PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
Sunset/Huntington Harbour Maintenance Dredging and Waterline Installation Project

Public Notice/Application No.: SPL-2013-00900-BLR
Project: Sunset/Huntington Harbour Maintenance Dredging and Waterline Installation Project
Comment Period: February 9, 2015 through March 10, 2015
Project Manager: Bonnie Rogers; 213-452-3372; Bonnie.L.Rogers@usace.army.mil

Applicant
Susan Brodeur
County of Orange, OC Parks
13042 Old Myford Road
Irvine, California 92602

and

Lili Hernandez
City of Huntington Beach
Public Works Department
2000 Main Street
Huntington Beach, California 92648

Contact
Kim Garvey
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3780 Kilroy Airport Way, Suite 600
Long Beach, California 90806

Location
Within the cities of Huntington Beach and Seal Beach, Orange, CA (at: 33.7249821722752, -118.07333734948). See Figures 1 and 2.

Activity
To conduct maintenance dredging of the harbor and install a new waterline under the harbor's main channel in association with Sunset/Huntington Harbour Maintenance Dredging and Waterline Installation Project (see attached figures). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown 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 support 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 of 1972. Comments should be mailed to:

Los Angeles District, US Army Corps of Engineers
Regulatory Division
Attn: Bonnie Rogers
Los Angeles District Corps of Engineers
915 Wilshire Blvd. Ste 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to Bonnie.L.Rogers@usace.army.mil.

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

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

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

Evaluation Factors

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

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

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that 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 that 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 proposed activity 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 that 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 Essential Fish Habitat (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 Act (via expanded consultation). It is the Corps initial determination the proposed activity may adversely affect and would 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 during a 30-day notification period. In order to comply with the MSA, pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

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

2. On site inspection information: see baseline information on page 5 of this public notice.

3. Analysis of the potential adverse effects on EFH: provided to NOAA Fisheries separately.

4. Proposed minimization, conservation, or mitigation measures: See avoidance and mitigation measures listed on page 6. Anticipated loss of 0.37 acre of eelgrass would be mitigated for following the Southern California Eelgrass Mitigation Policy (SCEMP) at a minimum of a 1:1.2 compensation ratio, which would required an approved mitigation plan and monitoring schedule and reports. The proposed mitigation site is onsite, as shown in Figure 3.

5. Conclusions regarding effects of the proposed project on EFH: provided to NOAA Fisheries separately.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. The proposed dredging project would have no potential to effect cultural resources. This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate the proposed activity may affect but is not likely to adversely affect federally listed endangered or threatened species, namely green sea turtle, but not their critical habitat. Dredging operations throughout the harbor could result in disturbance to green sea turtle through noise impacts, injury from dredging equipment, or capture and death by dredging operations. At the beach nourishment site, the project may affect but is not likely to adversely affect snowy plovers or their critical habitat. The applicant has proposed avoidance measures to avoid potential impacts to green sea turtle and snowy plover. Therefore, our preliminary determination is formal consultation under Section 7 of the Endangered Species Act would be required for green sea turtle and snowy plover.

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 basic project purpose for the proposed project is navigation and safety. The project is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to: 1) conduct maintenance dredging and provide water utilities for the public emergency response capability in Sunset/Huntington Harbor; and 2) conduct beach nourishment at Surfside/Sunset Beach.

Additional Project Information

Baseline information- The areas to be dredged are primarily silty sand and poorly graded sand bottom with no rocky or kelp habitat. Eelgrass is present within the dredge footprint as described above (as shown on Figure(s) 5a, 5b, 5c). Other biological resources found within the harbor include benthic organisms, bay fishes, invertebrates, sea lions, and green sea turtles.

Sediment deposition in the harbor occurs from flood channels, storm drains, adjacent wetland areas (Bolsa Chica and Seal Beach National Wildlife Refuge) draining the watershed of the harbor, and littoral sediment transport through the Anaheim Bay entrance. The main flood control channel discharge is the Bolsa Chica Flood Control Channel that empties into the harbor adjacent to the

Sunset Aquatic Marina. The harbor was last dredged in 2000-2001 under USACE permit SPL-1997-00087-RRS. A 2013 bathymetric survey indicates dredging is again necessary to maintain navigational design depths.

Project description- There are two elements of the proposed project:

1) Maintenance dredging of Sunset/Huntington Harbour for navigational purposes. This element involves removal of sediment in the Harbour and disposal and beneficial reuse of the dredged material.

2) Installation of a 14-inch diameter pipe along the bottom of the main channel of Huntington Harbour. This pipe is primarily to provide redundant fire emergency services for the City of Huntington Beach.

