



# PUBLIC NOTICE

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

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## **APPLICATION FOR PERMIT Maintenance Dredging at Anaheim Bay/Naval Weapons Station**

**Public Notice/Application No.:** SPL-2016-00301-GS

**Project:** Maintenance Dredging at Naval Weapons Station Seal Beach, Orange County, California

**Comment Period:** April 27, 2018 through May 16, 2018

**Project Manager:** Gerardo Salas; (213) 452-3417; [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil)

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### **Applicant**

Dan McMaster  
U.S. Navy, Naval Weapons Station Seal Beach  
800 Seal Beach Boulevard  
Seal Beach, California 90740  
(562) 626-7291

### **Contact**

Lindsay Flieger  
Naval Weapons Station Seal Beach  
800 Seal Beach Blvd, Bldg 230  
Seal Beach, California 90740  
Phone: (562) 626-6067  
[lindsay.flieger@navy.mil](mailto:lindsay.flieger@navy.mil)

### **Location**

Naval Weapons Station (NAVWPNSTA) Seal Beach within the City of Seal Beach, Orange County, California (at: 33.733410 Latitude -118.095290 Longitude).

### **Activity**

The applicant proposes to conduct maintenance dredging, approximately 343,600 cubic yards (cy) of sediments, from Anaheim Bay to maintain federally authorized channel depth and dispose of the sediments in a 55 acre nearshore placement site off Sunset Beach and at the LA-2 Ocean Dredged Material Disposal Site (ODMDS) (see attached drawings). For more information see Additional Project Information section below.

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Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, 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  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
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](mailto:Gerardo.Salas@usace.army.mil)

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

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

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

### **Evaluation Factors**

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

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

### **Preliminary Review of Selected Factors**

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

**Water Quality**- Under Section 401 of the Clean Water Act, the applicant is required to obtain a Water Quality Certification (WQC) from the State Water Resources Control Board (SWRCB). 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 is currently pending issuance of the WQC by the SWRCB.

**Coastal Zone Management**- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires an applicant to obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the State's Coastal Zone Management Plan prior to issuance of a Corps permit. The applicant as the Federal lead agency has received concurrence from the California Coastal Commission (ND-0005-18).

**Essential Fish Habitat**- The Magnuson-Stevens Fisheries Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on activities that may adversely affect Essential Fish Habitat (EFH). The objective of the EFH assessment is to describe potential adverse effects to designated EFH for federally managed fisheries species within the proposed action area. The Corps of Engineers preliminary determination indicates the proposed activity would result in no more than minimal adverse impacts to EFH. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

The project is located within an area designated as EFH for two Fishery Management Plans (FMPs): Coastal Pelagic Species FMP and Pacific Coast Groundfish FMP. Some of the 119 species federally managed under these plans are known to occur in the area and could be affected by the proposed project. In addition, the project occurs adjacent to eelgrass (*Zostera marina*) habitat, which is designated as a habitat area of particular concern (HAPC) for various fish within the Pacific Coast Groundfish FMP.

The proposed project would not have a substantial, adverse impact to any species in the Fishery Management Plans or to their habitat. Impacts, such as turbidity associated with dredging would be temporary and controlled. Impacts to eelgrass would be avoided and surveyed. The proposed project

would temporarily impact EFH via benthic disturbance and increased turbidity. However, with implementation of avoidance and minimization measures, impacts would be minimal and short term.

The applicant as the Federal lead agency is seeking concurrence from the National Marine Fisheries Service on our preliminary determination that the project would result in no more than minimal adverse impacts to EFH.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. On March 14, 2018, the applicant as the Federal lead agency has received concurrence from the State Historic Preservation Office that the project, as described, will not affect historic properties (SHPO Reference #: USN\_2018\_0214\_001).

**Endangered Species**- Preliminary determinations indicate the proposed activity may affect, but is not likely to adversely 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.

