



# PUBLIC NOTICE

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

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## **APPLICATION FOR REGIONAL GENERAL PERMIT**

### **Port of Los Angeles Five-Year Maintenance Dredging Permit**

**Public Notice/Application No.:** SPL-2016-00708-TS

**Project:** Port of Los Angeles Regional General Permit for Maintenance Dredging

**Comment Period:** December 12, 2016 through January 12, 2017

**Project Manager:** Theresa Stevens; 805-585-2146; [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil)

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#### **Applicant**

David Walsh, Chief Harbor Engineer  
Los Angeles Harbor Department  
425 S. Palos Verdes Street  
P.O. Box 151  
San Pedro, California 90731

#### **Contact**

Taewon Kim, Project Engineer  
Los Angeles Harbor Department  
425 S. Palos Verdes Street  
P.O. Box 151  
San Pedro, California 90731

#### **Location**

The proposed activities would take place at existing berths and public marinas in the Port of Los Angeles, Los Angeles Harbor in the city and county of Los Angeles, California. Disposal of dredged material would take place at LA-2, the Berths 243-245 confined disposal facility (CDF), or other approved disposal site. No specific project has been proposed at this time, therefore site-specific coordinates are not available. Site specific information would be submitted at the time a project is proposed.

#### **Activity**

The Los Angeles Harbor Department (LAHD) requests reauthorization of Regional General Permit (RGP) No. 29. Under RGP 29, the LAHD proposes to conduct maintenance dredging at existing berths and public marinas for the purpose of maintaining existing design depths plus a two-foot overdredge depth. In addition, the LAHD proposes to replace existing rock if such rock has been dislodged or fallen from the sloped areas adjacent to a berth; addition of new rock is not proposed. The LAHD would conduct the proposed activities over a five-year period.

Specifically, the LAHD proposes to dredge approximately 150,000 cubic yards (cy) of sediment per year from various berths within the Port of Los Angeles, not to exceed approximately 750,000 cy over the five-year period. Dredged material would be disposed of at the LA-2 ocean disposal site, or the Berths 243-245 confined disposal facility (CDF). Beneficial reuse of dredged material as fill at other [to be determined] disposal sites may be authorized under the RGP pending the results of sediment testing. Prior to each dredging and disposal project, a site-specific sampling and analysis plan (SAP) would be submitted, sediment would be tested in accordance with the Corps and U.S. EPA Inland Testing Manual (1998) and/or Ocean Disposal Testing Manual (1991) protocols, and sediment test results would be reviewed by the Southern California Dredged Material Management Team/Contaminated Sediments Task Force (DMMT/CSTF). Each dredging project is anticipated to take place over a one to four week period per location, and may occur at any time during the year. The LAHD anticipates completing three to five dredging projects per year, although more than five

dredging projects could be completed provided the annual dredging limit of 150,000 cy is not exceeded.

For more information see Additional 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: Theresa Stevens, Ph.D.  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Alternatively, comments can be sent electronically to: [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil). Please refer to Corps File No. SPL-2016-00708-TS in all correspondence related to this proposed action.

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 that an environmental impact statement is not required for the proposed work.

**Water Quality**- The LAHD is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board to conduct the proposed activities. Section 401 requires any applicant for a Department of the Army permit provide proof of water quality certification to the Corps prior to initiating construction in waters of the United States. It is the Corps understanding the LAHD will seek a programmatic Section 401 Water Quality Certification for the RGP.

**Coastal Zone Management**- 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, applicant must certify the proposed activities would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program.

**Marine Mammals**- The Port of Los Angeles supports harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) in small numbers. In the Port, these species have become habituated to vessels, noise, and disturbances associated with goods movement and recreational vessels. Marine mammals are not expected to be harmed by the proposed activities but are expected to avoid the project area during construction activities because of elevated noise and disturbance.

**Essential Fish Habitat**- The proposed activities would temporarily impact substrate and water column inhabited by federally managed fish species. These habitats are defined as Essential Fish Habitat (EFH) in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for federally managed fishery species identified in the Pacific Groundfish Fishery and Coastal Pelagic Species Management Plans, respectively.