Figure 4 shows the location of the proposed waterline, which connects from an existing waterline along Typhoon Lane on the north side of the channel to an existing waterline along Grimaud Lane on the south side. The pipe will be buried under the harbor's main channel bottom. It will penetrate through the bulkhead wall on the Typhoon Lane side and come ashore under the existing sandy beach on the Grimaud Lane side. Dredging of the channel bottom and landside excavation will be required to install the pipe. The waterside segment of the pipe will be approximately 510 linear feet and the landside segments outside waters of the United States are an additional 250 linear feet.

The proposed areas of Sunset/Huntington Harbour to be dredged are as follows:

- Entrance Channel (east of the PCH bridge) (33.730889 deg, -118.082176 deg);
- West/North end of the Main Channel, including the area adjacent to the Peters Landing Marina (33.726951 deg, -118.077453 deg);
- Sunset Aquatic Marina docks and adjacent Bolsa Channel (33.727369 deg, -118.074277 deg);
- Sediment trap in Bolsa Channel (adjacent to Sunset Aquatic Marina) (33.727427 deg, -118.072907 deg);
- East/South end of the Main Channel (33.715204 deg, -118.061870 deg); and
- Main Channel waterline crossing trench (33.724681 deg, -118.071523 deg).

Figure 3 shows these areas and the dredge volumes and design depths for each area and the Sunset/Huntington Harbour Waters of the United States. The latitudes and longitudes, respectively, of the approximate centerpoint of each area are listed above. The design depths range from -9 feet MLLW (Mean Lower Low Water) in the Sunset Aquatic Marina to -15 feet MLLW in the Bolsa Channel sediment trap. The total maximum quantity of dredge material includes an allowance for two feet of possible overdredge beyond the design depth and a 25% contingency to account for ongoing sediment deposition and incidental sloughing of dredge cut side slopes. This total maximum amount is estimated to be 248,000 cubic yards. The waterline material will be dredged and placed to either side of the trench for later reuse as backfill within the trench after the waterline is installed. After installing the waterline pipe, the trench will be backfilled with the dredged material. Any remaining material (maximum estimated 700 cubic yards) would be sidecast along the harbor bottom but not exceeding the -10 feet MLLW channel design depth.

The proposed material disposal / reuse sites are: 1) the EPA-approved LA-2 open ocean site (maximum of 160,500 cubic yards); 2) beach nourishment at Surfside/Sunset Beach (Figure 6) (approximately 69,000 cubic yards); and 3) backfill of the waterline trench (approximately 5,000 cubic yards). Approximately 13,500 cubic yards is proposed for reuse for the Seal Beach National Wildlife Refuge marsh restoration project, but is being analyzed under a separate action. The dredge source

areas and volumes for each of these sites are shown in the table below. Other potential disposal/reuse sites are: a) creation of eelgrass mitigation areas within the harbor or elsewhere, and/or b) upland landfill or Port confined disposal (CDF) sites (maximum of 120,000 cubic yards). LA-2 is located 5 nautical miles (nm) south of Point Fermin and 11.5 nm from the Anaheim Bay jetties.

Table 1 - Summary of Impacts

	Total Maximum Potential Dredge Volume (cubic yards)	**Discharge/Fill/Beneficial Reuse Location**
Entrance Channel	69,000	Surfside/Sunset Beach surfzone
Main Channel West	58,000	Seal Beach National Wildlife Refuge (~13,500 cy) and LA-2 (44,500 cy) *[this reuse is proposed under a separate permit action]
Sunset Marina and Bolsa Channel	47,000	LA-2
Bolsa Sediment Trap	10,000	LA-2
Waterline Trench	5,000	Trench Backfill and Sidecast
Main Channel East	59,000	LA-2
Maximum Potential Dredge and Fill Amount	**248,000**	**248,000**

The dredge sediments were characterized in compliance with appropriate regulatory requirements and presented at the Southern California Dredged Material Management Team. The Sunset Marina, Bolsa Channel, Bolsa Sediment Trap, and Main Channel East sediment samples were found to contain contaminants which exceeded median or probable effects based screening levels for 4,4'-DDx compounds, total DDT, total chlordane and bis-(2-ethylhexyl) phthalate. However, further testing, specifically toxicity and bioaccumulation, showed that the contamination level of these sediments was acceptable for open ocean placement at LA-2.

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:

- Avoidance of dredging in non-critical navigational channels where eelgrass is present, e.g. the eelgrass beds in the entrance channel along the perimeter of the Seal Beach National Wildlife Refuge and adjacent to the previous eelgrass mitigation site and at the western end of the Sunset Access Channel (boat launch ramp channel).
- Biologist preconstruction survey of the Sunset/Surfside Beach pipeline route would be used to avoid construction impacts to sensitive habitats and wildlife.
- Biologist to survey for grunion presence (lack of presence) prior to Surfside/Sunset Beach sediment placement.

