11 above, will be considered as fulfilling this 24-hour notification requirement. In addition, the Permittee shall prepare and submit a detailed report of any such compliance problems with the monthly hard-copy reports described below.

14. The Permittee shall collect, for each ocean disposal trip, both automatically-recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled, and provided in reports to both EPA and the Corps at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically-recorded electronic navigation tracking and disposal vessel draft data on CD ROM (or other media approved by EPA and the Corps), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The reports shall also include a cover letter describing any problems complying with the general and special conditions of this permit, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

15. Following the completion of ocean disposal operations, the Permittee shall submit to EPA and the Corps a completion letter summarizing the total number of disposal trips and the overall (in situ) volume of material disposed at the ocean disposal site for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit.

For additional information please call 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.

PORT OF LONG BEACH
CALIFORNIA

Approved By
Chief Harbor Engineer

SCALE IN FEET: 1000 500 0 500 1000 2000 3000

SCALE IN METERS: 300 150 0 200 500 750 1000

EFFECTIVE: JANUARY 2007

HD 43,000