



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
Renewal of Regional General Permit 30
(RGP 30): City of Long Beach Maintenance Dredging**

Public Notice/Application No.: SPL-1999-15256-BEM

Project: RGP 30 City of Long Beach Maintenance Dredging

Comment Period: April 18th through May 19th, 2014

Project Manager: Brianne McGuffie; 213-452-3419; Brianne.E.McGuffie@usace.army.mil

Applicant

Eric Lopez
City of Long Beach
333 West Ocean Blvd, 9th Floor
Long beach, California 90802

Contact

Joshua Burnham, MPH, D.Env.
Anchor QEA, LLC.
130 Battery Street Suite 400
San Francisco, CA 94111

Location

The Project includes various channels, bays, and harbors within the City of Long Beach, Los Angeles, California (See Figure 1, Attachment A)

Activity

The current RGP 30, set to expire on April 17, 2014, authorizes the maintenance dredging of no more than 150,000 cubic yards of material per year from the locations specified in Figures 3 and 5 of Attachment A. The current proposal includes maintenance dredging in the previously authorized areas; however the following changes are proposed:

1. Revise the boundary of the geographical area and depth limits covered under RGP 30 to include the Los Angeles River Estuary, the eastern portion of Cerritos Channel, and the eastern portion of Spinnaker Cove (Figures 3 and 5, Attachment A)
2. Revise the authorized dredge depths and quantities for select portions of the previously authorized area to reflect conditions identified during the City's recent bathymetric investigation (Figures 2 and 4, Attachment A). In Alamitos Bay, the allowable depth does not currently match the new permitted depths in Basin 1, as approved under the separate Alamitos Bay Marina rehabilitation project.

3. Minor knockdown of small shoals or navigation obstructions. Knockdown dredging uses mechanized equipment to redistribute material in a localized area without removing it from the water. The specific method employed will be determined on a case-by-case basis for each knockdown dredging project based on the type of material and location of the shoals (“high spots”) in proximity to wharf structures (e.g. piles and fenders).
4. Repair or in-kind replacement of existing structures. The proposed RGP 30 would allow for repair and in-kind replacement of docks (including piers, gangways, floats, and piles), and bulkheads. “In-kind” is defined as replacement where the overwater footprint and configuration of replacement structures is identical to that of existing design conditions. Modern materials may be substituted as appropriate (e.g., concrete piles instead of treated timber, modern lighting or other fixtures, etc.). Improvements to expand the function of existing structures would not be permissible under the proposed RGP 30. Repair or in-kind replacement would occur in compliance with applicable City building codes and standards.

The proposed RGP 30 will not exceed the existing maximum amount of dredged material, which is 150,000 cubic yards per year. As with the existing RGP 30, the proposed RGP would authorize placement of dredged material either at approved landfills, Port fills or Confined Disposal Facilities (CDF), habitat restoration sites, on specified City beaches, or at LA-2 Ocean Dredged Material Disposal Site (ODMDS). The new RGP 30 would be valid for a period of 5 years.

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. Comments should be mailed to:

CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD SUITE 930
LOS ANGELES, CALIFORNIA 90017

Alternatively, comments can be sent electronically to: Brianne.E.McGuffie@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. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires 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 proposed RGP 30 would include maintenance dredging in areas not previously authorized (Figures 3 and 5, Attachment A). The project footprint is located within an area designated as an Essential Fish Habitat (EFH) for three Fishery Management Plans (FMP): the Coastal Pelagics FMP, the Pacific Coast Groundfish FMP, and the Highly Migratory Species FMP. Dredging would entail direct mechanical disturbance of the benthic substrate. Impacted areas could include locations that support eelgrass (*Zostera marina*). Furthermore, dredging and the discharge of suitable dredged material within the nearshore environment for beach nourishment would temporarily increase turbidity and suspended solids at the dredging site and/or the nearshore environment, resulting in increased light penetration and burying of benthic species and habitat. Noise disturbance associated with project activities could also have short-term adverse impacts on aquatic habitat. Based on the above, the Corps has determined the proposed project may adversely affect EFH. Therefore, pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of abbreviated EFH consultation for the proposed project.

The proposed RGP, if authorized, would include the below EFH minimization measures:

- (1) The permittee shall not conduct beach nourishment activities within the nesting window of March 15th through September 1st in order to reduce impacts to the grunion (*Leuresthes tenuis*).
- (2) 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/or dredging and not later than 30 calendar days prior to construction. The results of that survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters. In the event that

Caulerpa is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFW.