The Corps Regulatory Division obtained General Concurrence (2003) and Programmatic Concurrence (2004) from NOAA Fisheries for certain activities which are not expected to result in more than minimal individual and cumulative impacts to EFH. However, the proposed activities are not included in the list of activities of either concurrence document. Therefore, due to potential impacts on EFH for federally managed species included in the Pacific Groundfish Fishery and the Coastal Pelagic Species management plans, consultation with the NOAA Fisheries is required.

The U.S. Army Corps of Engineers preliminary determination is the proposed activities **may adversely affect** EFH and managed fishery species. Therefore, pursuant to Section 305(b)(2) of the MSA, the Los Angeles District respectfully requests initiation of EFH consultation for the proposed federal action.

This notice initiates the EFH consultation requirements of the MSA. 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 Corps federal action: see project description above. The Corps federal action is reissuance of a five-year RGP for maintenance dredging and replacement of fallen rock in the Port of Los Angeles, and disposal of dredged material at sites approved on a case-by-case basis.
2. On-site inspection information: No on-site survey of EFH resources or assessment of federally managed fishery species was conducted in advance of this public notice. However, the LAHD recently completed a Port-wide bio-baseline survey in conjunction with the Port of Long Beach. Federally managed species were reported in the survey findings.
3. Analysis of the potential adverse effects on EFH: Maintenance dredging would remove sediment, including benthic and infaunal invertebrate species from the dredging footprint; species removed during dredging may be injured or killed during the dredging or disposal activity. Maintenance dredging and disposal would also temporarily increase turbidity in the vicinity of the activity; increased turbidity is expected to last for a few hours after cessation of dredging and disposal. Maintenance dredging and disposal would increase above-water and underwater noise from the dredge engines and tug boats used for hauling barges to the disposal site. Elevated turbidity and noise at the dredging and disposal sites are expected to cause managed fisheries and marine mammal species to avoid the area. Replacement of fallen rock may have similar effects as described above and may adversely affect sessile or encrusting invertebrate species that have colonized rock surfaces.
4. Proposed minimization, conservation, or mitigation measures: At this time, no specific minimization, conservation or mitigation measures have been proposed by the LAHD or the Corps.
5. Conclusions regarding effects of the proposed project on EFH: Based on the potential effects of maintenance dredging and fallen rock replacement on benthic and infaunal species, and water and substrate required for life history functions by federally managed fishery species, the Corps Regulatory Division has preliminarily determined the proposed RGP may adversely affect EFH and federally managed species.

The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NOAA Fisheries. If no written comments (regular mail or e-mail) are received within the 30-day notification period, the Corps will assume concurrence by NOAA Fisheries that no mitigation or conservation measures are necessary.

**Cultural Resources-** The "undertaking" (defined at 36 CFR 800.16(y)) is issuance of a Department of the Army permit to conduct the proposed activities in the Port of Los Angeles, and disposal of dredged sediment at sites evaluated by the DMMT/CSTF and authorized by the Corps and U.S. EPA (if required) on a case-by-case basis. The "area of potential effects" (APE, defined at 36 CFR 800.16(d)) includes the jurisdictional in-water area(s) that would be dredged or impacted by

disposal or fallen rock replacement, and adjacent terrestrial areas that may be used to facilitate completion of the authorized activity (e.g., stockpile sites), and determined to be subject to the Corps federal control and responsibility. The APE does not include the CDF or LA-2 because an evaluation of impacts on federally listed or eligible historic properties at these sites was conducted at the time these disposal sites were evaluated for use as disposal sites by the Corps and EPA, and prior evaluations at these sites would apply to the activities that would be authorized by the RGP. The Corps "permit area" (defined at 33 CFR 325 Appendix C(1)(g)(1)) includes jurisdictional in-water areas that would be affected by the proposed activities; the permit area may also include disposal sites such as newly proposed beach nourishment sites, to be determined on a case-by-case basis.

