



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR RENEWAL OF REGIONAL GENERAL PERMIT No. 28

Public Notice/Application No.: SPL-2013-00475-LM

Project: Regional General Permit No. 28 Renewal: Structure and Channel Maintenance, Port of Long Beach

Comment Period: August 28, 2018 – September 28, 2018

Project Manager: Lisa Mangione; (805) 585-2150; Lisa.Mangione@usace.army.mil

Applicant

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Location

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

Activity

The applicant requests renewal of Regional General Permit (RGP) No. 28 (Corps File No. SPL-2013-00475-LM) for routine maintenance dredging and disposal, and routine maintenance of in-water structures and facilities ("proposed program"). The current RGP 28 will expire on November 13, 2018. The applicant is requesting a revised project description with respect to methods and volumes. For more information see Additional Project Information section below.

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 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act.

Comments should be forwarded to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION

ATTN: Lisa Mangione
Lisa.mangione@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 (NEPA). 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- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant is reviewing the program to determine compliance with the certified Port Master Plan and the California Coastal Act of 1976 (Harbor Development Permit, Port of Long Beach, pending). Based on this information, the Corps has made a preliminary determination that issuance of the Harbor Development Permit by the California Coastal Commission would demonstrate that the program would comply with and be conducted in a manner consistent with the approved State Coastal Management Program. As such, the Corps hereby requests concurrence or nonconcurrence with this determination from the California Coastal Commission Office of Federal Consistency.

Essential Fish Habitat- The proposed program is located within an area designated as Essential Fish Habitat (EFH) for two Fishery Management Plans (FMPs): Coastal Pelagic and Pacific Coast Groundfish. Of the 94 federally-managed species, four Coastal Pelagic and eight Pacific Coast Groundfish species are known to occur in the Long Beach Harbor area. EFH in the Port of Long Beach includes eelgrass (*Zostera marina*), soft-bottom habitat, and hard-substrate habitat in the form of riprap. Where eelgrass is present it is designated a Habitat Area of Particular Concern (HAPC) for Groundfish. The Bio-baseline surveys of the Los Angeles and Long Beach Harbors in conducted in 2008 and 2013 identified eelgrass beds in the Port of Los Angeles in Inner Cabrillo Beach, and north of Pier 300 in the Seaplane Lagoon. Other surveys reported eelgrass beds in the Port of Long Beach Cerritos Channel just east of the Heim Bridge and in the Back Channel just north of NRG Energy's Long Beach generating station intake structure; both sites are located within the footprint of the proposed program.

Of coastal pelagics, only the northern anchovy (*Engraulis mordax*) were abundant during Bio-baseline surveys. Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicas*) were common throughout the harbor, and Jack mackerel (*Trachurus symmetricus*) was common in the inner to middle harbor and uncommon in the outer harbor. Of groundfish, only Pacific sanddab (*Citharichthus sordidus*) and black rockfish (*Sebastes melanops*) were identified, and both species were found at the southern end of the Back Channel. Maintenance dredging, pile driving, and removal of navigational hazards would likely result in temporary increases in turbidity and suspended solids at these locations, which could decrease light penetration causing a decline in primary productivity due to decreased photosynthesis by phytoplankton. Any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and invertebrate filter feeders. Direct impacts to benthic invertebrates include abrasion, entrainment, or mortality from the cutterhead dredge, clamshell bucket, and as a result of pile driving. The proposed dredging, pile driving, removal of navigational hazards, and additional wharf maintenance activities would temporarily increase turbidity, noise, and vibration levels within the proposed project area and its vicinity, resulting in disturbances to normal fish behavior in the water column and in or near the channel bottom. The vast majority of fish would be expected to temporarily avoid the in-water activities, although some may

remain to feed on invertebrates released from the sediments. Direct or indirect fish mortality has not been observed in the Outer Harbor as a result of dredging activities associated with the Deep Draft Navigation improvements Project. Previous studies have also shown that large-scale channel dredging and landfill operations in the 1980s and 1990s did not lead to long-term adverse effects on fish populations. Noise and disturbance associated with proposed program activities, particularly pile driving, could result in short-term adverse effects on aquatic habitat and cause fish kills, but because noise and disturbance from boat traffic and other activities in the Port are part of the ambient conditions and the proposed program activities are temporary in nature, fish impacts associated with the proposed program are expected to be temporary and minor.