(3) **FOR in-kind replacement of BOAT DOCKS and OTHER STRUCTURES PLACED IN WATERS OF THE US WITH THE POTENTIAL TO IMPACT EELGRASS:** Once authorized impacts to navigable waters authorized by this permit have ceased, the Permittee shall conduct two years of post-construction eelgrass monitoring surveys per the mapping guidelines in NOAA Fisheries' Southern California Eelgrass Mitigation Policy (Policy) (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_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' Los Angeles District Mitigation Guidelines and Monitoring Requirements, dated April 19, 2004. The Permittee shall fully implement the final EFH mitigation plan as approved by the Corps.

(4) **FOR DREDGING PROJECTS WITH THE POTENTIAL TO IMPACT EELGRASS:** Prior to construction, a pre-project eelgrass survey should be conducted in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (<http://swr.nmfs.noaa.gov/hcd/eelpol.htm>). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the SCEMP.

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- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. The California least tern (*Sterna antillarum browni*) is federally listed as endangered under the Endangered Species Act (ESA) of 1973. This species inhabits portions of the Los Angeles/Long Beach harbor area. The California least tern nests on a designated site on Pier 400 in the Port of Los Angeles between April 1 and September 1 and is protected at this site pursuant to an interagency nesting site agreement. Berths, channels, and basins in the City that might be dredged for maintenance may be utilized by transient tern individuals for feeding or roosting. Areas proposed for maintenance dredging are high-traffic, high-use recreational and commercial areas that provide limited nesting and foraging value for the California least tern. The RGP would restrict the City from conducting beach nourishment activities within the nesting window of April 15th through September 15th. Furthermore, the proposed additional areas to be covered under the RGP are high-vessel traffic areas, subject to ongoing

disturbance from recreational and commercial vessel traffic. Additionally, the USACE frequently conducts limited maintenance dredging in the area of the proposed modification, and the channel is subject to high storm flows and frequent deposition of fine materials. Due to the expansion of the dredging footprint, in addition to the new activities proposed under the RGP 30, the Corps Regulatory Division has made a "may affect, not likely to adversely affect" determination for and the California least tern. Therefore, pursuant to section 7 of the ESA of 1973, as amended, the Corps Regulatory Division hereby requests initiation of informal consultation for the proposed project and your concurrence with our "not likely to adversely affect" determination.

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 in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is maintenance. 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 maintain City of Long Beach channels, bays and harbors at design depths and to maintain existing water-related structures such as docks and bulkheads.

Additional Project Information

Baseline information- The RGP 30 was initially issued to the City in 1999. Subsequent modifications to RGP 30 were requested in 2005 and approved in 2006. The current RGP 30 permit will expire on April 17, 2004. RGP 30 authorizes up to 150,000 cubic yards of material to be dredged on an annual basis from various channels, bays, and harbors within Long Beach. The project sponsor submits project-specific sediment suitability analyses to the Southern California Dredged Material Management Team for each location to be dredged. Dredged material is placed either at approved landfills, port fills, or other CDFs, habitat restoration sites, specified City beaches, or at LA-2 ODMDS. Without reauthorization of RGP 30, the access depths in berthing areas and channels within the footprint of the RGP would not be maintained at an adequate level, and vessels could potentially be damaged or be prevented from berthing. These effects could impact public safety, commercial activity, recreational boating and economic hardship for the City.

Project description- The proposed RGP 30 will allow the City to perform maintenance dredging of no more than 150,000 cubic yards per year in previously authorized areas and several new areas, as depicted in Attachment A. The proposed RGP 30 would be valid for a period of 5 years. As with the existing RGP 30, the proposed RGP would authorize placement of dredged material either at approved landfills, Port fills or CDFs, habitat restoration sites, on specified City beaches, or at LA-2 ODMDS. Additionally, the proposed RGP would include the following modifications:

1. Revise the boundary of the geographical area and depth limits covered under RGP 30 to include the Los Angeles River Estuary, the eastern portion of Cerritos Channel, and the eastern portion of Spinnaker Cove (Figures 3 and 5, Attachment A)
2. Revise the authorized dredge depths and quantities for select portions of the previously authorized area to reflect conditions identified during the City's recent bathymetric investigation (Figures 2 and 4, Attachment A). In Alamitos Bay, the allowable depth does not currently match the new permitted depths in Basin 1, as approved under the separate Alamitos Bay Marina rehabilitation project.
3. Minor knockdown of small shoals or navigation obstructions. Knockdown dredging uses mechanized equipment to redistribute material in a localized area without removing it from the water. The specific method employed will be determined on a case-by-case basis for each knockdown dredging project based on the type of material and location of the shoals ("high spots") in proximity to wharf structures (e.g. piles and fenders).
4. Repair or in-kind replacement of existing structures. The proposed RGP 30 would allow for repair and in-kind replacement of docks (including piers, gangways, floats, and piles), and bulkheads. "In-kind" is defined as replacement where the overwater footprint and configuration of replacement structures is identical to that of existing design conditions. Modern materials may be substituted as appropriate (e.g., concrete piles instead of treated timber, modern lighting or other fixtures, etc.). Improvements to expand the function of existing structures would not be permissible under the proposed RGP 30. Repair or in-kind replacement would occur in compliance with applicable City building codes and standards.

