



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
King Harbor Maintenance Dredging**

Public Notice/Application No.: SPL-2019-00541-VN

Project: King Harbor Maintenance Dredging

Comment Period: September 29, 2020 – October 29, 2020

Project Manager: Vanessa Navarro; (213) 452-3420; Vanessa.Navarro@usace.army.mil

Applicant

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Contact

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Location

The King Harbor Maintenance Dredging project is located in King Harbor within the city of Redondo Beach, Los Angeles County, California (at Lat/Lon: 33.84151, -118.39279).

Activity

Maintenance dredging of King Harbor is proposed for two areas. Dredging Area I is the shoal fronting the north portion of King Harbor North Breakwater. Dredging Area II is the shoal fronting the inner portion of South Breakwater at the entrance of Basin 3. The proposed maintenance dredging depth for Dredging Area I is -18 feet mean lower low water (MLLW), and the approximate dredging area is 4.1 acres. The estimated dredging quantity is approximately 45,500 cubic yards (cy) to the design depth and 60,000 cy when including the 2-foot over dredge depth (OD) to -20 feet MLLW. The proposed dredging depth for Dredging Area II is -15 feet MLLW, and the dredging area is approximately 0.35 acre. The estimated dredging quantity is 800 cy to the design water depth and 2,000 cy when including the a 2-foot OD allowance. In total, the estimate dredging quantity for the two dredging areas is 46,300 cy to the design depth and 62,000 cy when including a 2-foot OD allowance (see attached figures). The applicant proposes to place approximately 29,000 cy of the material dredged from the south portion of Dredging Area I within the In-harbor Placement Site, and approximately 33,000 cy of the dredged material (comprised the north portion of Dredging Area I and Dredging Area II) within the USACE's Nearshore Placement Site.

Submittal of Public Comments

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.

During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: Vanessa.Navarro@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Vanessa Navarro directly at (213) 452-3420.

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

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

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

Evaluation Factors

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

the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

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

Preliminary Review of Selected Factors

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

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Los Angeles Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification (WQC) to the Corps prior to permit issuance. The applicant applied for a WQC with the Los Angeles RWQCB in July of 2020 and is awaiting approval.

Coastal Zone Management- The applicant has certified the proposed activity would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

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

1. Description of the proposed action: see project description on page 6 of this public notice.
2. On site inspection information: The Essential Fish Habitat (EFH) Mapper identified the harbor as EFH for all life stages for Finfish, Krill – *Thyso-noessa Spinifera*, Krill – *Euphausia Pacifica*, Other Krill Species, Coastal Pelagic Species, and Groundfish. The USACE Nearshore Placement Site is identified for all the life stages for the species management units listed above plus Common Thresher Shark and Dorado. The EFH Mapper identified there are no Habitat Areas of Particular Concern and no EFH Areas Protected from Fishing at either the harbor or nearshore placement site.

The proposed project is located within a general area designated as EFH for two Fishery Management Plans (FMPs): Coastal Pelagic Species FMP and Pacific Coast Groundfish FMP. King

Harbor supports a diverse and abundant fish community. Many of the species federally managed under these management plans are known or expected to occur in the area and could be affected by sediment removal and in-water disposal. Species managed under the Coastal Pelagic Species FMP that may have the potential to occur in King Harbor include northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symeetricus*), and market squid (*Doryteuthis opalescens*). Species managed under the Pacific Coast Groundfish FMP that may have the potential to occur in the project area include leopard shark (*Triakis semifasciata*), big skate (*Raja binoculata*), spiny dogfish (*Squalus acanthias*), cabezon (*Scorpaenichthys marmoratus*), two species of flatfish (*Pleuronichthys decurrens*, *Pleuronectes vetulis*) and at least 9 species of rockfish (*Sebastes chrysomelas*, *S. auriculatus*, *S. caurinus*, *S. rastrelliger*, *S. atrovirens*, *S. dalli*, *S. serranoides*, *S. serripes* and *Scorpaena guttata*).

An eelgrass (*Zostera marina*) survey was conducted by Anghera Environmental and Ecomarine Consulting staff on September 22, 2018, which included the proposed dredge areas and both placement sites. Based on the underwater surveys, no eelgrass or Caulerpa were found within the project area. The shoal areas and in-water placement areas are primarily soft bottom and do not contain any eelgrass beds, kelp beds, or rocky reefs that would be expected to support a high diversity and abundance of fishes. Any boulders in the shoal area would be small and scattered and do not function as reefs. The habitat of the shoal and disposal sites would be soft bottom following project completion and would be expected to support a fish population similar to the one that currently occurs in these areas

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

4. Proposed minimization, conservation, or mitigation measures: BMPs would be used during all project-related activities. No compensatory mitigation is proposed for this project.