Maintenance dredging would remove accumulated sediments (including contaminated sediment) from the Port. Therefore, while dredging may create adverse short-term impacts to benthic species and local fish populations (such as direct mortality of organisms, burial by settling of suspended sediments, reduced ingestion, or depressed filtration rates), these impacts would be partially offset by the removal of contaminated sediments that pose an ecological risk and an ongoing hindrance to the overall health of the aquatic ecosystem, and water quality in the Port. Following dredging activities, benthic communities are expected to re-colonize within the affected areas. No permanent loss of benthic habitat would occur.

In order to minimize potential adverse effects upon eelgrass, consistent with the existing RGP, the applicant proposes to conduct a pre-project eelgrass survey in accordance with the California Eelgrass Mitigation Policy (CEMP, 2014) prior to initiation of dredging, as such activities could destroy eelgrass beds present in the project footprint and could lead to adverse effects to eelgrass within the vicinity. In addition, adverse impacts on eelgrass beds would indirectly affect fish and invertebrate populations due to loss of spawning, foraging and cover habitat. If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey would be conducted and impacts to eelgrass mitigated in accordance with the CEMP.

Based on this information, preliminary determinations indicate 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 serves to initiate the EFH consultation requirements of the MSA via abbreviated consultation. It is the Corps' 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. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If the Corps does not receive written comments (regular mail or email) within the 30-day notification period, we will assume concurrence with our determination by NOAA Fisheries.

Cultural Resources- A search of the latest version of the National Register of Historic Places identifies the RMS Queen Mary at Pier H as the only federally listed historic property within the proposed program area. The proposed dredging and debris clearance activities would take place below the water surface, and the proposed maintenance would consist of "in-kind" repair and replacement of existing structures and would have no potential and low likelihood to affect historic properties in the Port of Long Beach or Long Beach Harbor. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate implementation of the proposed program under the renewed RGP would not affect federally-listed endangered or threatened species such as the California least tern (*Sterna antillarum browni*), or its designated 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). The use of "knockdown" or "drag beam" dredging methods to redistribute shoaled material is considered a discharge of dredged or fill material, and if occurring within vegetated shallows (e.g., eelgrass habitat), is subject to regulation by the Corps and U.S. EPA's section 404(b)(1) guidelines. The basic project purpose for this subset of proposed program activities is to increase navigational safety, and is considered a water dependent activity. The remainder of the proposed program activities (work and structural maintenance and repairs in navigable waters) would not result in a discharge of dredged or fill material, and thus are not subject to the 404(b)(1) guidelines.

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 program is to:

1. Maintain adequate depths for shipping operations. Design depths currently range from approximately -36 feet MLLW with -2 feet for overdredge (-38 feet MLLW) to -52 feet MLLW with -2 feet for overdredge (-54 feet MLLW) near the berths, and up to approximately -76 feet MLLW in the Main Channel.
2. Repair or replace existing structures that are damaged or in degraded condition as a result of Port activities; and,
3. Remove navigation safety hazards.

Additional Project Information

Baseline information- Construction of the Ports of Long Beach and Los Angeles, occurring from the early 1900s through the present, changed the physical environment from a shallow estuarine system at the mouth of the Los Angeles River to a semi-enclosed system of deep-water channels and basins. Wave action, current velocities, and the biology of the harbor waters were substantially changed by the construction of the breakwaters, channels, and fills that constitute the port complex. The harbors are no longer true estuaries because they do not maintain significant year-round freshwater input. And the marine biota are not distributed along salinity gradients as in most estuarine systems. Harbor modifications changed the types of habitat available for marine organisms. For example, very little sandy beach and shallow water habitats remain, and salt marsh habitat has been virtually eliminated. This latter habitat type has been greatly reduced throughout California, and is one of the most threatened habitats in the state. Soft-bottom benthic habitat has also been altered and deep water habitat for fish has expanded. Hard substrate has been greatly increased through installation of bulkheads, riprap for shoreline breakwaters, and pier pilings. In addition to physical modifications, commercial, military, and recreational activities over the past century have influenced

ecology in the harbor by adding water pollution, turbidity, noise, and other environmental stresses. The applicant conducts channel (dredging) maintenance, structural maintenance, and removal of navigation hazards within its boundaries on an as-needed basis. Since 1997, the Corps has periodically issued RGP 28 for these activities. Pursuant to RGP 28, the applicant is required to submit a case-specific description of proposed dredging and disposal activities as well as an annual summary of completed maintenance activities. In addition, the applicant must receive a Notice to Proceed (NTP) from the Corps prior to initiating dredging and disposal.