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: The applicant would avoid beach nourishment activities from March 15th through September 1st in an effort to avoid impacts to the California least tern and California grunion.

Minimization: Sediment would be sampled and analyzed prior to dredging activities to determine the suitability of the proposed placement site. Additionally, pre and post

construction surveys would be completed for dredging and structural repair work to determine if any mitigation would be required in accordance with SCEMP. Lastly, the applicant is proposing to utilize silt curtains to contain turbidity during dredging operations and would implement a Water Quality Monitoring Plan

Compensation: Any eelgrass impacts as a result of dredging or construction activities would be mitigated for in accordance with SCEMP.

Proposed Special Conditions

Special Conditions from the existing RGP (see attachment B) would remain unchanged and continue to be retained.

For additional information please call Brianne McGuffie at 213-452-3419 or via e-mail at Brianne.E.McGuffie@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

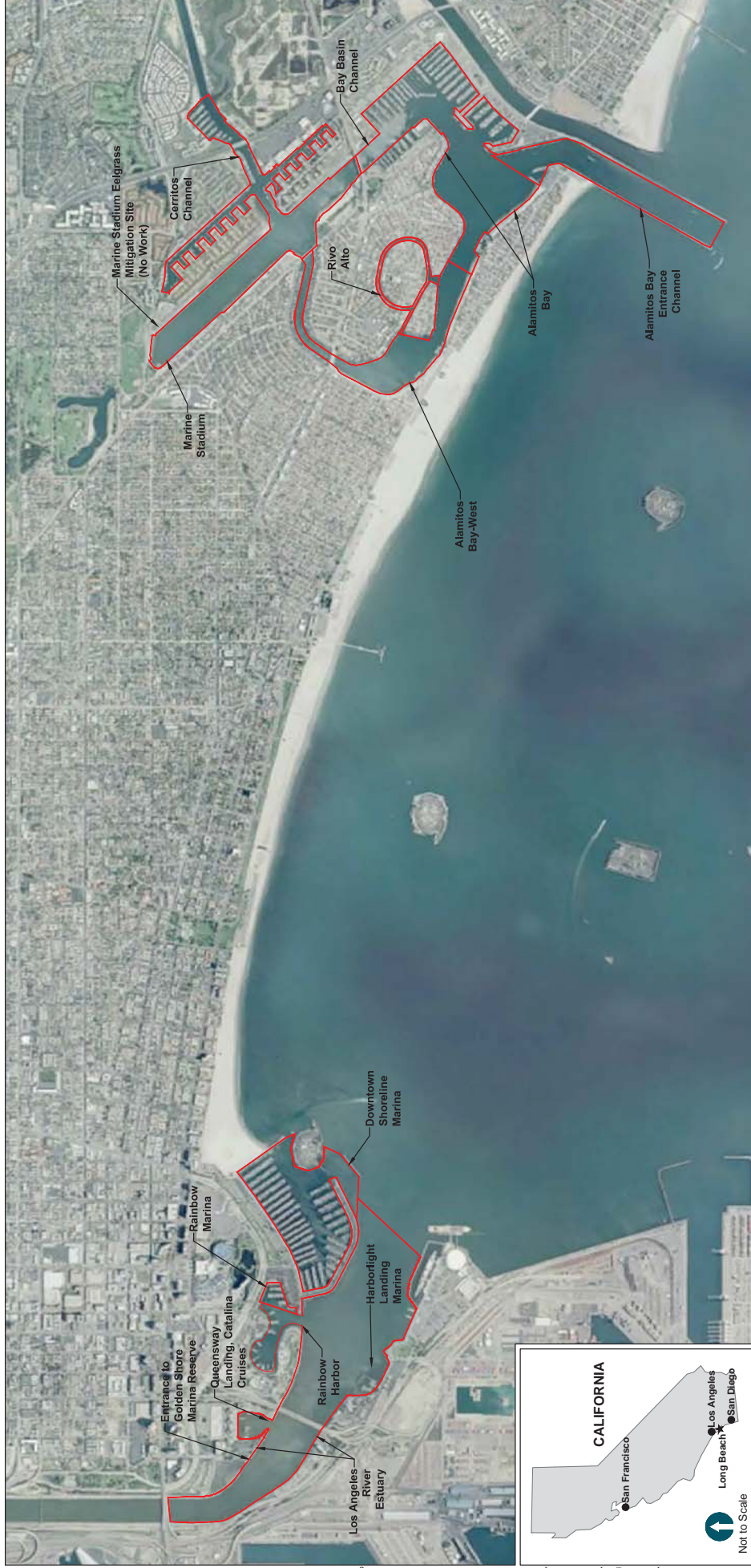


Regulatory Program Goals:

- 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.

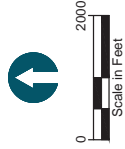
U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3409
WWW.SPL.USACE.ARMY.MIL

ATTACHMENT A



LEGEND:

— RGP 30 Dredge Areas



SOURCE: Aerial from ESRI basemaps.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.