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

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

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- A search of the CNDDDB and IPaC identified four federally listed species that potentially may be affected by activities in this location: Pacific pocket mouse (*Perognathus*

longimembris pacificus), coastal California gnatcatcher (*Polioptila californica californica*), western snowy plover, and El Segundo blue butterfly (*Euphilotes battoides allyni*). Given the habitat types within the project site and the surrounding area, all but one federally listed species, western snowy plover (foraging), were considered absent from the project site due to lack of suitable habitat. The USFWS IPaC identified no critical habitat within the project area, either at the harbor or nearshore placement site. Critical habitat for western snowy plover (*Charadrius nivosus nivosus*) occurs upcoast of the project boundary at Hermosa Beach, but the proposed project activities would not directly or indirectly affect critical habitat.

The federally threatened western snowy plover is a small shorebird that breeds on sand beaches, mudflats, and salt flats. Snowy plovers do not breed at King Harbor and King Harbor is not listed as critical habitat for snowy plovers. Hermosa State Beach, approximately 0.25 miles north of King Harbor, is listed as critical habitat, because it supports a wintering flock of about 25 snowy plovers. The closest snowy plover breeding areas to King Harbor are Ormond Beach in Ventura County and Bolsa Chica in Orange County. There is a slight chance that wintering snowy plovers could forage on the shoal when it is exposed at low tide. However, because most of the shoal area is normally covered with water, the chances of snowy plovers using the shoal area are remote.

The turbidity from dredging as well as the physical presence of the dredge could interfere with foraging by waterbirds by causing birds to temporarily avoid the dredging area. It is expected that birds would only avoid the areas very near to the dredge and would use parts of the harbor more distant from the dredging operations. Turbidity will be controlled during dredging so that it does not increase turbidity in the harbor more than 20 percent above ambient conditions. In addition, some birds may be drawn to the potential prey that may be exposed in the plumes as sediment is disturbed. Therefore, turbidity plumes that could interfere with the foraging of waterbirds would be minimal. Impacts to birds from the proposed harbor dredging would be short term and limited to the immediate dredging area.

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

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

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to restore the navigable capacity within King Harbor by removing excess sediments through dredging.

Additional Project Information

Baseline information- The project is located within the Redondo Beach U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle in the Special Survey Section San Pedro-Dominguez. King Harbor is a small vessel harbor located at the southern end of Santa Monica Bay in Redondo Beach, Los Angeles County, California. The harbor extends approximately 0.75 mile along the coast and is roughly 0.4 mile wide at the widest point. King Harbor was established in the early 20th century as a commercial port. However, after the Port of Los Angeles became fully operational, King Harbor shifted its focus to recreational craft and fishing boats. Beneficial uses of King Harbor waters include industrial service supply, navigation, water contact recreation, noncontact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, preservation of rare and endangered species, and potentially shellfish harvesting. Within the harbor, four marinas provide approximately 1,400 slips for private boats.

A detailed sediment characterization study was conducted by Wood Environment & Infrastructure Solutions, Inc. (Wood) for the proposed dredging areas and placement sites of the dredged material. The results are discussed in Sampling and Analysis Plan Report (SAPR), Sediment Characterization Study, which was prepared by Wood. Overall, the Study findings concluded the following:

- The majority of samples collected in the dredging areas contain 80 percent or more sand.
- The dredged materials meet compatibility requirements for the USACE Nearshore Placement Site (referred to as "outer harbor placement site" in the SAPR) which is comprised of approximately 99 percent of sand.
- Based on the surficial samples collected in the In-harbor placement area, the portion of fines at this placement site is 47.5 percent fines, which is not compatible with the dredged material that contains approximately 4 to 10 percent of fines.
- Sediment chemistry for the USACE Nearshore Placement Site does not have any elevated levels of chemicals. However, sediment chemistry for the In-harbor Placement Site has elevated levels of DDT's and PCB congeners, which is similar to the dredged materials tested from the south portion of Dredging Area I (composite areas OH-C and OH-D as described in the SAPR).

An eelgrass survey was conducted by Anghera Environmental and Ecomarine Consulting staff on September 22, 2018, which included the proposed dredge areas and placement sites. The results of the survey indicate eelgrass does not exist within the proposed project area or the immediate surrounding area. No *Caulerpa* has been observed within the proposed dredge footprint.

Project description- The City of Redondo Beach (City) is responsible for maintenance of the in-harbor, that includes the three boat basins and the wave protection baffles at the entrances to Basins 1 and 2. A shoal area developed along the north portion of King Harbor North Breakwater (Dredging Area I). A second shoal area is located along the inner portion of South Breakwater at the entrance of Basin 3 (Dredging Area II). The City proposes to conduct maintenance dredging by removing sediment deposits from these shoal areas.

Approximately 29,000 cy of the material dredged from the south portion of Dredging Area I (composite areas OH-C and OH-D as defined in SAPR) would be placed within the In-harbor

Placement Site, and approximately 33,000 cy of the dredged material (comprised the north portion of Dredging Area I and Dredging Area II) would be placed within the USACE's Nearshore Placement Site (located approximately 1,500 feet offshore of Redondo Beach). These final placement locations for the dredged materials were presented to the Southern California Dredged Material Management Team during the May 27, 2020 meeting with no objections.

This maintenance dredging project would be performed utilizing mechanical dredge equipment verses hydraulic dredge equipment due to the location and area being dredged, and due to the potential for some larger size of dredged sediments. The proposed dredge equipment would consist of the following:

- One barge of approximately 50 feet x 150 feet with a clam shell for dredging
- One 2,000 to 3,000 cubic yard bottom dump scow of approximately 45 feet x 200 feet
- One 1,500 horsepower tugboat.

