PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
Portofino Cove Marina Maintenance Dredging

Public Notice/Application No.: SPL-2015-00365-GS
Project: Portofino Cove Marina Maintenance Dredging
Comment Period: December 28, 2016 through January 27, 2017
Project Manager: Gerardo Salas, (213) 452-3417, Gerardo.Salas@usace.army.mil

Applicant
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Location
The Portofino Cove Marina Maintenance Dredging is located at the existing Portofino Cove Marina, located in the northwest region of Huntington Harbour in Huntington Beach, Orange County, California (at Lat/Long: 33.72672, -118.07394).

Activity
The applicant proposes to maintenance dredge all slips and fairways within the Portofino Cove Marina to the design elevation of -7 feet mean lower low water (MLLW), plus 1 foot of allowable overdepth. In total, approximately 11,735 cubic yards of material would be dredged from the proposed project area, which encompasses approximately 86,670 square feet (2.0 acres) (see attached drawings). Furthermore, sediment removal would be conducted using a mechanical clamshell dredge. Finally, the dredged material would be disposed at the LA-2 Ocean Dredged Material Disposal Site (ODMDS), a U.S. Environmental Protection Agency (EPA) approved open-ocean disposal site located offshore of Huntington Beach. For more information, see page 3 of this public 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 in the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 103 of the Marine Protection, Research and Sanctuaries Act, Section 10 of the Rivers and Harbors Act, and Section 404 of Clean Water Act. Comments should be mailed to:

Department of the Army
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Attn: Gerardo Salas
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

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

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

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

Evaluation Factors

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

The Corps 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 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 (EIS) 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 EIS 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 Santa Ana Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. The applicant submitted an application for a Water Quality Certification to the Santa Ana RWQCB on April 22, 2016, and is awaiting approval.

Coastal Zone Management - The applicant has certified the proposed activity would comply with and be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the State's Coastal Zone Management Plan. Concurrence was received by the CCC on May 10, 2016 (No Effects Determination 0005-16).

Cultural Resources - The proposed project involves dredging to the original design depths within the footprint of the existing channel. Furthermore, excavation would not occur in previously undisturbed areas. Therefore, the proposed project would have no potential to cause effects to any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance because the site is located in intertidal and subtidal areas of Huntington Harbour.

Essential Fish Habitat (EFH) – The Corps has preliminarily determined the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of EFH consultation for the proposed project. This notice initiates the EFH consultation requirements of the MSA via abbreviated consultation. In order to comply with the MSA, pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: see project description on page 5 of this public notice.

2. On site inspection information: The proposed project is located within a general area designated as EFH by two Fishery Management Plans (FMPs): the Coastal Pelagic Species FMP and the Pacific Coast Groundfish FMP. Based on the eelgrass (*Zostera marina*) survey conducted on April 6, 2015, biota along all swim paths is typical of the soft-bottom shallow water habitat in Huntington Harbour. The abundance and diversity of organisms is high with many motile and sessile organisms. Motile invertebrates on the soft substrate include bubble snail (*Bulla gouldiana*), yellow doris nudibranch (*Doriopsilla albopunctata*), navanax (*Navanax inermis*), polyclad flatworm (*Prostheceraeus bellostriatus*), and swimming scallop (*Argopecten sp.*), as well as channeled whelk (*Busycotypus*

canaliculatus) in the northeast-most area of the proposed project site. Typical encrusting invertebrates along the riprap and bulkheads include the tunicates *Styela plicata* and *S. montereyensis*, as well as the giant rock scallop (*Crassodoma gigantea*). Fish were also observed during the survey, including top smelt (*Atherinops affinis*), northern anchovy (*Engraulis mordax*), diamond turbot (*Hypsopsetta guttulata*), California halibut (*Paralichthys californicus*), spotted bay bass (*Paralabrax maculatofasciatus*), barred sand bass (*Paralabrax nebulifer*), and mating round stingray (*Urobatis halleri*).

The results of an April 6, 2015 eelgrass survey indicate an estimated total of 5,591 square feet (0.13 acre) of eelgrass exists within the marina and immediate surrounding area. Of this total, approximately 5,152 square feet (0.12 acre) is associated with a protected eelgrass mitigation site located on the landward side of Dock D along the main channel bulkhead (Figure 2). The mitigation site would not be dredged as part of the proposed project. The remaining 429 square feet (0.01 acre) of eelgrass is distributed almost evenly amongst nine small patches in the vicinity of Docks A through C. The turion density of both the larger bed and smaller patches is low, and eelgrass blades were generally stunted to approximately 1.5 feet in length.