Federally-listed threatened and endangered wildlife species that occur in the vicinity of the project area include the federally endangered California least tern (*Sterna antillarum browni*), the federally threatened Western snowy plover (*Chardrius alexandrinus nivosus*), and the federally threatened green sea turtle (*Chelonia mydas*).

The California least tern occupies the Seal Beach National Wildlife Refuge, with a nesting colony approximately 1 mile from the dredge area. Least tern colonies are generally not disturbed by dredging noise at sufficient distances (over 300 feet), and may likely be attracted to the dredging and placement sites to feed on fish and other benthic organisms dredged from the harbor bottom (Keane & Smith 2016). Turbidity would be monitored during dredging, and silt curtains would be deployed as necessary to minimize impacts from turbidity to the marine environment and tern foraging. Western snowy plover is not known to nest near the project area, but roosts at the eastern breakwater at a minimum distance of 900 feet from the dredge area and at Sunset Beach at a minimum distance of 0.5 mile from the placement area.

On the Seal Beach National Wildlife Refuge (NWR), green sea turtles have been observed during summer months in the 7th Street Pond and the channel leading into Anaheim Bay. The 7th Street Pond is a dredged shallow basin with warmer summer waters compared to surrounding coastal habitat areas, and eelgrass habitat that may be used for foraging (Crear 2016). Impacts to green sea turtle would be minimized by monitoring for turtles near the dredge during dredging operations. If the turtle is detected, NMFS would be notified and dredging operations may be modified to avoid impacts to the turtle.

The applicant as the Federal lead agency is informally consulting with and seeking concurrence from the U.S. Fish and Wildlife Service on a determination of “may affect, not likely to adversely affect” federally-listed endangered or threatened species, or their critical habitat.

**Marine Mammals**- Several species of marine mammals may be transient visitors to the Anaheim Bay area. They include California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), Pacific bottlenose dolphins (*Tursiops truncatus*), and common dolphins (*Delphinus delphis*). California sea lions (*Zalophus californianus*) can be found year-round in the harbor, particularly on the outer harbor breakwaters. They utilize these isolated breakwaters for haul-out and resting activities.

The California gray whale (*Escherichtius robustus*) sometimes comes close to shore during its annual migrations, between November and May. Migrating whales generally pass well outside the harbor mouth. These mammals are expected to avoid the dredging and disposal areas during project activities, but would return upon project completion. Thus, effects to marine mammals from the dredging are expected to be short-term and would be insignificant.

**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). Because no fills are 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 conduct maintenance dredging of federally authorized channels in order to maintain the federally-authorized approach and entrance channels and outer harbor; restore and assure safe navigation within the harbor; and sustain current recreational opportunities.

### **Additional Project Information**

**Baseline information**- The project is located in the federal channel in Anaheim Bay, at the Naval Weapons Station Seal Beach. The areas to the northwest and southeast of the bay, in the cities of Seal Beach and Surfside/Sunset Beach, are mainly residential (respectively). The San Gabriel River mouth is also located northwest of the City of Seal Beach. Huntington Harbor and the Bolsa Chica Ecological Reserve are located to the southeast of the bay. The Seal Beach National Wildlife Refuge (NWR) is located to the east of the bay. The Naval Weapons Station facilities are located to the north of the bay, and north and east of the NWR.

Eelgrass occurs on the fringes of the inner and outer bay on the west side. California least tern and green sea turtle are known to occur in the Seal Beach NWR.

**Project description**- The Navy proposes to maintenance dredge approximately 343,600 cubic yards (cy) of sediments (including 2 feet of allowable overdepth) from Anaheim Bay. Dredging would occur within approximately 171 acres and would restore the federally authorized depths in the outer harbor at Anaheim Bay and the approach and entrance channels to the NAVWPNSTA Seal Beach. Dredging to depths of -25, -39 and -41 feet Mean Lower Low Water (MLLW) (plus 2 feet of allowable overdepth) is to be performed by the U.S. Army Corps of Engineers (USACE). Approximately 197,700 cy of material would be placed in a 55 acre nearshore placement site off Sunset Beach. Approximately 145,900 cy of material would be placed at LA-2 Ocean Dredged Material Disposal Site (ODMDS). The project is expected to occur between May 2018 and November 2018.