Project description – The applicant’s current five-year RGP 28 will expire on November 13, 2018. Accordingly, the Port of Long Beach has filed an application for to re-new RGP 28 for five years. The following provides supplemental application information and proposed changes for consideration for the new five-year RGP. In addition to the new Corps permit, the applicant has applied to the Los Angeles Regional Water Quality Control Board to re-new its five-year Waste Discharge Requirements/401 water quality certification.

Currently, RGP 28 allows dredging of up to 150,000 cubic yards (cy) of sediment on an annual basis from various areas within the harbor, and routine in-water structural maintenance and repair activities. The proposed project area is within the Long Beach Harbor District boundary, and the Port submits project-specific sediment suitability analyses to the Contaminated Sediment Task Force (CSTF) for proposed dredging projects. Dredged material is placed at approved landfills, in approved port fills, or other approved confined disposal facilities (CDFs); habitat restoration sites; or at the LA-2 Ocean Dredged Material Disposal Site (ODMDS) depending on the suitability of the dredged sediments for these disposal alternatives.

Proposed modifications to RGP 28 are as follows:

- Adding LA-2 ODMDS as a disposal site
- Adding the Outer Harbor Sediment Placement and Ecosystem Restoration Site (OHSPER) as a disposal site
- Adding jetting associated with pile repair and replacement as an approved activity
- Adding concrete grouting to repair existing structures as an approved activity
- Allowing project-specific flexibility in application of the requirement to perform eelgrass (*Zostera marina*) and Caulerpa (*Caulerpa taxifolia*) surveys.

The Port is proposing to retain the project description and project terms from the existing permits, except for above-mentioned changes that are described in greater detail below.

The current RGP 28 includes the following major project elements and terms:

- Maintenance dredging of up to 150,000 cy per year within boundaries identified in Figure 1, including up to 15,000 cy per year of knockdown dredging and a maximum total volume of 750,000 cy in a 5-year period
- Placement of dredged material either at approved landfills, Port fills or CDFs, and the submerged Western Anchorage Sediment Storage Site (WASSS)
- Routine maintenance of existing structures and facilities including, but not limited, to the following:
 - Removal and recovery of debris/objects posing a navigational safety hazard to vessels, which may include sunken vessels/barges; containers; chassis; anchors; concrete; rubber tires; pipelines protruding above the mudline; broken/damaged fender system components; concrete/steel/timber piles and studs; and other miscellaneous debris/objects

- Routine wharf/dock maintenance work including repair or like-for-like replacement of piles, camel logs, fender systems, cutoff/quay/retaining walls, foundation/footings, bulkheads, and other associated wharf components
- Shoreline and in-water maintenance, repairs, or like-for-like replacement of slopes, dikes, breakwater, and riprap
- Repair, minor modification, and in-alignment replacement of docks, gangways, floats, piers, launch ramps, dolphins, mooring buoys, and anchor pilings
- Routine in-water maintenance, repair, and replacement of pile wraps, jackets, and corrosion prevention system (anodes, cables, and mounting brackets)

Disposal of materials resulting from maintenance and repair of existing structures and facilities includes temporary placement at an upland location within the harbor for drying and sorting of material prior to disposal. Any scrap steel is recycled, and rock/concrete is crushed into miscellaneous road base for Port use. Non-recyclable debris are disposed of at upland landfills appropriate for the type of debris generated and in compliance with federal and state regulations.