Minimization:

- Use of floating booms and silt curtains during construction to minimize impact to surrounding marine areas outside of the dredge footprint.
- Biologist on-site during construction to monitor for the presence of sea turtles, marine mammals and other wildlife and implementation of appropriate action as necessary.
- Survey for nesting birds prior to waterline installation and establishment of construction buffer area if nesting birds are present.
- Ocean turbidity monitoring during placement of dredge material on Surfside/Sunset Beach and corrective action if necessary.
- Pre-construction *Caulerpa taxifolia* (invasive algae) survey so as to minimize potential for spread of any *Caulerpa* found in the harbor.
- Implementation of air quality BMPs during construction, such as use of modern fleet clean trucks, tugboats, and dredge equipment.
- Implementation of noise minimization BMPs during construction, such as use of construction equipment mufflers and compliance with City noise ordinances.

Compensation:

- Mitigation for eelgrass losses from dredging, e.g. planting eelgrass within the harbor (see Figure 3: proposed eelgrass mitigation site option), off-site mitigation, or actions to provide long-term protection of existing eelgrass sites. Pre- and post-construction eelgrass surveys would be performed to determine the need for compensatory mitigation.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects: None at this time.

For additional information, please call Bonnie Rogers of my staff at 213-452-3372 or via e-mail at Bonnie.L.Rogers@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
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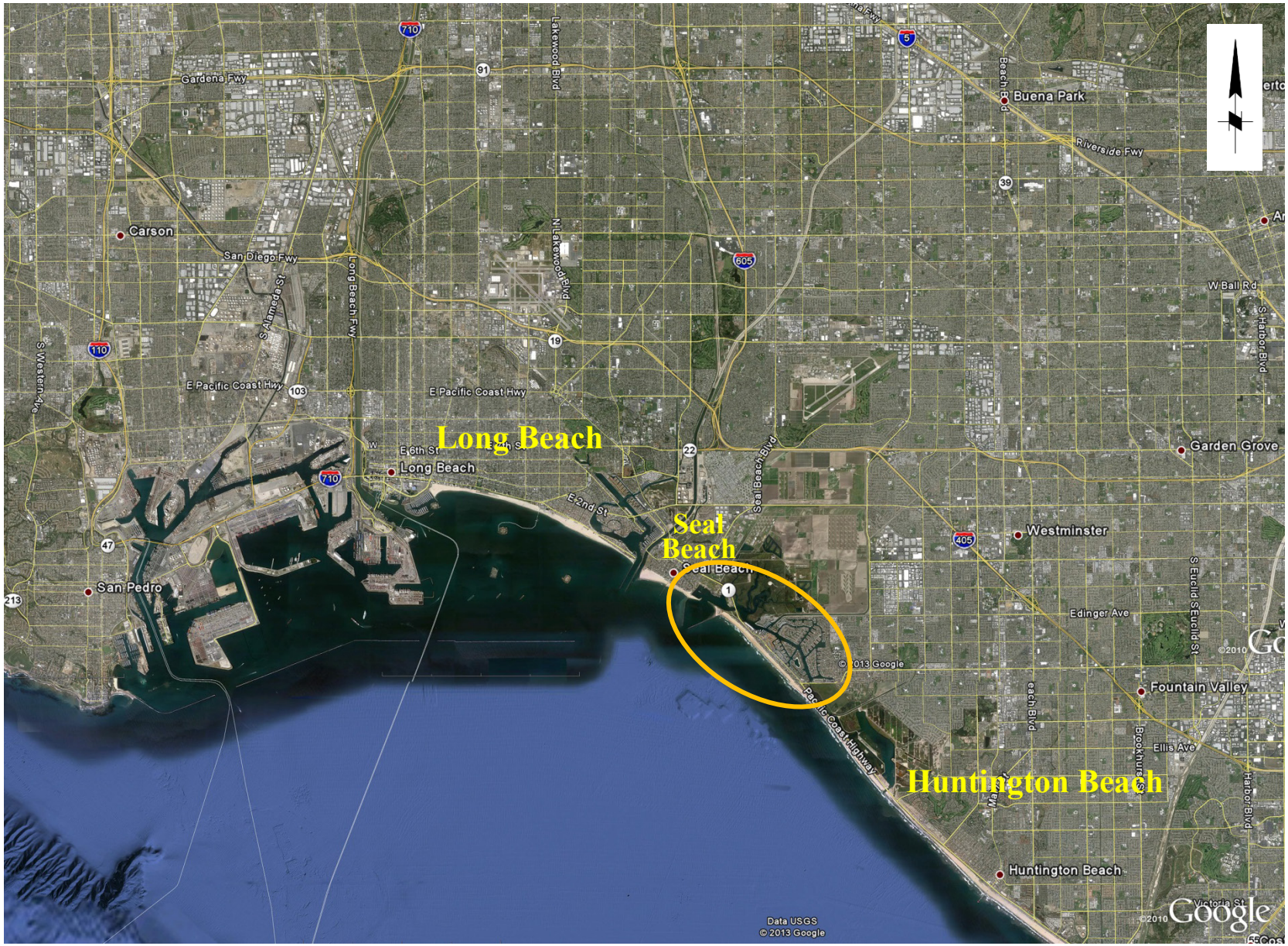