Sediments at the dredge and placement sites underwent physical, chemical, and bioassay testing, and results and placement locations were coordinated with the Southern California Dredge Materials Management Team (SC-DMMT).

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:** Areas of vegetated shallows comprised of scattered eelgrass beds, which are considered special aquatic sites, were observed around the margins of Anaheim Bay. Direct impacts to special aquatic sites would be avoided. Pre- and post-construction mapping of the eelgrass within Anaheim Bay would be performed in accordance with the California Eelgrass Mitigation Policy and Guidelines to verify the locations and extent of any eelgrass beds, and verify that impacts to eelgrass were avoided. If eelgrass is found in the vicinity of the dredge template, a 50-foot no dredge buffer would be placed around the eelgrass. In these areas, the Navy would also deploy silt curtains between the dredge and the eelgrass to further ensure that there are no effects to the eelgrass beds. In addition, visual monitoring of the turbidity plume would be performed and should it come within 20 meters (m) (65 feet) of the eelgrass, dredging would be curtailed until silt curtains can be deployed.

A pre-construction survey for the presence of *Caulerpa* (*Caulerpa taxifolia*) would be conducted in accordance with NMFS and California Department of Fish and Wildlife (CDFW) published protocol. Should *Caulerpa* be found, dredging would be delayed and the NMFS and CDFW would be notified immediately.

Pre-dredge California least tern nesting surveys at the project adjacent breakwaters would be performed. If a nest is observed, the Navy would coordinate with USFWS to determine if any additional avoidance or minimization measures are required.

**Minimization:** Impacts to green sea turtle would be minimized by monitoring for turtles near the dredge during dredging operations. If the turtle is detected, NMFS would be notified and dredging operations may be modified to avoid impacts to the turtle. Water quality monitoring would be performed to minimize impacts from turbidity. Silt curtains would be used as necessary to avoid adverse impacts to eelgrass and foraging CA least tern.

**Compensation:** No compensatory mitigation is proposed for the temporary impacts to unvegetated areas waters associated with this dredging project. Should direct or indirect impacts occur to eelgrass, compensatory mitigation in accordance with the California Eelgrass Mitigation Policy would be required.

### **Proposed Special Conditions**

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

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 Figure 2. No more than

343,600 cubic yards of dredged material are authorized for dredging from Anaheim Bay by the Permittee. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

3. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be -25, -39 and -41 feet Mean Lower Low Water (MLLW) (plus 2 feet of allowable overdepth).

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

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

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

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

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

D) A detailed description of the dredging and disposal operations authorized by this permit.

Description of the dredging and disposal operations should include, at a minimum, the following:

i) Dredging and disposal procedures for 0 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 145,900 cubic yards to be dredged from the Permittee's outer harbor at Anaheim Bay.

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

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

i) The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the pre-dredge condition survey should cover

an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.

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

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

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

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

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

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

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

Commander, 11th Coast Guard District (dpw)  
TEL: (510) 437-2980  
E-mail: d11LNM@uscg.mil  
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

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

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

- 1) Project description including the type of operation (i.e. dredging, diving, construction, etc).
- 2) Location of operation, including Latitude / Longitude (NAD 83).
- 3) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.
- 4) Vessels involved in the operation (name, size and type).
- 5) VHF-FM radio frequencies monitored by vessels on scene.
- 6) Point of contact and 24-hour phone number.
- 7) Potential hazards to navigation.
- 8) Chart number for the area of operation.
- 9) Recommend the following language be used in the LNM: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have

been made.”