Sediment management options for dredged material are based on sediment sampling results conducted for each proposed dredging project and the suitability of the material for beneficial reuse. Current approved placement sites include:

- Port landfill project(s): Middle Harbor Redevelopment Slip and Basin Fill Site and Pier G South Slip Fill
- Upland disposal site(s), including temporary placement at an upland location within the Port of Long Beach for drying and sorting prior to disposal
- The WASSS

The Port's priority is beneficial reuse of the material in a Port landfill project. However, the WASSS can be used if dredged material is suitable for open-ocean disposal and can be reused as fill material within the harbor in the future. If dredged material does not meet requirements for temporary storage at the WASSS, a suitable upland disposal site is used, or the OHSPER can be used once it is approved as a confined aquatic disposal (CAD) site.

Existing Constructed Fill/Upland Disposal Sites

Middle Harbor Redevelopment Slip and Basin Fill. The Middle Harbor Redevelopment Project involves the fill of the Pier E Slip 1 and a portion of the East Basin (Figure 2). Rock containment dikes were constructed to contain chemically impacted materials and to control runoff of decant water from the settling of dredged material at the site. Contaminated sediments placed at this site are capped and sequestered by the placement of uncontaminated materials on top and a sand filter layer behind the containment dike in accordance with regulatory requirements and permits. Accordingly, disposal of dredged material at this disposal site will not pose any significant environmental concerns. The project was analyzed in the Middle Harbor Terminal Redevelopment Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and permitted.

Pier G South Slip Fill. The fill site is located at the southern portion of the Pier G Slip (Figure 2). A rock containment dike will contain chemically impacted materials and control runoff of decant water from the settling of dredged material at the site. Contaminated sediments placed at this site will be capped and sequestered by the placement of uncontaminated materials on top and a sand filter layer behind the containment dike in accordance with regulatory requirements and permits. Accordingly, disposal of dredged material at this disposal site will not pose any significant environmental concerns.

This project was analyzed in the Piers G/J Terminal Redevelopment EIR/Environmental Assessment and permitted.

Upland Processing Area. Dredged material may also be placed temporarily in uplands on Port-owned property for sorting and drying of the material prior to disposal at an approved upland disposal facility. Upland processing areas may include Pier S and other upland sites throughout the port. All processing sites will be designed with the proper best management practices (BMPs).

Material would be placed within a retention berm for sorting and drying, and a discharge weir would help to regulate the flow of decant water from the confined area. Once the material has been dried and debris has been sorted, scrap steel will be recycled and rock will be crushed into miscellaneous road base. Non-recyclable debris and materials will be disposed of at upland disposal facilities appropriate for the type of debris generated and in accordance with federal and state regulations.

Requested Changes to RGP 28

The Port is requesting the following four changes to RGP 28:

Adding LA-2 ODMDS. The Port proposes to add LA-2 ODMDS as an authorized aquatic disposal option under the permits. The Port will continue to prioritize beneficial use of dredged material but requires the flexibility to consider offshore disposal on a project-specific basis. If disposal at LA-2 ODMDS is proposed for a project, the Port would perform the required sediment characterization and testing required for offshore disposal and comply with the standard terms and conditions for disposal at LA-2 ODMDS. **Adding LA-2 ODMDS would require EPA approval and site use conditions for each use, after sediment characterization.**

Adding the OHSPER as a disposal site. The Port proposes to add the OHSPER as a disposal option. Currently, the WASSS is for temporary or permanent storage of ocean suitable sediment. The Port is in the process of amending the Port Master Plan to re-designate the WASSS as a CAD site. Once the WASSS is re-designated as a CAD site, it will be renamed the OHSPER and designed to contain both sediment suitable for aquatic placement and contaminated sediment unsuitable for unconfined aquatic placement. It is anticipated that this re-designation of the site through the Port Master Plan amendment process will be complete in 2019. The Port proposes to include this area as a management option for sediment not suitable for unconfined aquatic disposal with the caveat that the OHSPER would not be available for use until the Port Master Plan is certified by the California Coastal Commission.

Adding Jetting Associated with Pile Repair and Replacement. The Port proposes to add jetting associated with pile repair and replacement as an approved activity. Jetting is a technique in which a carefully directed jet of water is used to increase the porewater pressure of sediment at the toe of the pile to reduce the sediment resistance and thus facilitate pile penetration. Jetting may be a very effective technique depending on the nature of the sediment and can reduce the amount of time a diesel pile driver or vibratory pile driver is required to install a pile. Decreasing the use of pile drivers will reduce the noise and vibration associated with construction. Use of jetting to replace or repair piles in the harbor would be assessed on a project-specific basis. The Port would implement the water quality monitoring program required in the WQC/WDR during pile jetting. Turbidity associated with jetting is typically localized to the vicinity of the work area and is temporary in nature. Most of the sediment disturbed during jetting would settle near the pile being replaced in a short period.