The latest version of the National Register of Historic Places (NRHP) has been consulted and there are no federally listed or eligible historic properties located at the depths where proposed activities would take place. However, in accordance with the coordination and consultation requirements of 36 CFR 800, 33 CFR 325 Appendix C, and current Corps policy, the Corps requested a Sacred Lands File Search from the Native American Heritage Commission (NAHC, request dated September 19, 2016); no sacred lands were identified by the NAHC. The Corps also consulted with Native American tribal representatives using the distribution list provided by the NAHC (tribal consultation letters dated September 27, 2016). Comments were received from two Native American tribal representatives, and their comments are being considered by the Corps. In light of the prior main channel deepening (a Corps civil works project), maintenance dredging (conducted by Corps civil works and/or LAHD), and fallen rock replacement actions at berths throughout the Port over many decades, and information provided by the applicant, the Corps Regulatory Division has made a determination that reissuance of RGP 29, would have **no potential to cause effects** to federally listed or eligible historic properties. However, in the event a new terrestrial or beach nourishment disposal site is proposed, the Corps would determine whether any federally listed or eligible historic properties could be directly or indirectly affected by the undertaking, and if necessary, complete Native American tribal coordination, and consultation with the State Historic Preservation Officer (SHPO) prior to authorizing disposal at the site. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** California least tern (*Sterna antillarum browni*) are known to nest on a 15-acre site in the Outer Harbor at Pier 400. No designated critical habitat for least terns occurs in Los Angeles Harbor. No other federally listed or proposed threatened or endangered species, or designated critical habitats are known to occur in Los Angeles Harbor. The proposed activities may occur at berths located immediately adjacent to Pier 400. The LAHD has provided information to the Corps indicating that during the federal Deep Draft Navigation Project (from 1993-2001) and the federal Main Channel Deepening Project (from 2003-2006 and 2010-2013), the nesting success of the least terns was among the highest at the Port since nest monitoring began in 1975<sup>1</sup>. In addition, the latest foraging study<sup>2</sup> showed the least terns mostly forage south of the Vincent Thomas Bridge in deep and shallow water and remain close to the nest site. Therefore, preliminary determinations indicate that the proposed activity **may affect but would not likely adversely affect** federally-listed California least tern, and there would be no affect on designated critical habitat for this species. Therefore, formal consultation with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps Regulatory Division is requesting FWS concurrence or non-concurrence with our determination for the species.

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<sup>1</sup> Final Monitoring Report for the California Least Tern at the Pier 400 Nesting Site in Los Angeles Harbor (December 2015). This report summarizes nesting data from 2005 to 2015.

Final Report of the Breeding Biology of the California Least Tern in Los Angeles Harbor (December 2008). This report summarizes nesting data from 1973 to 2008).

<sup>2</sup> Final 2014 California Least Tern Foraging Study Within the Port of Los Angeles (March 2015).

**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:** Maintenance dredging, disposal of dredged material at LA-2 and the CDF or other approved disposal site, replacement of fallen rock.

**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). No fills within special aquatic sites are proposed, therefore identification of the basic project purpose is not necessary. However, the basic project purpose is to maintain navigational safety within the Port of Los Angeles. As such, the project is water dependent.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to conduct maintenance dredging, disposal and replacement of fallen rock at berths in the Port of Los Angeles and disposal of dredged material at LA-2 or the CDF or other approved disposal site, for the purpose of maintaining existing, approved design depths and safe navigation and berthing of vessels that utilize the Port of Los Angeles for commerce and recreation.

### **Additional Project Information**

The Port of Los Angeles is one of the world's busiest container terminals. Ongoing maritime cargo handling operations, including movement of ocean going vessels and tugs within the Port, as well as natural forces such as tides, can cause sediment deposition within berthing areas and dislodge adjacent rock. Maintenance dredging is required when sediment deposition reduces the existing approved design depth sufficiently to affect safe navigation. Maintenance dredging as described in this public notice will not be authorized to deepen berths beyond existing approved design depths; this would be considered new dredging and would require separate authorization. In addition, the proposed RGP would not be used for structural upgrades to bulkheads, piers, support piles, wharves, mooring structures, and the like. However, debris removal associated with maintenance dredging may occur under the proposed permit.

Maintenance dredging in the Port of Los Angeles was previously authorized by the Corps under RGP No. 29 (Corps File No. 2002-01530-JLB, RGP 29) which expired on February 18, 2008. However, the LAHD has requested reauthorization of RGP 29 for the purpose of streamlining the Corps' permit process.

Since expiration of RGP 29, the Corps Regulatory Division has evaluated and processed Standard Individual Permits (SIP) or Letters of Permission (LOP) for each proposed maintenance dredging and disposal project. However, disposal of dredged material at LA-2 is prohibited under LOPs, therefore the use of LOPs to authorize maintenance dredging limits disposal options for dredged material that has tested suitable for unconfined ocean disposal at LA-2. The intent of the RGP 29 is to provide authorization to the LAHD for routine maintenance dredging at existing berths throughout the Port of Los Angeles to existing approved design depths with a two-foot overdredge allowance, and disposal of dredged material at LA-2 or the CDF, or other approved disposal site. Berth deepening beyond existing approved design depths would be prohibited under RGP 29.