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

C) Should the Permittee determine the work requires the temporary placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

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

9. 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.

10. 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.

11. 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.

12. 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.

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

14. 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.

15. 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.

16. 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.

17. 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 18.

18. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:

- A) Permit and project number.
- B) Start date and completion date of dredging and disposal operations.
- C) Total cubic yards disposed at the LA-2 Ocean Dredged Material Disposal Site (ODMDS).
- D) Mode of dredging.
- E) Mode of transportation.
- F) Form of dredged material.
- G) Frequency of disposal and plots of all trips to the LA-2 Ocean Dredged Material Disposal Site (ODMDS).
- H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the LA-2 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 pre-dredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the pre-dredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.
- L) The post-dredging report shall be signed by a duly authorized representative of the Permittee. The Permittee's representative shall make the following certification:  
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

20. The ocean disposal sites are demarcated 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 Latitude (NAD 1983), circular site with radius of 3,000 feet.

LA-3: 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

LA-5: 32 degrees 36.83 minutes North Latitude, 117 degrees 20.67 minutes West Longitude (NAD 1927), circular site with radius of 3,000 feet.

21. Prior to commencement of any ocean disposal operations, the Permittee shall submit a Scow Certification Checklist to EPA and the Corps Regulatory Division 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 LA-2 ocean disposal site.

22. 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 dredge 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.

23. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to LA-2 ODMDS. The Permittee shall transport dredged material to the LA-2 ODMDS 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.

24. When dredged material is discharged by the Permittee at the LA-2 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").

25. No more than one disposal vessel may be present within the LA-2 ODMDS SDZ at any time.

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

27. 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 LA-2 ODMDS boundary, and at a maximum 15-second interval while inside the LA-2 ODMDS 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 LA-2 ODMDS 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.

28. 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 Regulatory Division, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps Regulatory Division 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 LA-2 ODMDS; 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 30 below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent dumping outside the SDZ of the LA-2 ODMDS, and regarding any apparent substantial leakage/spillage or other loss of material en route to the LA-2 ODMDS. 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 the LA-2 ODMDS 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 Regulatory Division, the Permittee, and the prime dredging contractor.

29. If the primary disposal tracking system fails during transit to the LA-2 ODMDS, 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 (layback), the estimated scow position would be within the SDZ of the LA-2 ODMDS. 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.

30. 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 Regulatory Division within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in Special Condition 28 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.

31. 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 Regulatory Division 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.

32. Following the completion of ocean disposal operations, the Permittee shall submit to EPA and the Corps Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (in situ) volume of material disposed at LA-2 ODMDS 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.

33. 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.

34. A pre-construction survey of the project area for *Caulerpa taxifolia* (Caulerpa) shall be conducted in accordance with the Caulerpa Control Protocol (see [http://www.westcoast.fisheries.noaa.gov/publications/habitat/caulerpa\\_taxifolia/caulerpa\\_control\\_protocol\\_4.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/caulerpa_taxifolia/caulerpa_control_protocol_4.pdf)) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of that survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters. In the event that Caulerpa is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFW.

35. Prior to construction, a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP) ([http://www.westcoast.fisheries.noaa.gov/publications/habitat/california\\_eelgrass\\_mitigation/Final\\_CEMP\\_October\\_2014/cemp\\_oct\\_2014\\_final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final_CEMP_October_2014/cemp_oct_2014_final.pdf)). If the pre-project survey demonstrates eelgrass presence within the project vicinity, two post-project surveys should be conducted and impacts to eelgrass mitigated in accordance with the CEMP.

36. 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.