Adding Concrete Grouting to Repair Existing Structures. The Port proposes the use of concrete grout to repair existing structures as an authorized maintenance activity. Concrete would be applied as a slurry through a pipe into a closed form or enclosed space. The concrete would be pumped from a land-based truck or from a barge on the water, depending on the available access at the repair site.

Concrete grouting may be required for repairs to existing bulkheads, pile-supported structures, and rock slopes. The Port completed two maintenance and repair projects at Pier F using concrete grouting in 2015 and 2016, and water quality monitoring performed during the projects demonstrated no adverse impacts to water quality.

Allowing Project-Specific Flexibility for Eelgrass and Caulerpa Surveys Requirement. The Port and the Port of Los Angeles perform periodic harbor-wide biological baseline surveys, typically every 5 years. These surveys target a variety of habitats and species, including eelgrass and non-native species such as Caulerpa. In addition, the Port has performed project-specific eelgrass surveys at many sites within the harbor. The surveys have demonstrated that a small amount of eelgrass is present at only three sites within the Port, because the Long Beach harbor lacks areas of suitably shallow depths to support eelgrass. Many of the areas that require maintenance dredging under RGP 28 are deep channels and berths that do not provide suitable shallow habitat for eelgrass, or Caulerpa. As a result, the Port has requested that the need for pre-construction eelgrass and Caulerpa surveys be evaluated on a project-specific basis, accounting for site characteristics like depth and existing eelgrass and Caulerpa survey data. For sites that have habitat suitable for eelgrass or where past survey data indicates that eelgrass was present, pre-construction surveys may be appropriate.

In consideration of the Port's request, the Corps proposes that the standard special condition regarding eelgrass pre-construction surveys be revised as follows:

"Prior to each maintenance dredging event, the Port shall confer with the Corps to determine whether a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP). If the Corps determines based on project site characteristics and existing eelgrass data that a pre-project eelgrass survey is required, the Port shall conduct a pre-project eelgrass survey in accordance with the CEMP no earlier than 60 calendar days prior to planned construction. The results of the survey must be submitted to the Corps at least 15 calendar days prior to initiation of work in waters of the United States. If the pre-project survey demonstrates eelgrass presence within the project vicinity, post-project survey(s) must be conducted and any impacts to eelgrass mitigated in accordance with the CEMP."

The Corps proposes that the standard special condition regarding pre-construction Caulerpa surveys be revised as follows:

"Prior to each maintenance dredging event, the Port shall confer with the Corps to determine whether a pre-project *Caulerpa taxifolia* (Caulerpa) survey should be conducted in accordance with the Caulerpa Control Protocol. If the Corps determines based on project site characteristics and existing Caulerpa data that a pre-project Caulerpa survey is required, the Port shall conduct a pre-construction survey of the project area for Caulerpa, in accordance with the Caulerpa Control Protocol no earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of the 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 Port 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."

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:

1. No maintenance work authorized under this program would be allowed within shallow water foraging areas during the nesting season (June 1 through August 31) for California least tern (*Sterna antillarum browni*);
2. Maximum dredging limit of 150,000 cubic yards per year (including 15,000 cubic yards limit per year for knockdown dredging);
3. Submission of Sediment Analysis Plan and subsequent Sampling and Analysis Report (SAR) to the Corps and other members of the SC-DMMT/CSTF for each proposed dredge site;
4. Prior to each maintenance dredging event, the applicant would confer with the Corps to determine whether a pre-project eelgrass survey is required. If required, the applicant would conduct a pre-project eelgrass survey in accordance with the CEMP.
5. Use of unconfined disposal sites would be subject to approval by the Corps, USEPA, and other members of the SC-DMMT/CSTF; and
6. Submission of post-dredge bathymetry results to the Corps and NOAA Fisheries.