The proposed disposal sites include: LA-2 (unconfined ocean disposal), and the CDF<sup>3</sup>. Additional on-Port or off-Port disposal sites may be proposed (e.g., beach nourishment sites, Los Angeles County landfills, etc.) and approved pending the results of sediment testing and evaluation by the DMMT/CSTF. U.S. EPA approval is required for disposal at LA-2.

Sediment sampling, testing and analysis of dredged material and disposal site options would be evaluated on a case-by-case basis by the DMMT/CSTF. The DMMT/CSTF includes representatives of the U.S. Army Corps of Engineers Regulatory and Planning Divisions, the U.S. Environmental Protection Agency Region 9 (EPA), the Los Angeles Regional Water Quality Control Board, the California Coastal Commission, U.S. Fish and Wildlife Service, NOAA Fisheries, and non-governmental organizations, such as Heal the Bay.

Written “notice to proceed” from the Corps Regulatory Division would be required for each proposed project prior to initiation of the activity. If dredged material is determined to be unsuitable for unconfined ocean disposal in light of sediment test results, other sediment disposal options including the CDF and landfill(s) would be considered by the DMMT/CSTF. Finally, and in accordance with Clean Water Act Section 404(b)(1) Guidelines and Section 103 of the Marine Protection, Research and Sanctuaries Act, before allowing disposal of suitable dredged material at LA-2, the Corps and EPA would require the Port demonstrate alternative disposal sites, including beneficial reuse at other regional sites are not available, or would result in other potentially significant adverse impacts.

Avoidance: Areas that do not require maintenance dredging will be avoided. The applicant has proposed to avoid impacts to waters of the United States by only conducting maintenance dredging at berths where approved design depths and navigation safety have been compromised by sediment deposition.

Minimization: Maintenance dredging will be minimized by dredging only to existing approved design depth plus a proposed two-foot overdredge depth. It is also anticipated that maintenance dredging would not take place at a location more than once during the five-year permit period. Maintenance dredging and fallen rock replacement impacts are considered temporary impacts for the purpose of this analysis because benthic and sessile or encrusting organisms are expected to re-establish following completion of the activity. The applicant has proposed to minimize impacts to waters of the United States by limiting dredging to 150,000 cy per year and 750,000 cy over a five year period.

Compensatory Mitigation: At this time, no compensatory mitigation has been proposed because impacts associated with the proposed activities are considered temporary and minimal. However mitigation measures may be applied in response to comments on this public notice or in response to resource agency consultations.

### **Proposed Special Conditions**

At this time, special conditions for RGP 29 have not been developed; however standard special conditions associated with dredging and dredged material disposal would be required. Additional special conditions may be required in response to comments on this public notice or in response to resource agency consultations.

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](mailto:theresa.stevens@usace.army.mil) and reference Corps File No. SPL-2016-00708-TS. This public notice is issued by the Chief, Regulatory Division.

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<sup>3</sup> The CDF was previously authorized by the Corps pursuant to Section 10 and Section 404 as a disposal site for contaminated sediment (File No. SPL-2008-00662-AOA).