Figure 1. Sunset/Huntington Harbour - Vicinity Map

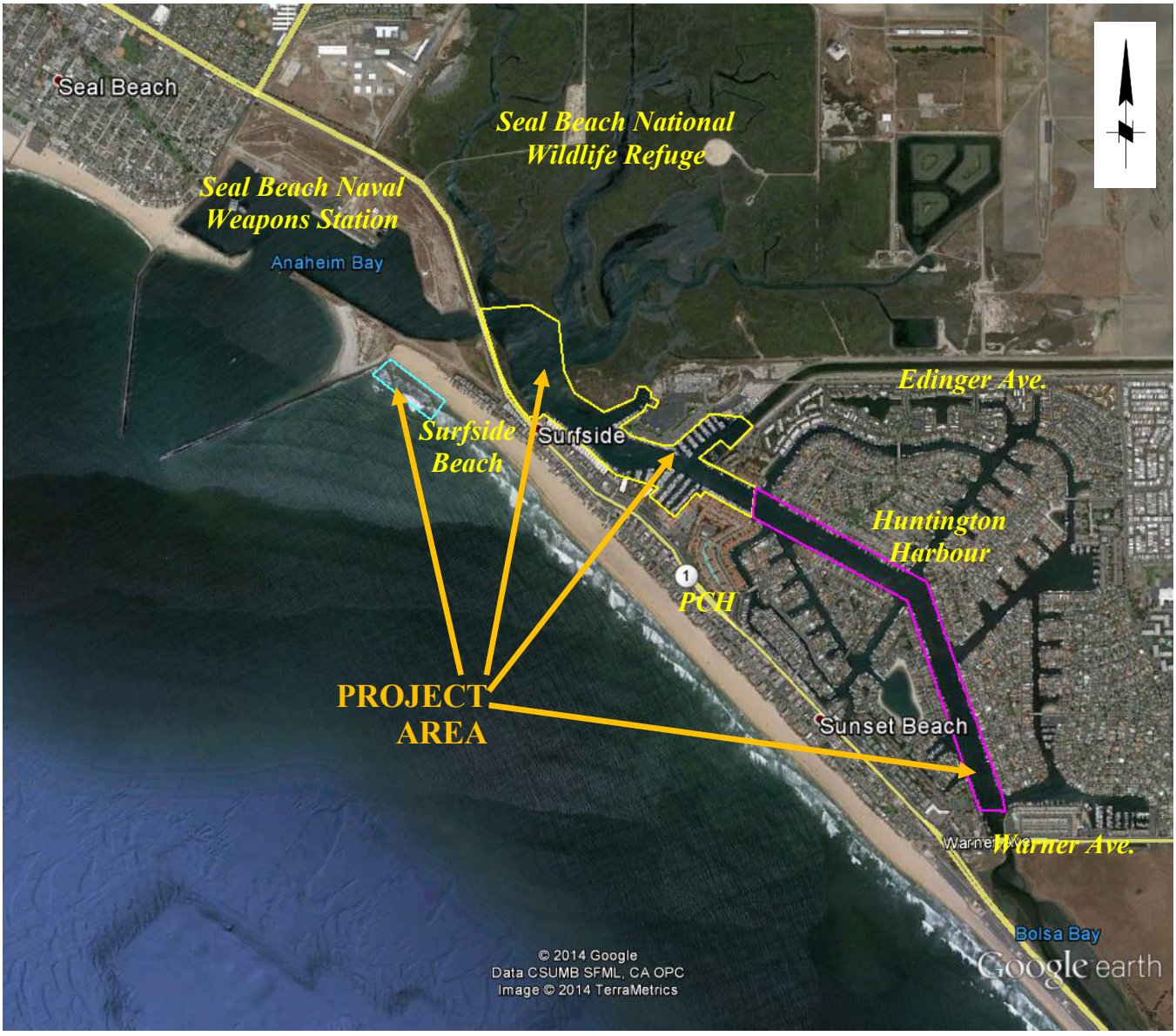

Figure 2. Sunset/Huntington Harbour Maintenance Dredging and Waterline Installation Project Area