37. A silt curtain shall be deployed around the project site throughout the duration of project-related activities.

38. 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, as well as a copy of this permit, to the Corps Regulatory Division (via e-mail at: [Regulatory.SPL@usace.army.mil](mailto:Regulatory.SPL@usace.army.mil)) and to NOAA for updating nautical charts (via e-mail at: [Chris.Libeau@noaa.gov](mailto:Chris.Libeau@noaa.gov)). Post-project surveys/as-built plans should be provided

electronically in two formats: .pts (xyz) and one of, .pdf, CAD, or GIS. Include the following header metadata: project name, surveyor's name and company, area surveyed (acres), type of survey method, date of survey, geographic control points (for example: latitude/longitude, plane coordinates), geographic coordinate system (use NAD83), geographic projection, units (use US Survey Feet), and tide gage location. For all subsurface structures and dredge projects include elevation (z coordinate) datum indicated as a negative below MLLW, and also indicate the survey system and bin sizes as appropriate.

39. 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 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.

40. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

- A) Date(s) work within waters of the U.S. was initiated and completed;
- B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
- C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
- D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
- E) Signed Certification of Compliance (attached as part of this permit package).

#### Cited References:

Crear DP, Lawson DD, Seminoff JA, Eguchi T, LeRoux RA, Lowe CG (2016) Seasonal shifts in the movement and distribution of green sea turtles *Chelonia mydas* in response to anthropogenically altered water temperatures. *Mar Ecol Prog Ser* 548:219-232.

Keane, K. and Smith, L.J. (2016) California Least Tern Foraging Ecology in Southern California: A Review of Foraging Behavior Relative to Proposed Dredging Locations. U.S. Army Corps of Engineers (USACE) Engineer Research and Development Center (ERDC) Dredging Operations and Environmental Research Program. ERDC/EL CR-16-3. May.

For additional information please call Gerardo Salas of my staff at (213) 452-3417 or via e-mail at [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