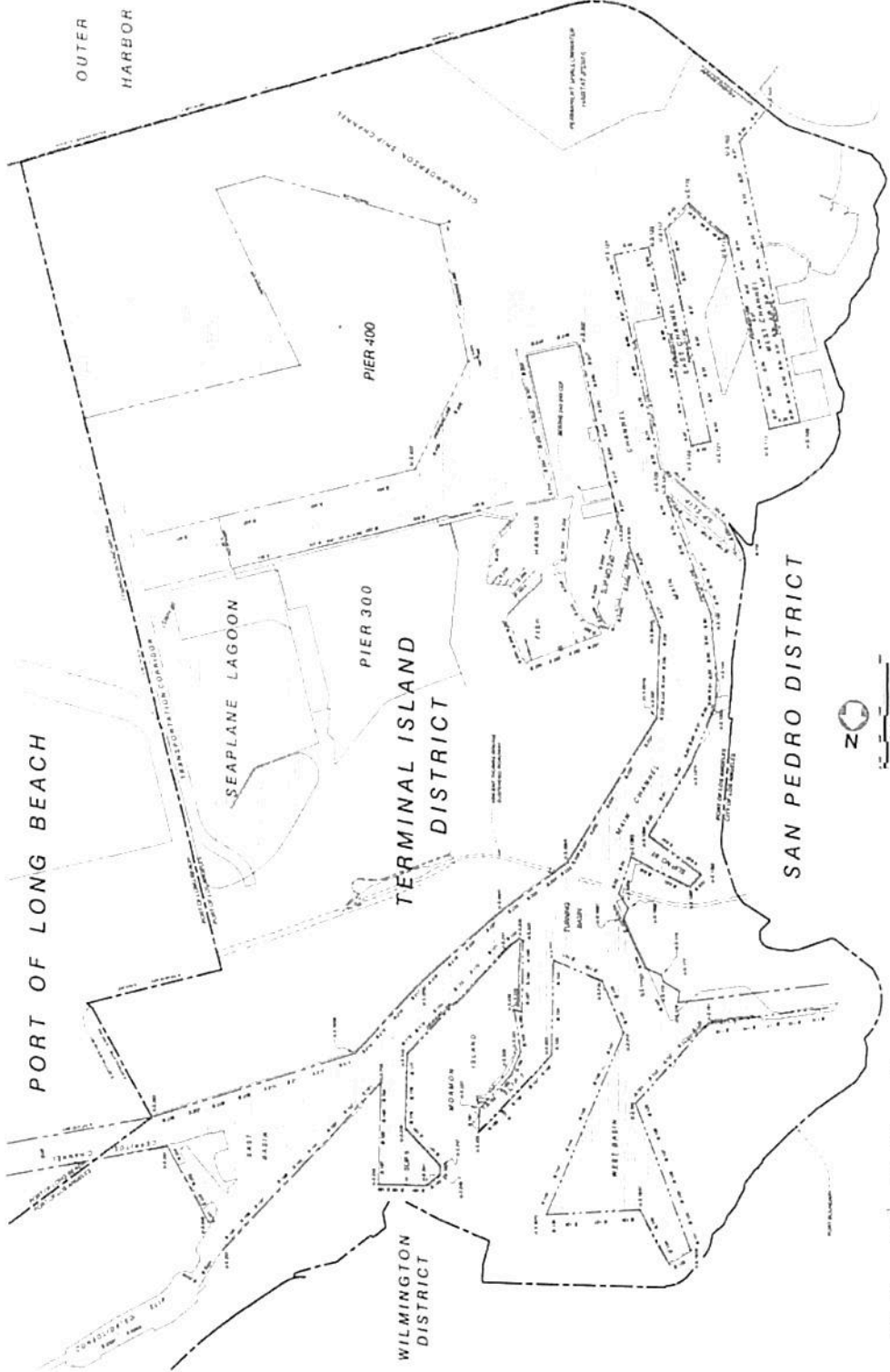
*Regulatory Program Goals:*

- 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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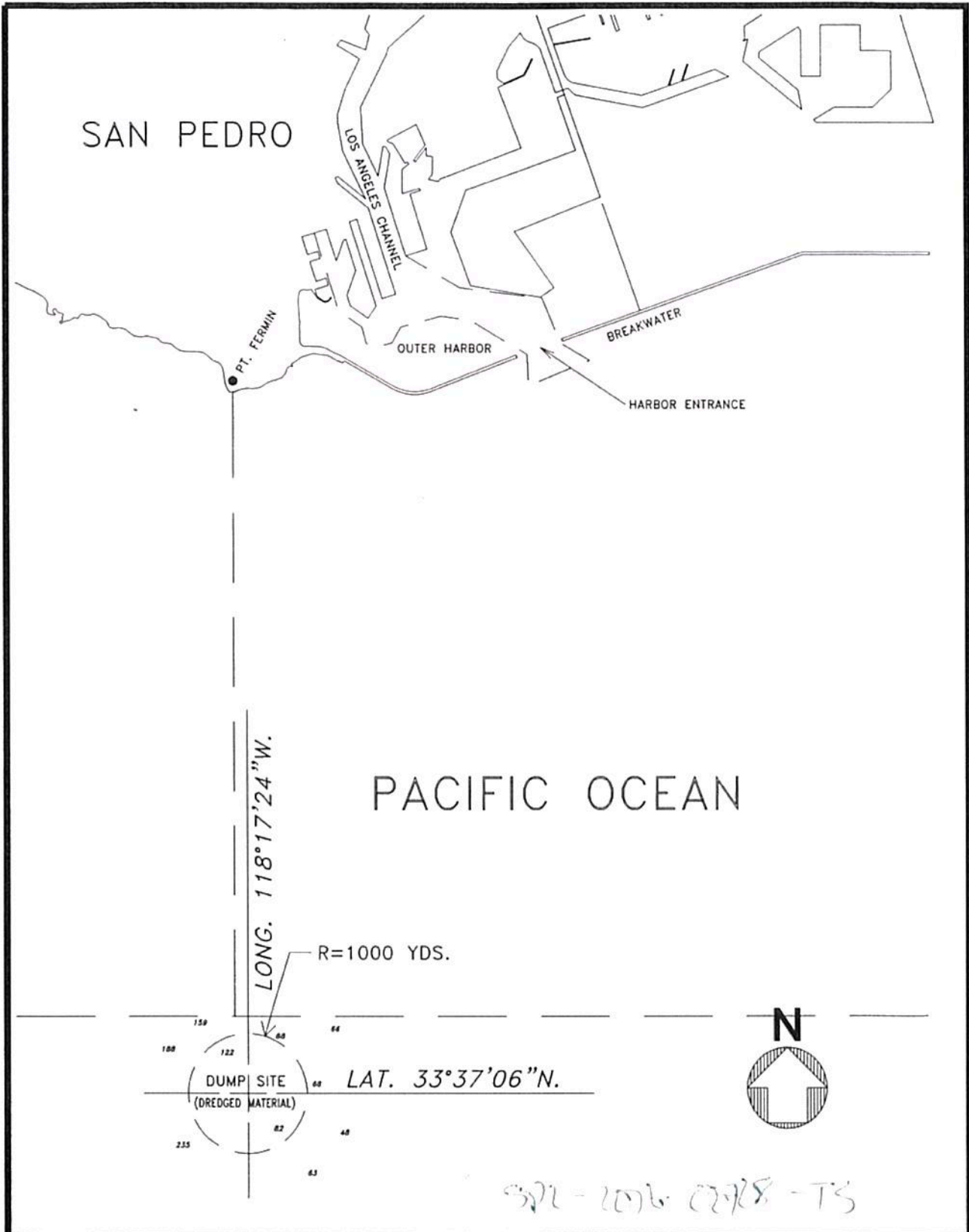
**DEPARTMENT OF THE ARMY**  
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FIVE YEAR US ARMY CORPS MAINTENANCE DREDGING PERMIT											
BERTH LOCATION MAP											