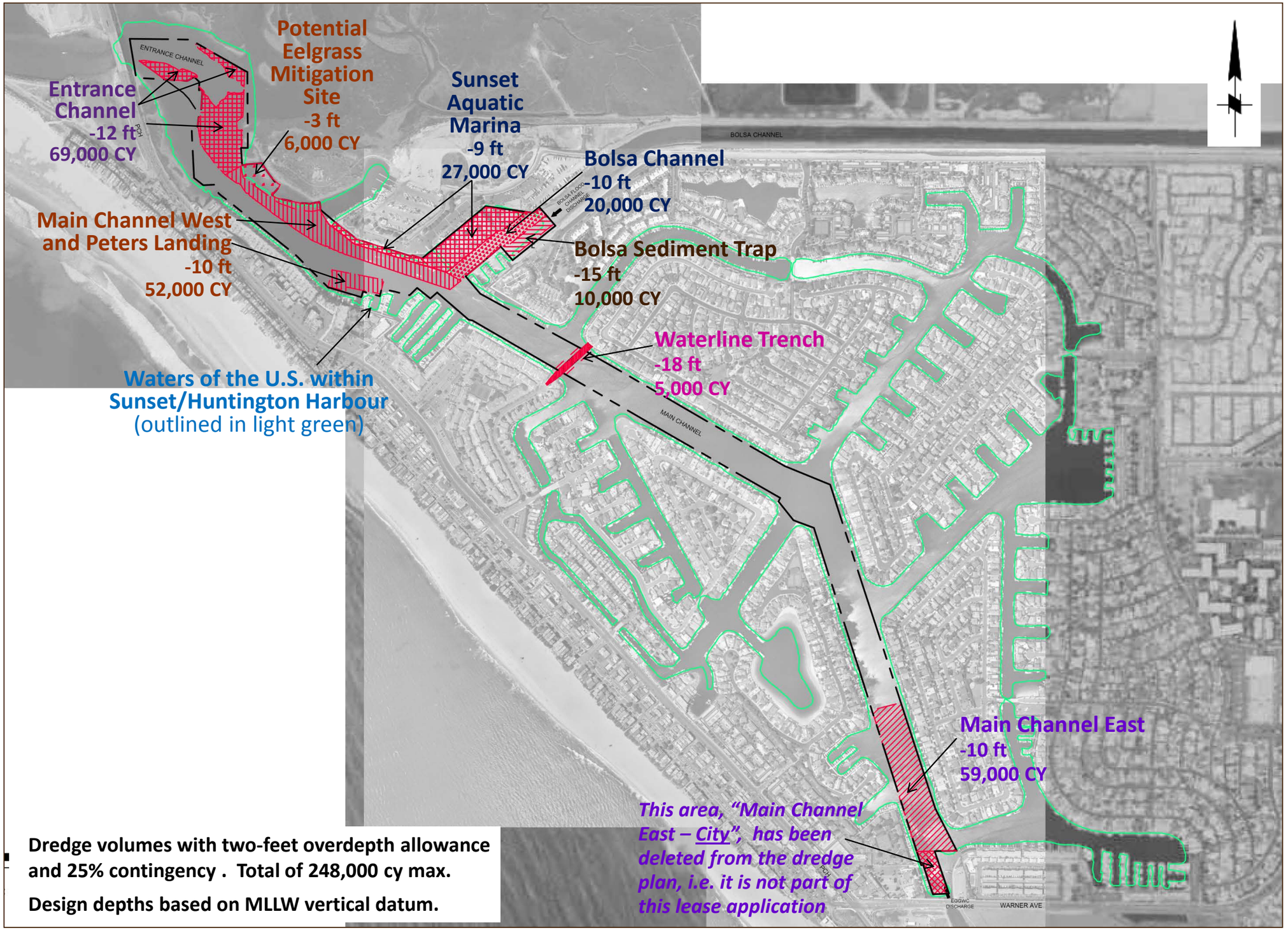

Figure 3. Overall Sunset/Huntington Harbour Dredge Plan and Waters of the U.S.