Compensation:

1. In circumstances where a pre-project eelgrass survey demonstrates eelgrass presence within or in the vicinity of a proposed maintenance dredging project, a post-project survey would be conducted and impacts to eelgrass mitigated in accordance with the CEMP.
2. Where permanent impacts result in a permanent loss of waters of the United States, the applicant would provide compensatory mitigation at a ratio determined by the Corps. Mitigation would be provided at the Port's existing Bolsa Chica Mitigation Bank.

Proposed Special Conditions

1. The Permittee is authorized to perform routine wharf maintenance activities, involving only like-for-like maintenance and replacement/repair work of existing wharf components. No discharges of fill or increases in shading impacts are authorized for wharf maintenance activities.
2. No capital improvement projects, new construction, expansions, or modifications resulting in a change of the existing use of a structure or facility are authorized by this RGP.
3. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the U.S. Therefore, the Permittee shall employ all standard Best Management Practices to insure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction. Upon completion of work any excess material or debris shall be removed from the work area and disposed of in an appropriate upland site.
4. The Permittee shall provide an **annual summary** of routine maintenance of existing structures and facilities completed under this RGP to the Corps of Engineers **by December 31st** of each year.
5. In the event steel piles will be driven to replace piles of other materials, the contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. At the initiation of each pile driving event, the pile driving shall also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40-60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.

6.No earthwork/upland grading is authorized by this Regional General Permit.

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

- A) The project involves the repair of existing structures that were originally constructed using wood products;
- B) The creosote treated pilings are wrapped in plastic;
- C) Measures are taken to prevent damage to plastic wrapping from boat use. Such measures may include installation of rub strips or bumpers;
- D) The plastic wrapping is sealed at all joints to prevent leakage; and
- E) The plastic material is expected to maintain its integrity for at least ten years, and plastic wrappings that develop holes or leaks must be repaired or replaced in a timely manner by the Permittee.

8.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, hazardous/toxic/radioactive/munitions from construction or dredging or disposal 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.

9.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
Email: d11LNM@uscg.mil
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

U.S. Coast Guard, Sector LA-LB (COTP)
Email: D11-DG-SectorLALB-WWM@uscg.mil

For projects in San Diego County:
U.S. Coast Guard
Sector San Diego, Attn: LTJG Briana Biagas
2710 N. Harbor Dr.
San Diego, California 92101
Attn: Ports and Waterways Division
Tel : (619) 278-7261
Fax: (619) 278-7279
Email: BRIANA.L.BIAGAS@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 email 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 U.S. 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 Local Notice to Mariners: "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. Not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that require relocation or removal, the Permittee shall notify, in writing, the Eleventh U.S. Coast Guard District and the Corps Regulatory Division. The Permittee and its contractor(s) 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) The Permittee is prohibited from establishing private aids to navigation in navigable waters of the United States until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard. Should the Permittee determine the work requires the temporary placement and use of private aids to navigation in navigable waters of the United States, the Permittee shall submit a request in writing to 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.

10. Prior to each maintenance dredging event, the Port shall confer with the Corps to determine whether a pre-project *Caulerpa taxifolia* (*Caulerpa*) survey should be conducted in accordance with the *Caulerpa* Control Protocol. If the Corps determines based on project site characteristics and existing *Caulerpa* data that a pre-project *Caulerpa* survey is required, the Port shall conduct a pre-construction survey of the project area for *Caulerpa*, in accordance with the *Caulerpa* Control Protocol no earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of the 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 Port 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.

11. Prior to each maintenance dredging event, the Port shall confer with the Corps to determine whether a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP). If the Corps determines based on project site characteristics and existing eelgrass data that a pre-project eelgrass survey is required, the Port shall conduct a pre-project eelgrass survey in accordance with the CEMP no earlier than 60 calendar days prior to planned construction. The results of the survey must be submitted to the Corps at least 15 calendar days prior to initiation of work in waters of the United States. If the pre-project survey demonstrates eelgrass

presence within the project vicinity, post-project survey(s) must be conducted and any impacts to eelgrass mitigated in accordance with the CEMP.