THE PORT OF LONG BEACH ENGINEERING DIVISION 415 S. MAIN STREET, LONG BEACH, CA 90802											
LA											
PROJECT NO. 1-3256 C-01											
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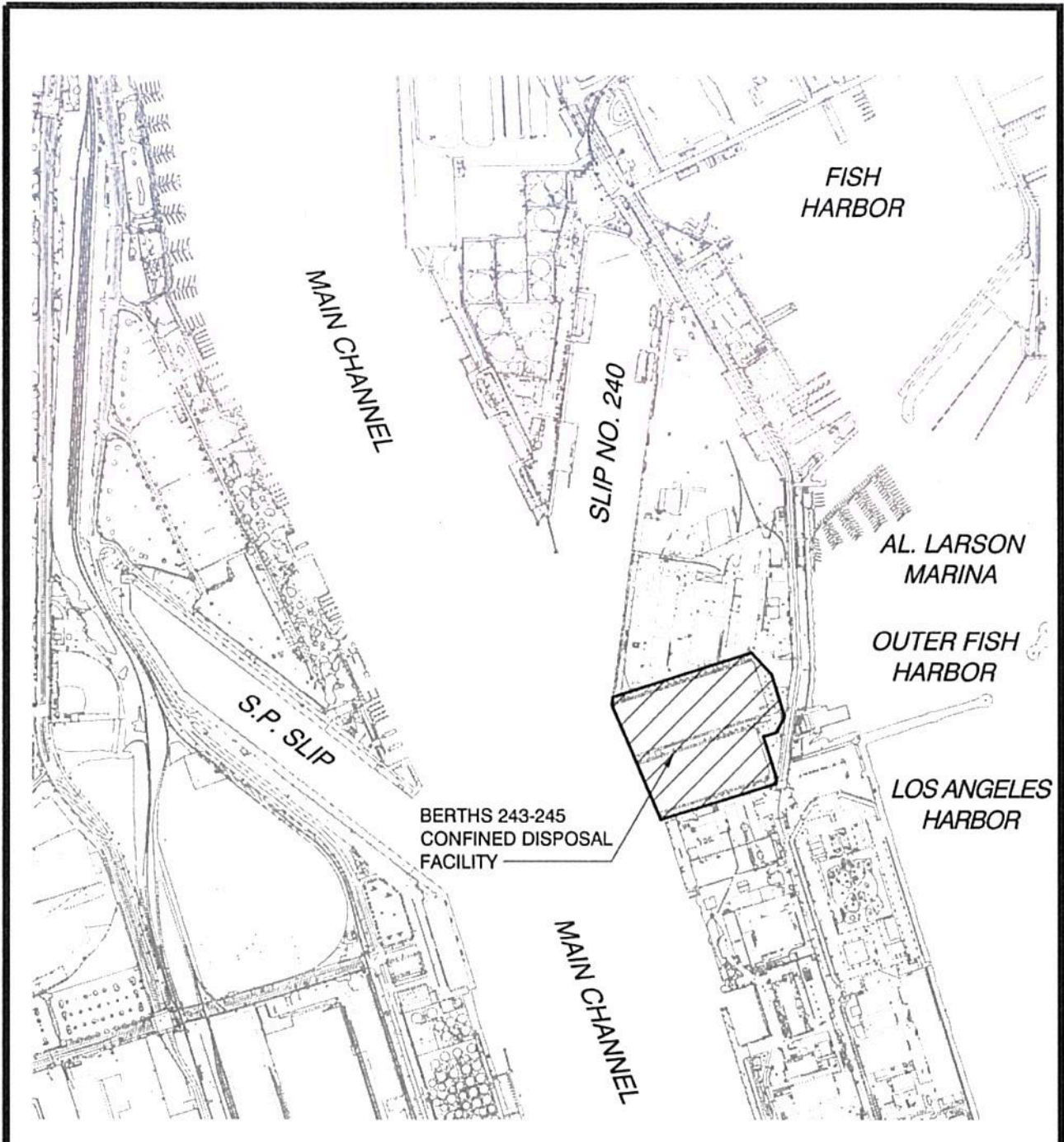
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SCALE: NONE	CHIEF OF DESIGN <i>J. C. R.</i>	FIVE YEAR US ARMY CORPS MAINTENANCE DREDGING PERMIT	
DRAWN: R. HAYASHI	ASSISTANT CHIEF OF HARBOR ENGINEER <i>Stuart L. Frueko</i>	OCEAN DREDGE DISPOSAL SITE LA-2	
CHECKED: M. SANCHEZ		 <b>THE PORT OF LOS ANGELES ENGINEERING DIVISION</b> 425 S. PALMS VERDES STREET SAN PEDRO CA 90731-3309	DRAWING NUMBER
DESIGNED: T. KIM	CHIEF HARBOR ENGINEER <i>D. P. ...</i>		5-7340-1
DNCR/ARCH <i>[Signature]</i>	DATE 5.22.11		