3. Analysis of the potential adverse effects on EFH: Potential impacts of the proposed project to EFH would be temporary, localized minor increases in turbidity and noise associated with dredging activities and disturbance of the harbor bottom. However, turbidity impacts would be minimized through the use of floating silt curtains and other best management practices (BMPs). Dredging may also remove benthic infauna from the dredged area, but infaunal communities are anticipated to rapidly recolonize following dredging.

4. Proposed minimization, conservation, or mitigation measures: The proposed project has been designed to protect the existing eelgrass mitigation site along the main channel bulkhead. However, the proposed project would result in unavoidable impacts to 429 square feet (0.01 acre) of eelgrass located within the dredge footprint. The applicant would perform a pre-dredging survey and post-dredging survey to quantify the actual amount of eelgrass present in the proposed project area before and after dredging activities. Pursuant to the California Eelgrass Mitigation Policy (CEMP) and Implementing Guidelines (2014), the applicant would mitigate for unavoidable impacts to eelgrass by transplanting or harvesting eelgrass from other areas of the harbor to the existing mitigation site along the main channel bulkhead at a ratio of at least 1.38:1 mitigation area to impact area; however, the final location and size of the mitigation requirement would ultimately be determined based on the required pre- and post-dredging eelgrass surveys. Additionally, the applicant would work closely with the contractor to avoid impacts to eelgrass to the extent possible.

5. Conclusions regarding effects of the proposed project on EFH: Because of the temporary nature of the disturbance, localized nature of the activity, and the use of BMPs such as silt curtains, dredging would have temporary and minimal adverse effects on EFH and species managed under the Coastal Pelagic Species and Pacific Coast Groundfish FMPs.

Therefore, it is my initial determination the proposed activity may adversely affect but would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. My final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If I do not receive written comments (regular mail or e-mail) within the 30-day notification period, I will assume concurrence by NOAA Fisheries with the proposed mitigation measures.

Endangered Species – Federally listed species with the potential to occur in or adjacent to the proposed project area include the Western Snowy Plover (*Charadrius alexandrines nivosus*), Light-

footed Ridgway's rail (*Rallus longirostris levipes*), and California Least Tern (*Sterna antillarum browni*).

The California Least Tern, a federally listed endangered species, uses open sandy or gravelly shores with light-colored substrates, little vegetation, and nearby fishing waters for nesting. The California Least Tern does not breed or nest near the project site but forage in nearshore coastal waters during their April-to-September breeding season. During this period, adults forage on juvenile baitfish and take their prey back to their fledglings. California Least Tern forage within several miles of their nesting sites at Bolsa Chica Marsh. Known breeding areas for the California Least Tern include the Seal Beach National Wildlife Reserve 0.25 miles north of the proposed project area, as well as the Bolsa Chica Basin Marine Conservation Area 2.5 miles southeast of the proposed project area and Upper Newport Bay.

Temporarily increased turbidity and noise associated with dredging could potentially reduce the foraging efficacy of these species; however, these impacts would be temporary and negligible because they would be localized to the immediate dredging area. If turbidity in the immediate vicinity of dredging is slightly higher than ambient, fish may avoid turbid areas and remain available for catch elsewhere in the harbor. To minimize the potential for adverse effects to avian foraging opportunities, a silt curtain would be deployed around active dredging areas. Given this minimization measure, the short duration of the proposed project, and the generally small coverage area, foraging opportunities for these species would not be significantly affected. Additionally, due to the distance between the proposed project site and the nearest established California Least Tern breeding sites, the applicant is not proposing seasonal dredging restrictions for consideration of the nesting season.

Due to the distance between the project site and the known nesting sites, the limited foraging habitat available in the vicinity of the project site, and the limited amount of turbidity and noise expected as a result of the proposed project, the Corps is has preliminarily made "no effect" determinations to federally listed species and designated critical habitat.

Preliminary determinations indicate the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under section 7 of the Endangered Species Act does not appear to be required at this time.

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

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 (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Therefore, because no discharge of dredge or fill material is proposed within special aquatic sites, identification of the basic project purpose is not necessary.

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 restore the navigable capacity of the existing Portofino Cove Marina by removing excess sediments.

Additional Project Information

Baseline information- Huntington Harbour is a residential community located in the north end of Huntington Beach in Orange County, California (see Figure 1). It was developed in the 1960s by dredging and filling historic Sunset Bay Estuary wetlands. The area consists of five manmade islands with waterways varying from 15 to 20 feet in depth for boating. Other features of Huntington Harbour include small parks, a shopping center, and various shops and restaurants that serve the local community.

The existing Portofino Cove Marina is located along Bolsa Chica Channel in the northwest area of Huntington Harbour. The marina consists of Docks A through D, which support a total of 47 slips, 44 reinforced concrete pilings, two gangways, walkways, dock boxes, lighting, and water and electrical utilities (see Figure 2).