12. The Permittee shall not conduct maintenance work authorized under this program within shallow water foraging areas during the nesting season (April 1st through August 31st) for California least tern (*Sterna antillarum browni*). In addition, maintenance activities shall be performed in a manner which minimizes or avoids impacts to sensitive seabird species such as the California brown pelican (*Pelecanus occidentalis*).

13. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855 OR Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

14. For this permit, the term dredging operations shall mean: a) navigation of the dredging vessel at the dredging site; b) excavation of dredged material within the project boundaries; c) leveling (knockdown) of high spots through use of a drag-beam, clamshell bucket or excavator; and, d) placement of dredged material into a hopper dredged or disposal barge or scow.

15. The Permittee is authorized to dredge up to 150,000 cubic yards of sediment per year, including a 15,000 cubic yard per year limit for knockdown dredging, and up to 750,000 cubic yards over the five-year lifetime of the permit.

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

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

18. For maintenance dredging under this permit, the maximum dredging design depth (also known as the project depth or grade) shall be the current authorized design depth of the berths, with a maximum allowable overdredge depth of -2 feet below the design grade. No dredging shall occur deeper than -2 feet below the design grade or outside the project boundaries. Case-by-case requests to extend the allowable overdepth vertical tolerance are acceptable so long as the need can be justified. Such requests will be approved only after consultation with the South Coast Dredged Materials Management Team/Contaminated Sediments Task Force (SC-DMMT/CSTF).

19. 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 SC-DMMT/CSTF, to be suitable for a given disposal/re-use location.. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically and physically suitable for disposal in a given disposal/re-use location according to the provisions of the Inland Testing Manual (USEPA, rev. 1998) or Ocean Disposal Manual (USEPA, rev. 1991) as appropriate. Accordingly, the Permittee shall submit to the SC-DMMT/CSTF a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps, in consultation with other SC-DMMT/CSTF members. **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 SC-DMMT/CSTF.

20. Under this permit, the disposal options consist of:

- a) Constructed fill projects
 - i. Middle Harbor Pier E, Slip 1 and portion of East Basin; and,
 - ii. Pier G South Slip;
- b) Upland disposal sites;
- c) Western Anchorage Beneficial Re-use and Disposal Site.
- d) LA-2 ODMDS site; and,
- e) OHSPER site.

21. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall submit 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, dredging equipment and electronic positioning systems or navigation equipment to 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.

C) A schedule describing when the dredging project is planned to begin and end.

D) A pre-construction dredging bathymetric 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, including 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.

ii) 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.

iii) 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.

E) A debris management plan to prevent unauthorized disposal of large debris or other unsuitable materials. The debris management plan shall include: sources and expected types of debris if known, debris separation and retrieval methods and equipment to be used, debris disposal location(s), and debris disposal methods (e.g., recycling, landfill, hazardous/toxic/radioactive materials/munitions disposal sites, etc.).

22. When using a hopper dredge, water/slurry flowing through the weirs shall not exceed 10 minutes during dredging operations (to prevent overflow/overload). When using a hopper dredge, the fill level

of the hopper dredge 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. If a dredging or disposal operation does not require a hopper dredge than disregard this special condition.

23. When using a disposal barge or scow, no water shall be allowed to flow over the sides throughout the dredging and disposal operations. The fill level of the disposal barge or scow shall not exceed the load line to prevent any dredged material or water from spilling over the sides during all operations. No disposal barge or scow shall be filled above this predetermined level or load line (vessel frame/plating). Before each disposal barge or scow is transported to the disposal site, the Permittees dredging site inspector shall certify that it is filled correctly.

24. The Permittee shall comply with the following knockdown dredging criteria:

- Knockdown dredging where material is not removed but redistributed is limited to no more than 15,000 cubic yards (cy) of material per year, and no more than 2,000 cy per event at a given location.
 - Knockdown dredging shall not be performed in the same area more than once per year.
- C) Knockdown dredging shall, at all times, be contained within an approved project boundary. The project boundary will be determined on a case-by-case basis in coordination with the SC-DMMT/CSTF. Material resulting from the knockdown dredging shall not be moved more than a 1,500 foot radius from where the high spot is located.
- D) The Port and its contractor shall be allowed a knockdown dredging tolerance of 1-foot below the design depth/permitted depth.
- E) As with traditional dredging methods, sediment sampling (i.e. elutriate testing) shall be performed prior to each knockdown dredging project. The sampling approach shall be presented in a draft Sampling and Analysis Plan (SAP) and provided to the SC-DMMT/CSTF for approval.