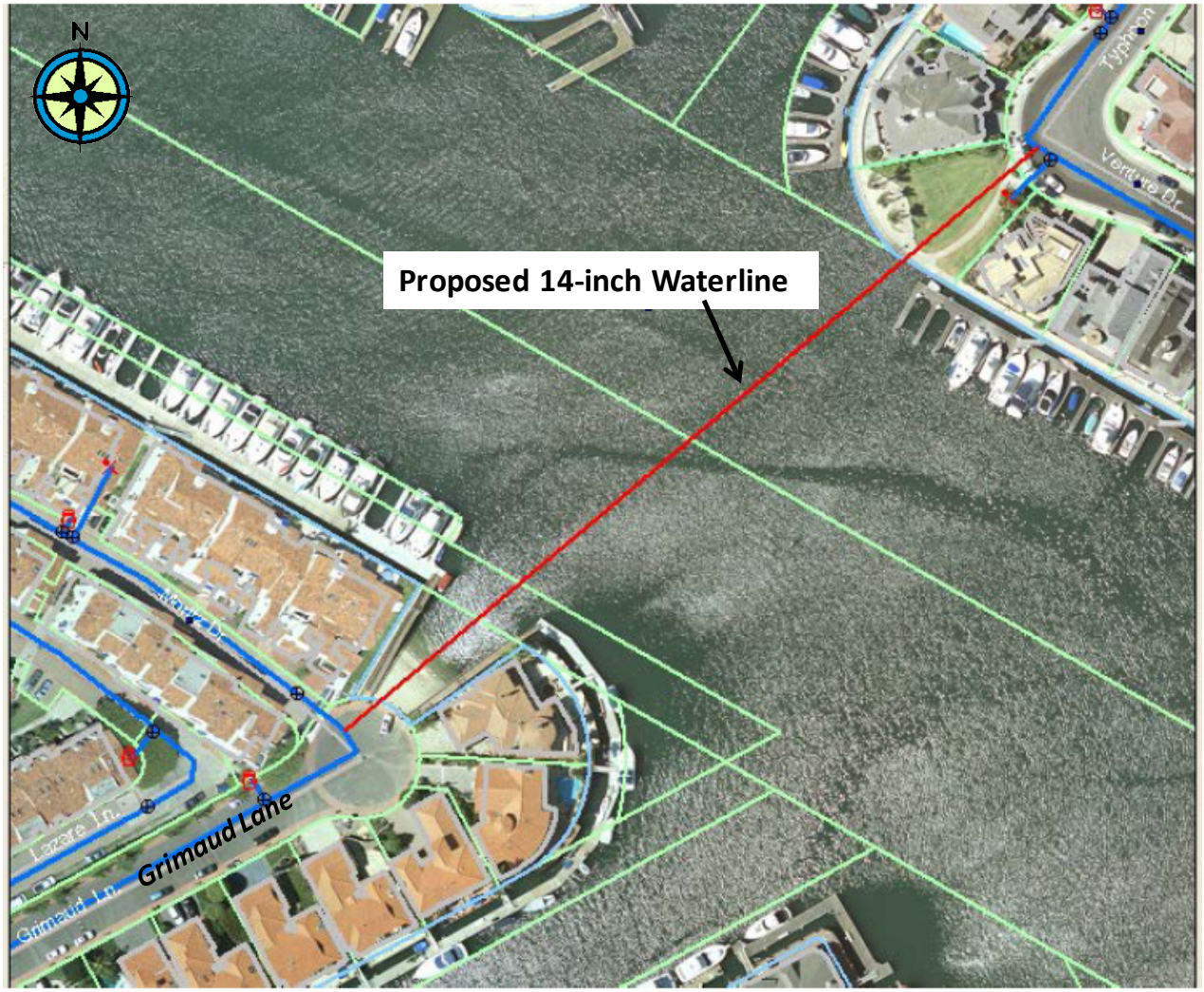

Figure 4. Huntington Harbour Waterline Crossing

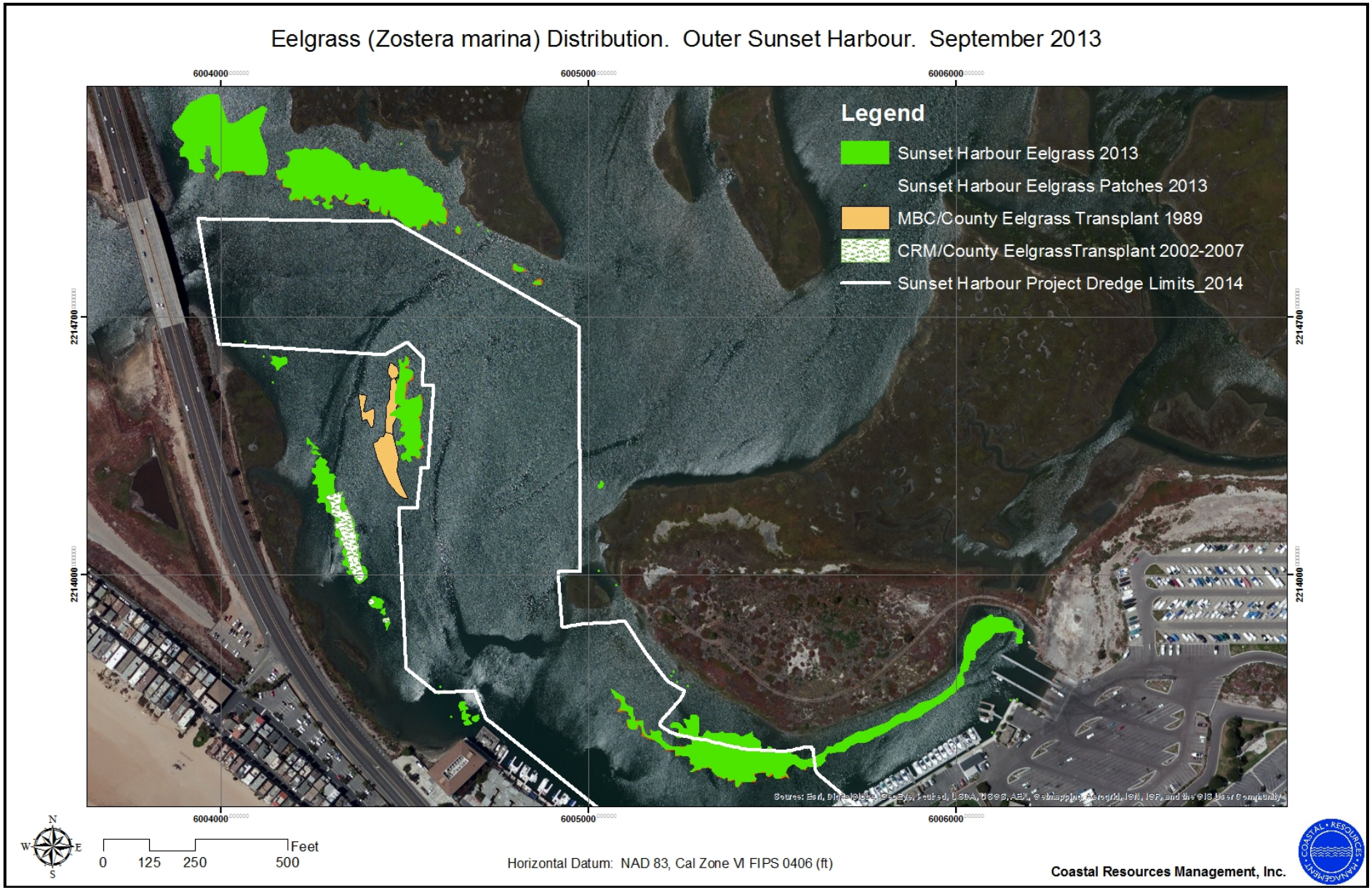

Figure 5a. Eelgrass within Dredge Limits – Entrance Channel and West/North End of Main Channel