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5-7340-2

BERTHS 243-245 CONFINED DISPOSAL FACILITY  
SCALE: 1" = 600'-0"



SPL-2016-07108-TS

DWG: N:\add\50625-XXXX\Army Corps Permit Dredg\5-7340 ACDE Five Year Maintenance Dredging Permit\5-7340-2.dwg USER: rjg247  
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DESIGNED: T. KIM	
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	DATE 8.22.16

FIVE YEAR US ARMY CORPS MAINTENANCE DREDGING PERMIT

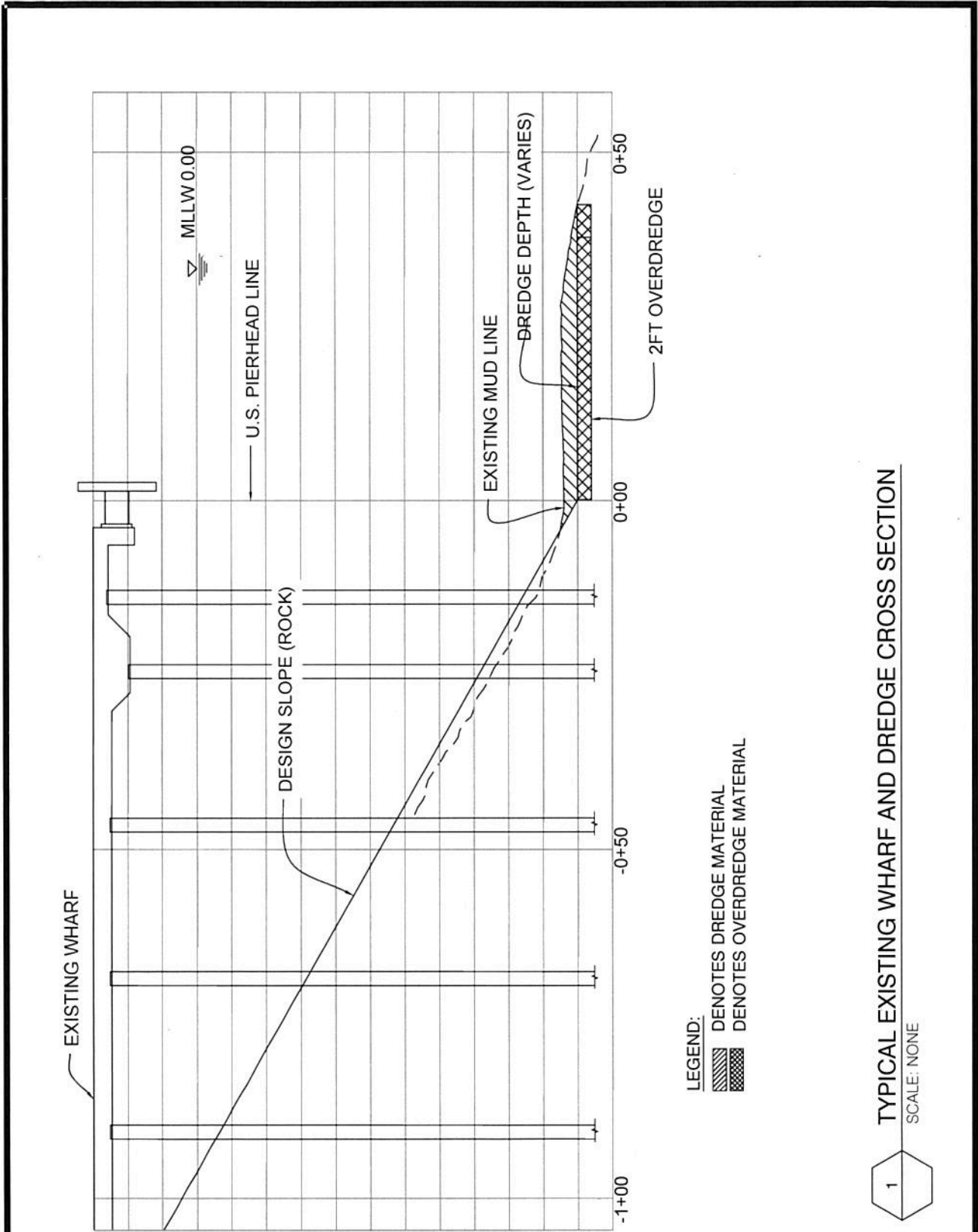
BERTHS 243-245 CONFINED DISPOSAL FACILITY



THE PORT OF LOS ANGELES  
ENGINEERING DIVISION  
425 S. PALMS VERDES STREET SAN PEDRO CA 90731-3309

DRAWING NUMBER  
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	CHIEF HARBOR ENGINEER
	DATE

FIVE YEAR US ARMY CORPS MAINTENANCE DREDGING PERMIT

# TYP. POLA DREDGING X-SECTION



THE PORT OF LOS ANGELES  
**ENGINEERING DIVISION**  
 425 S. PALOS VERDES STREET SAN PEDRO CA 90731-3309

DRAWING NUMBER

1

TYPICAL EXISTING WHARF AND DREDGE CROSS SECTION

SCALE: NONE