25. The Permittee and its contractors and subcontractors shall maintain a copy of this permit at the work site, and on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.

26. 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 U.S. Coast Guard regulations and follows the Inland and Ocean Rules of Navigation or the U.S. Coast Guard Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes (mast head signals which indicate vessel operational status), operating marine band radio, and other appropriate navigational aids.

27. The Permittee's contractor(s) and the captain of any vessel covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.

28. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division (may include other Corps Divisions), EPA, and(or) the U.S. Coast Guard to inspect all phases of the dredging and disposal operations. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps EPA, and(or) the U.S. Coast Guard 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.

29. During disposal and dredging operations the permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

30. If non-compliance of the permit occurs, the Permittee shall report the details of the permit non-compliance 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 any permit non-compliance of any permit condition must be reported to the Permittee immediately who must then report to the Corps Regulatory Division.

31. The Permittee shall use an electronic positioning system to navigate throughout all dredging, hauling, disposal, and discharge operations. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (or 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.

32. The Permittee shall submit a post-construction/project completion report to the Corps Regulatory Division within 30 calendar days after completion of each dredging event to document compliance with all general and special conditions 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. One post-construction report (instead of separate reports) should be submitted for all activities conducted under the permit. The report must describe whether or not all general and special conditions were met. The report shall include:

- A) Project Name and Corps file number.
- B) Start date (month/day/year) and completion date of dredging and disposal operations.
- C) The disposition and total cubic yards of all material disposed or discharged at each site or location.
- D) Dredging method (e.g., hopper dredge, suction dredge, clamshell, dragline, etc.).
- E) Mode of transportation.
- F) Frequency of disposal and plots of all trips to the disposal or discharge site(s).
- G) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the disposal or discharge site(s).
- H) A detailed post-dredging bathymetry survey drawing of the dredging area. The survey drawing 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 record the post-construction dredging survey drawing shall be the same methods used in the pre-construction dredging survey drawing. The survey drawing shall be signed by the Permittee certifying that the data are accurate.
- I) A description of any navigation problems and corrective measures implemented.
- J) Copies of all completed Scow Certification Checklists for ocean disposal.

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. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause

unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

35. The Permittee shall notify the Corps Regulatory Division of the date of commencement of work in navigable waters of the United States no less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five (5) calendar days prior to such completion.

36. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating the location of all new structures and their features, or the modification of structures and their features within 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 email at: Regulatory.SPL@usace.army.mil) and to the National Oceanic and Atmospheric Administration for updating nautical charts (via email at: Lori.Powdrell@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.

For additional information please call Lisa Mangione of my staff at (805) 585-2150 or via e-mail at Lisa.Mangione@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.





Regulatory Program Goals:

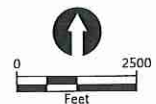
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY



SOURCE: Aerial from Bing maps 2018. Boundaries provided by Port of Long Beach.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.

- LEGEND:**
-  Long Beach Harbor District Boundary
 -  Regional General Permit 28
Approximate Maintenance Dredge Area



Publsh Date: 2018,05/11 9:27 AM | User: npratschner
 Filepath: E:\Projects\0343 Port of Long Beach\GPP 28\0343-RP-001 RGP28 SITE.dwg FIG 1

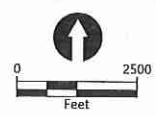


Figure 1
Maintenance Dredge Area
 Regional General Permit 28
 Port of Long Beach



SOURCE: Aerial from Bing maps 2018. Boundaries provided by Port of Long Beach.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.
NOTE: The Los Angeles/Long Beach LA-2 Ocean Disposal Site is not shown on this figure.

LEGEND:
 - - - - - Long Beach Harbor District Boundary
 [Yellow Box] Proposed Disposal Sites



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 Filepath: X:\Projects\0343 Port of Long Beach\RGF 26\0343-RP-002 RGL\26-DISPOSAL.dwg FIG 2



Figure 2
Proposed Disposal Sites
 Regional General Permit 28
 Port of Long Beach