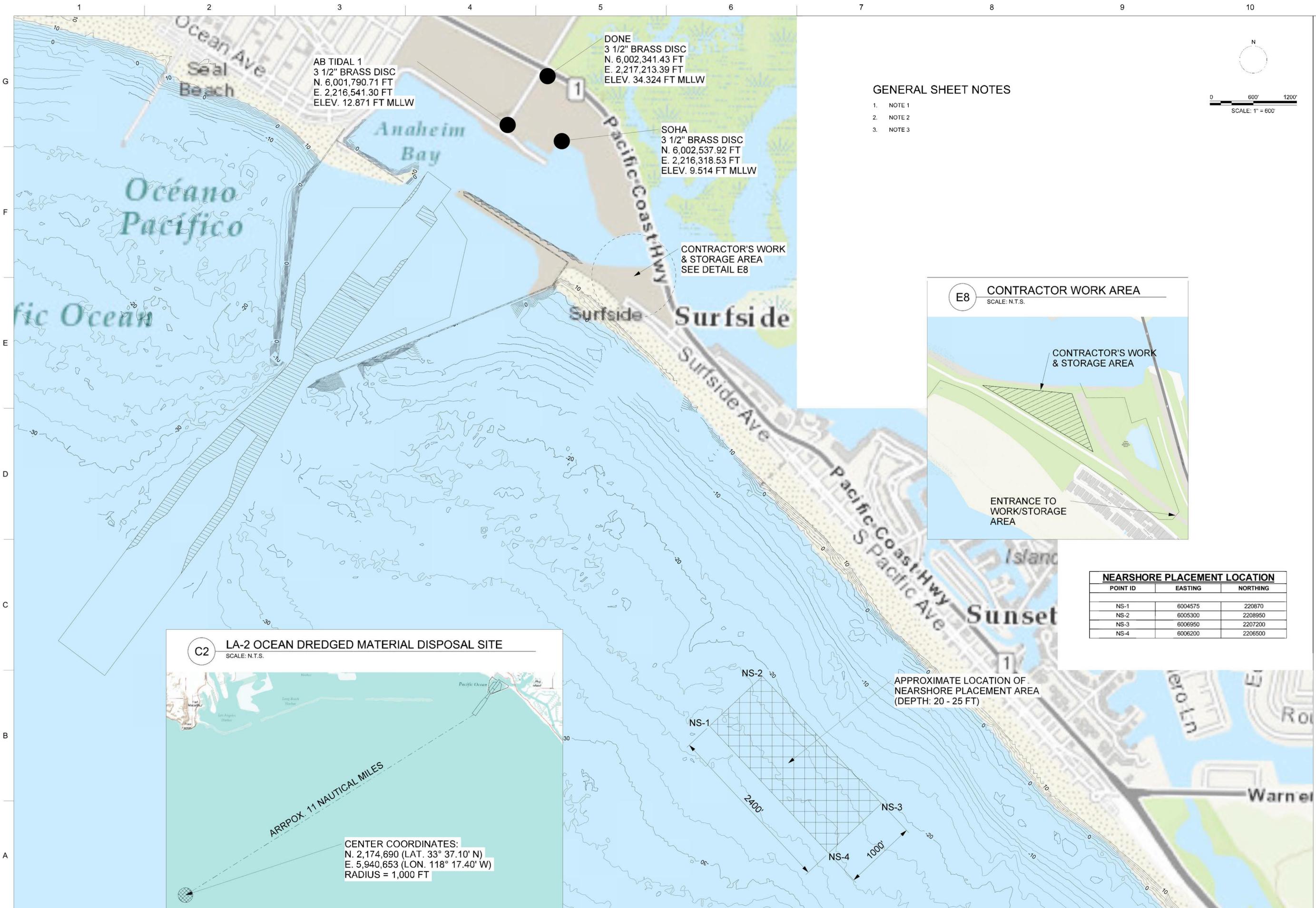
*Regulatory Program Goals:*

- 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.

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

[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)



AB TIDAL 1  
 3 1/2" BRASS DISC  
 N. 6,001,790.71 FT  
 E. 2,216,541.30 FT  
 ELEV. 12.871 FT MLLW

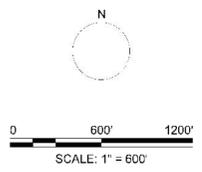
DONE  
 3 1/2" BRASS DISC  
 N. 6,002,341.43 FT  
 E. 2,217,213.39 FT  
 ELEV. 34.324 FT MLLW

SOHA  
 3 1/2" BRASS DISC  
 N. 6,002,537.92 FT  
 E. 2,216,318.53 FT  
 ELEV. 9.514 FT MLLW

CONTRACTOR'S WORK  
 & STORAGE AREA  
 SEE DETAIL E8

**GENERAL SHEET NOTES**

1. NOTE 1
2. NOTE 2
3. NOTE 3



NEARSHORE PLACEMENT LOCATION		
POINT ID	EASTING	NORTHING
NS-1	6004575	220870
NS-2	6005300	2208950
NS-3	6006950	2207200
NS-4	6006200	2206500



APPROXIMATE LOCATION OF  
 NEARSHORE PLACEMENT AREA  
 (DEPTH: 20 - 25 FT)



MARK	DESCRIPTION	DATE

DESIGNED BY: M. WESLEY	ISSUE DATE:
CHECKED BY: M. WESLEY	SUBMITTED BY:
FILE NO.:	FILE NAME:
CONTRACT NO.:	ANSI.D
SOLICITATION NO.:	AB2017-C-101.dgn

U.S. ARMY CORPS OF ENGINEERS  
 LOS ANGELES DISTRICT  
 9115 WILSHIRE BLVD.  
 LOS ANGELES, CALIFORNIA 90017

ANAHAIM BAY MAINTENANCE DREDGING  
 NAVAL WEAPONS STATION  
 SEAL BEACH, CALIFORNIA

SITE PLAN, PLACEMENT AREAS  
 AND CONTRACTOR WORK AREA

SHEET ID  
**C-101**  
 SHEET OF

Enclosure 1 of 4