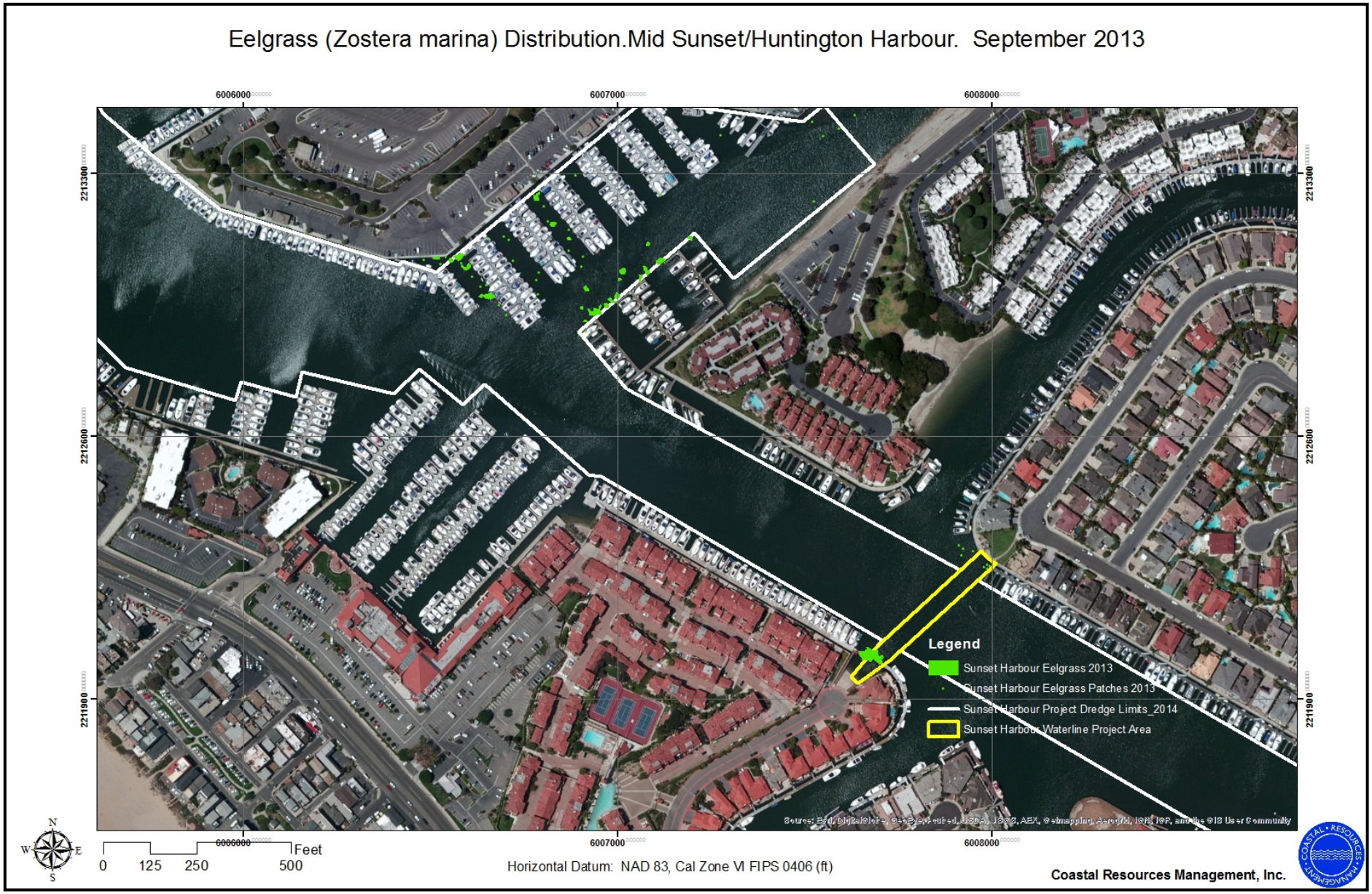

Figure 5b. Eelgrass within Dredge Limits – Sunset Aquatic Marina, Bolsa Channel, and Waterline Crossing