On March 19, 2015, a multi-beam bathymetric survey of the Portofino Cove Marina and surrounding vicinity was performed. The results of this survey indicate the average water depths in the marina range between -4 feet to -5 feet MLLW. The shallowest areas of the marina are fronting the seawall along Docks A and B, as well as a high shoal located at the end of Dock C. In these areas, water depths reach less than -2 feet MLLW.

An eelgrass survey was conducted by Ecomarine Consulting, LLC on April 6, 2015, which included the proposed dredge area and the area off shore of the Portofino Cove Marina lease area. The results of the eelgrass survey indicate an estimated total of 5,591 square feet (0.13 acre) of eelgrass exists within the marina and immediate surrounding area. Of this total, approximately 5,152 square feet (0.12 acre) is associated with a protected eelgrass mitigation site located on the landward side of Dock D along the Main Channel bulkhead (Figure 2). Dredging is not proposed in the eelgrass mitigation site. The remaining 429 square feet (0.01 acre) of eelgrass is distributed amongst nine small patches in the vicinity of Docks A through C. As noted in the April 2015 eelgrass survey, the turion density of both the larger bed and smaller patches is low, and eelgrass blades are generally stunted to no more than approximately 1.5 feet in length. No Caulerpa has been observed within the proposed dredge footprint.

Project Description- The proposed project involves dredging all slips and fairways within the Portofino Cove Marina to the design elevation of -7 feet MLLW, plus 1 foot of allowable overdepth. It also includes dredging a small area (approximately 3,800 square feet) outside of the marina lease area between Dock C and the Main Channel of Huntington Harbour. Approximately 11,735 CY of material would be dredged from the proposed project area, which encompasses approximately 86,670 square feet (2.0 acres). The proposed cross section of the dredge footprint is included as Figure 3.

Dredging is proposed to be conducted using a mechanical clamshell dredge, which consists of a crane mounted on a floating deck barge with a clamshell bucket on the end of the crane boom. The barge would likely have 2 to 4 spud piles (long pipes) used to anchor the dredge. Since clamshell dredges are not self-propelled, a tug boat would move the dredge. Once the dredge is positioned, the spuds would be driven vertically into the seafloor using hydraulic assistance. The clamshell, powered by a diesel generator, would then be raised and lowered through the water column using a series of cables and winches. The weight of the clamshell allows it to fall through the water column into the sediment, with the cables restricting the clamshell from falling too deep or beyond the maximum allowable overdepth. The clamshell then closes and is pulled up through the water column to above

the scow. Once over the scow, the clamshell opens and deposits the dredged material into the scow. Unlike hydraulic dredging, little additional water is entrained by mechanical dredging equipment. When all material within reach of the clamshell is dredged, the spuds would be raised and the tug would then push the barge to the next area requiring dredging. Once a scow is full, it would be transported by tug to the placement site. The process would repeat until all material is dredged from the proposed project area.

In 2014, the City of Huntington Beach and the County of Orange characterized proposed dredged material as part of the Sunset/Huntington Harbour Maintenance Dredging and Waterline Installation Project for ocean disposal at the LA-2 ODMDS. Seven dredge areas were characterized; three of which were located adjacent to Portofino Cove Marina including the Sunset Aquatic Marina, Bolsa Chica Channel, and Bolsa Sediment Trap. Sediment cores were collected at two stations from each of these three areas. Dredged material from Sunset Aquatic Marina, Bolsa Chica Channel, and Bolsa Sediment Trap was determined by the Southern California Dredged Material Management Team (SC-DMMT) to be suitable for ocean disposal at the LA-2 ODMDS. As part of the proposed project, a Tier I Evaluation was conducted on sediment from the Portofino Cove Marina in early 2015. This evaluation confirmed that proposed dredge material from the marina is similar to material located in Sunset Aquatic Marina, and was determined suitable by the SC-DMMT for disposal at the LA-2 ODMDS (April 2015). As such, dredged material associated with the proposed project would be mechanically dredged and then transported to LA-2 ODMDS in a bottom-dump scow.

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

Avoidance and Minimization - See Proposed Special Conditions

Compensation - The applicant would perform a pre-dredging survey and post-dredging survey to quantify the actual amount of eelgrass present in the proposed project area before and after dredging activities; these surveys would also confirm the continued absence of Caulerpa. Pursuant to the CEMP and Implementing Guidelines (2014), the applicant would mitigate for unavoidable impacts to eelgrass by planting transplanting or harvesting eelgrass from other areas of the harbor to the existing mitigation site along the main channel bulkhead at a ratio of at least 1.38:1 mitigation area to impact area; however, the final location and size of the mitigation requirement will ultimately be determined based on the required pre- and post-dredging eelgrass surveys. Additionally, the applicant would work closely with the contractor to avoid impacts to eelgrass to the extent possible.