The estimated construction schedule to complete the maintenance dredging is approximately 20 days if working 24 hours per 7-day week; 40 days if working 12 hours per 7-day week; or 60 days if working 8 hours per 5-day week. The dredging would be performed outside of the seabass spawning season between July and September.

The final project construction plans and specifications will include a debris management plan that includes screening for stone size material, screening and removal of trash or other debris, and best management practices to reduce ecological impacts.

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.

Avoidance and Minimization: See proposed Special Conditions

Compensation: No compensatory mitigation is proposed.

Proposed Special Conditions

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

- 1) For this permit, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredged or disposal barge or scow.
- 2) Dredging authorized in this permit shall be limited to the areas defined in the attached figures. No more than 62,000 cubic yards of dredged material are authorized for dredging from King Harbor by the Permittee. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.
- 3) For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be -18 (Dredging Area I) and -15 (Dredging Area II) feet Mean Lower Low Water (MLLW) (plus 2 feet of allowable overdepth).

- 4) The Permittee is prohibited from conducting dredging operations and disposing material in navigable waters of the United States that has not been tested and determined by the Corps Regulatory Division, in consultation with the U.S. Environmental Protection Agency (EPA), to be suitable for disposal in ocean waters. Sampling and testing of previously tested sediment or previously dredged areas is required after three years from the date of initial sediment sampling and testing unless the Corps deems that conditions warrant another testing duration be formulated with EPA consultation. This time limit is subject to change at the discretion of the Corps Regulatory Division if any event causes previously determined suitable material to become potentially unsuitable. The applicant must demonstrate the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual (ITM) or Ocean Disposal Manual (ODM) and the Corps Regional Guidance Letter (RGL) 06-02, as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed at a Corps approved upland disposal location.
- 5) 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.).
- 6) The Permittee shall not commence dredging or disposal operations unless and until the Permittee receives a Notice to Proceed, in writing (letter or email), from the Corps Regulatory Division.

- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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.

- 16) 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 (SPL-2019-00541-VN).
 - 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.
 - k) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance).
- 17) Permittee shall notify the Corps Regulatory Division of the date of commencement of work in navigable waters of the United States (within 10 calendar days prior to the start of construction) and completion of the activity (within 10 calendar days following the end of construction) using the enclosed forms.
- 18) U.S. COAST GUARD NOTIFICATION: 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

- 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:
 - i) Project description including the type of operation (i.e. dredging, diving, construction, etc).
 - ii) Location of operation, including Latitude / Longitude (NAD 83).
 - iii) Work start and completion dates and the expected duration of operations. The U.S. Coast Guard needs to be notified if these dates change.
 - iv) Vessels involved in the operation (name, size and type).
 - v) VHF-FM radio frequencies monitored by vessels on scene.
 - vi) Point of contact and 24 -hour phone number.
 - vii) Potential hazards to navigation.
 - viii) Chart number for the area of operation.
 - ix) 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.
- 19) A pre-construction survey of the project area for *Caulerpa taxifolia* (Caulerpa) shall be conducted in accordance with the Caulerpa Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of this survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters. In the event that Caulerpa is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFW.
- 20) Prior to construction, a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP)

(http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final_CEMP_October_2014/comp_oct_2014_final.pdf). The results of the survey must be submitted to the Corps at least 15 calendar days prior to the scheduled start date for work in waters of the United States. If the pre-project survey demonstrates eelgrass presence within 25 feet of the project footprint, the Permittee shall conduct two years of post-construction eelgrass monitoring surveys per the mapping guidelines in NOAA Fisheries' California Eelgrass Mitigation Policy (Policy)

(http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final_CEMP_October_2014/comp_oct_2014_final.pdf). All required post-construction monitoring surveys shall be submitted by the Permittee to the Corps and NOAA Fisheries within 30 calendar days of each survey completion date. Based upon the post-construction monitoring survey results and in accordance with the Policy, the Corps will determine the need and/or amount of Essential Fish Habitat (EFH) mitigation required to offset adverse impacts to such habitat. The Corps will transmit its determination to the Permittee in writing. Within 60 calendar days of receiving the Corps' determination specifying the need and amount of mitigation, the Permittee shall submit a draft EFH mitigation plan to the Corps for review and approval. The EFH mitigation plan shall be prepared in accordance with the Policy and the Corps' South Pacific Division Regional Compensatory Mitigation Guidelines and Monitoring Requirements, dated January 12, 2015. The Permittee shall fully implement the final EFH mitigation plan as approved by the Corps.

- 21) 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.
- 22) A silt curtain shall be deployed around the project site throughout the duration of project-related activities.
- 23) Incidents where any individuals of fish, marine mammals and/or invertebrates listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this permit shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Los Angeles District of the U.S. Army Corps of Engineers at (213) 452-3425. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

For additional information please call Vanessa Navarro at (213) 452-3420 or via e-mail at Vanessa.Navarro@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
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