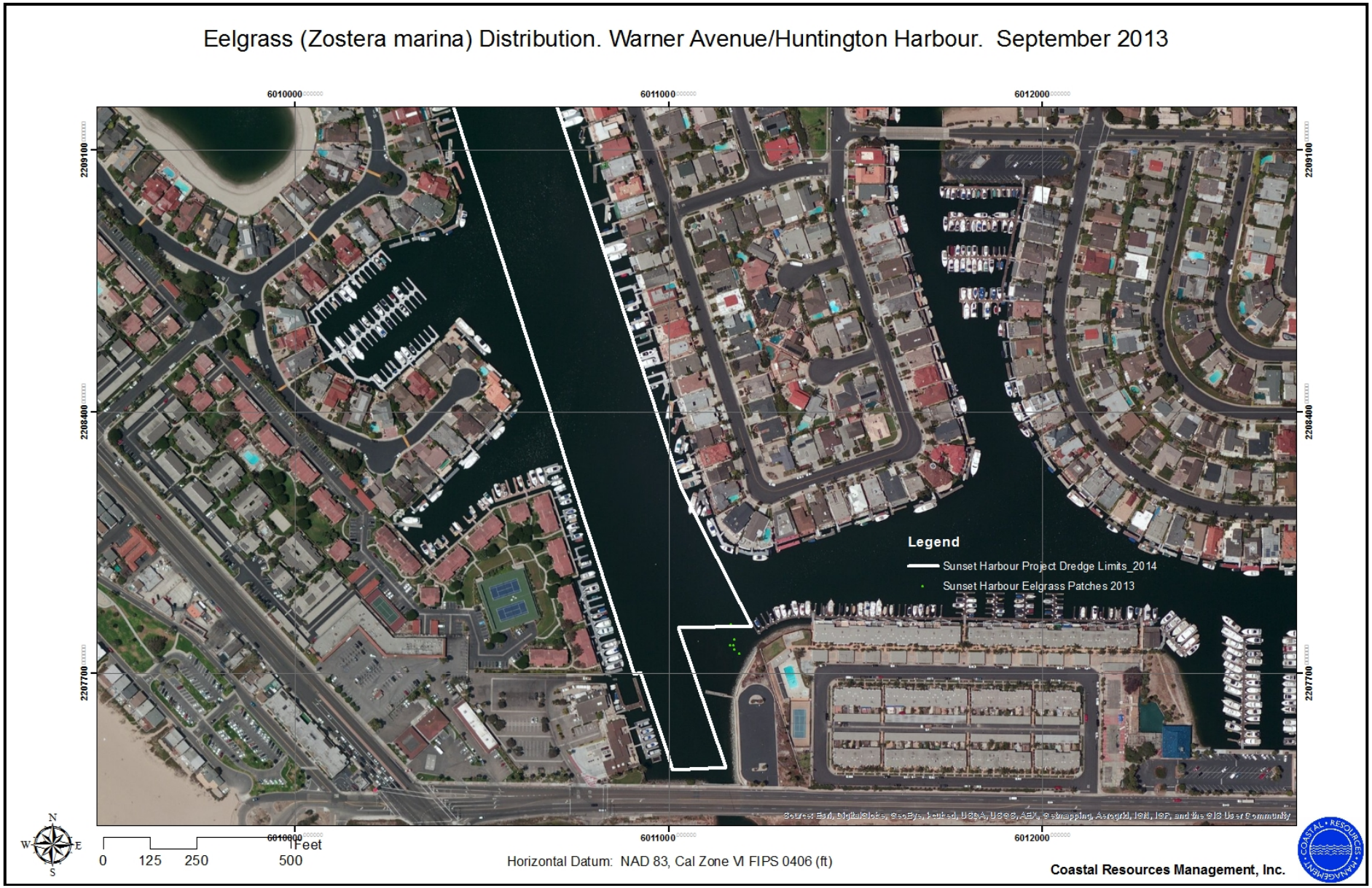

Figure 5c. Eelgrass within Dredge Limits – East/South End of Main Channel