No additional compensatory mitigation is proposed.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

1. Construction BMPs, such as contractor education on the terms and conditions of the permits, trash and debris control, and control of equipment staging and maintenance areas, would be applied to further minimize temporary, construction-related impacts.

2. Dredging may result in temporary, minor water quality impacts due to increased turbidity. Water quality BMPs and monitoring would be implemented at the site, such as:

   - The dredge and disposal scows would be encompassed in a continuous floating silt curtain;
   - Dredged material disposal scows would be inspected to ensure proper loading and leakage avoidance during transport;
   - A trash boom would be used;
   - Daily site inspections would be conducted by the construction manager; and,
   - A contractor education program would be implemented.

   The Corps may incorporate additional standard dredging and special conditions, as appropriate.

For additional information, please contact Gerardo Salas at 213-452-3417 or via e-mail at Gerardo.Salas@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

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

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

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L:\AutoCAD Project Files_Projects\0647-Portofino CoveMaintenance Dredge Ph2\0647-RP-001 VIC Map.dwg Figure 1

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AERIAL SOURCE: ESRI basemaps.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S. Feet.

0 1,500
Scale in Feet

ANCHOR QEA

Figure 1
Vicinity Map
Portofino Cove Marina Maintenance Dredging

Sunset Aquatic Marina

Bolsa Chica Channel
(Dredge Elevation -10 ft MLLW)

Bolsa Sediment Trap
(Dredge Elevation -15 ft MLLW)

Dock A

Dock B

Dock C

Dock D

Main Channel West
(Dredge Elevation
-10 ft MLLW)

Sunset Harbour

Sunset Harbour

Existing Docks

Lease Boundary

Existing Bulkhead

Dredge Elevation -7 ft MLLW

Proposed Dredge Area

Eelgrass Mitigation Site

A

A'

SOURCE: Aerial from ESRI basemaps. Bathymetric contours from Gahagan Bryant & Associates, Inc., survey dated March 19, 2015.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).
NOTE: Existing eelgrass shown is approximate and based on a survey by Ecomarine Consulting, LLC on April 6, 2015.

LEGEND:

- Existing Storm Drain Outfall
- -5 Existing Contours (2015, 1-ft Intervals)
- Existing Eelgrass (Approx.)
- County Dredge Area (2016)
- Portofino Cove Marina Lease Boundary
- Proposed Dredge Area
- A / A' Cross Section Location and Designation

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Scale in Feet

Feb 26, 2016 4:46pm tgriga L:\AutoCAD Project Files_Projects\0647-Portofino Cove\Maintenance Dredge Ph2\0647-RP-005 DREDGE.dwg Figure 2

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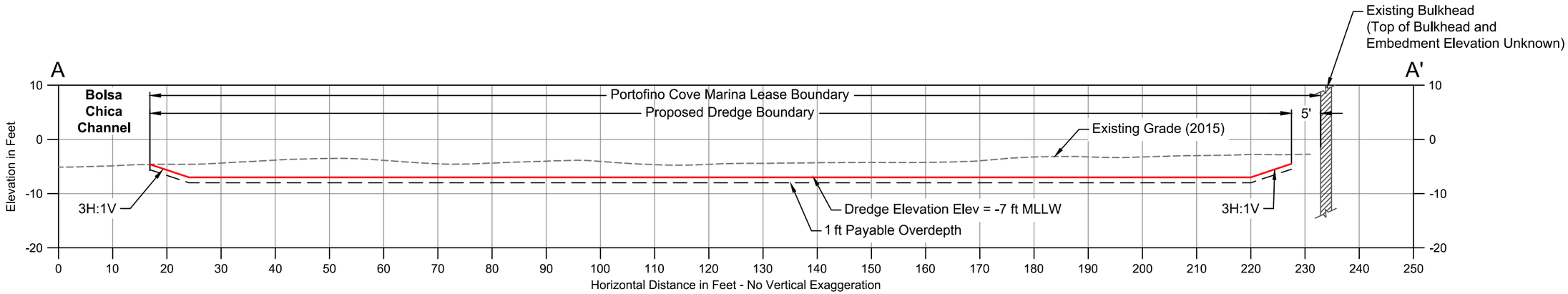
Figure 2
Site Overview and Dredge Plan
Portofino Cove Marina Maintenance Dredging



L:\AutoCAD Project Files_Projects\0647-Portofino Cove\Maintenance Dredge Ph2\0647-RP-005 DREDGE.dwg Figure 3

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Figure 3
Proposed Dredge Cross Section
Portofino Cove Marina Maintenance Dredging