Figure 1
 Vicinity Map
 Regional General Permit 30

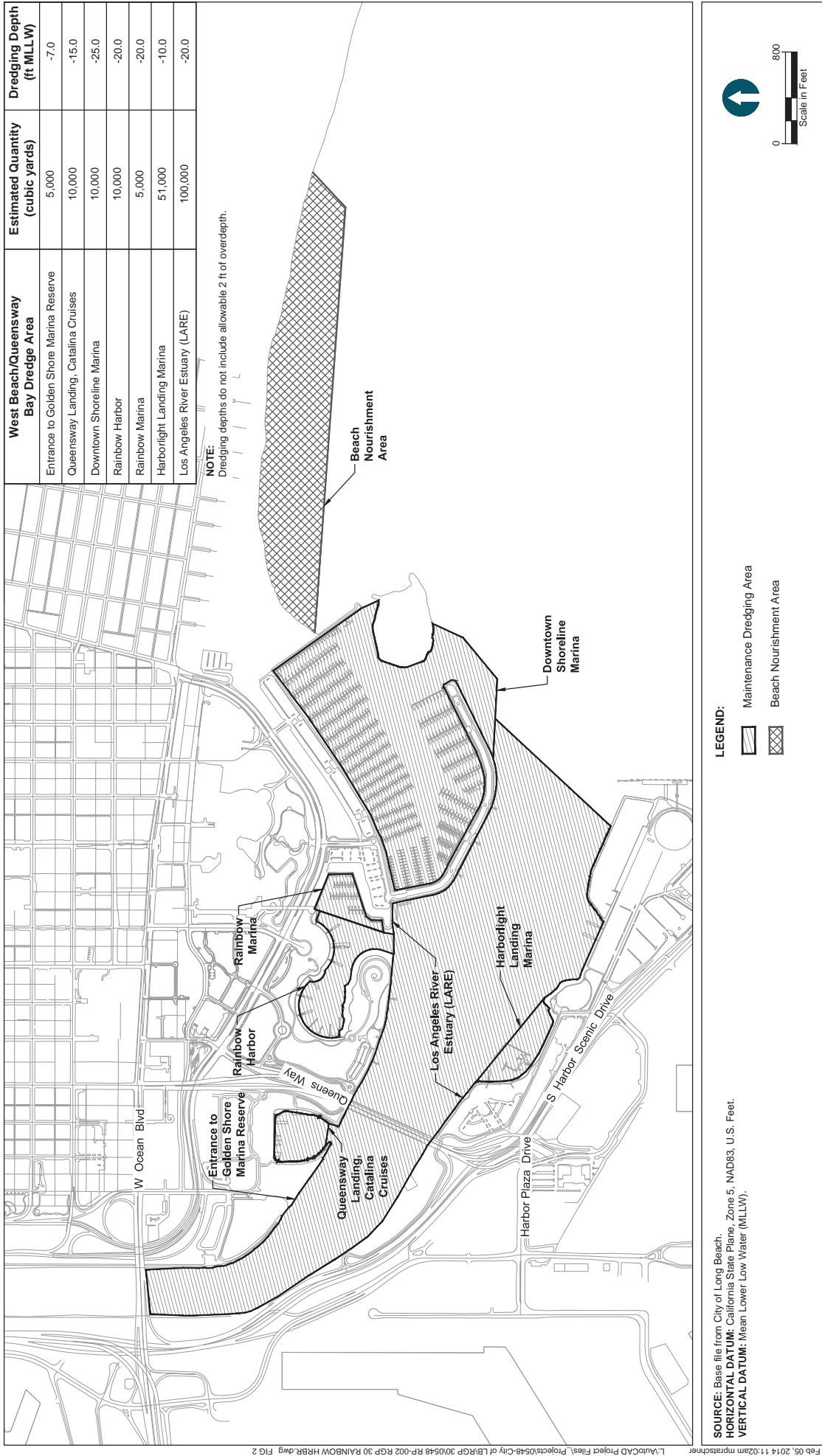
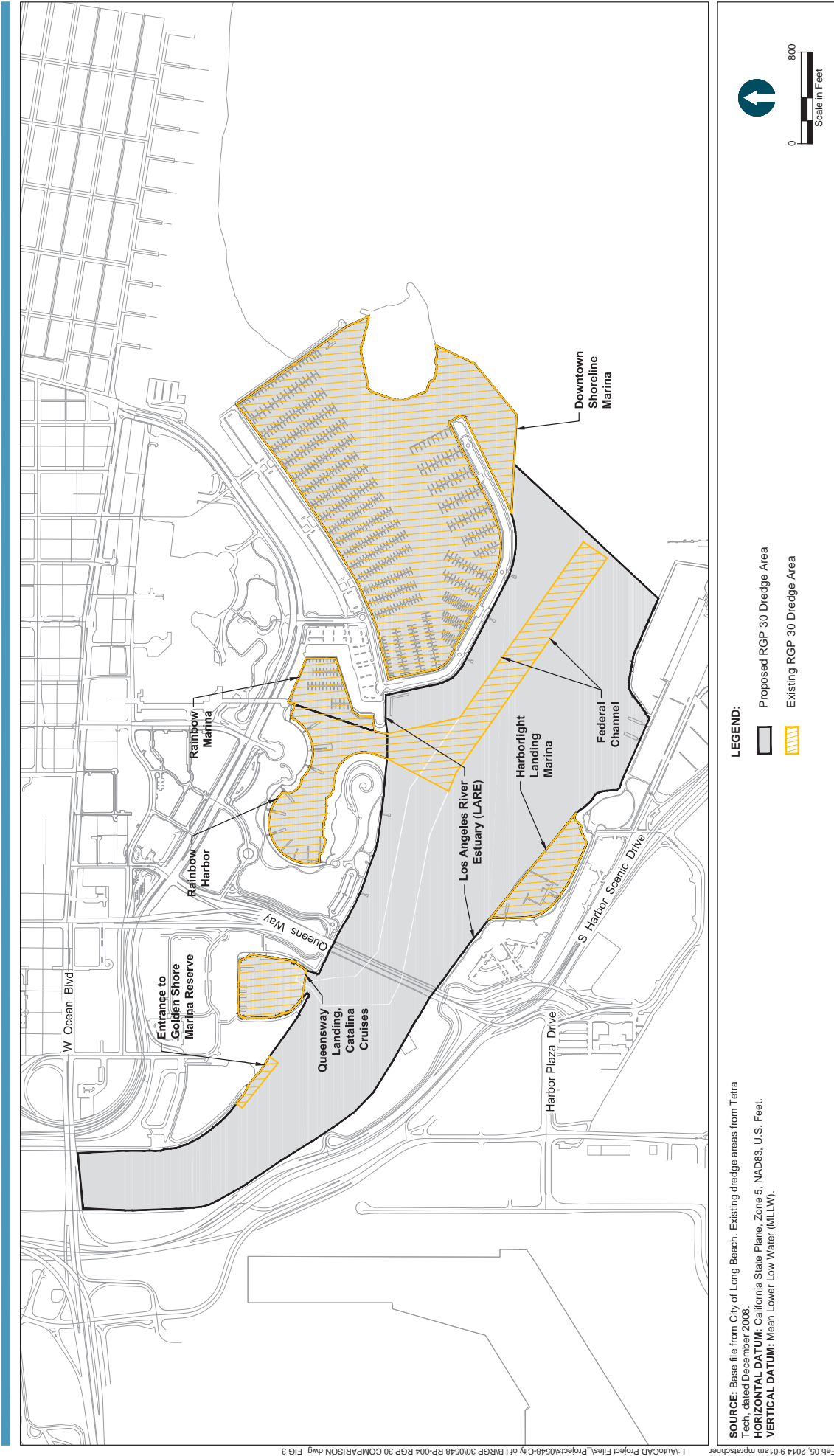
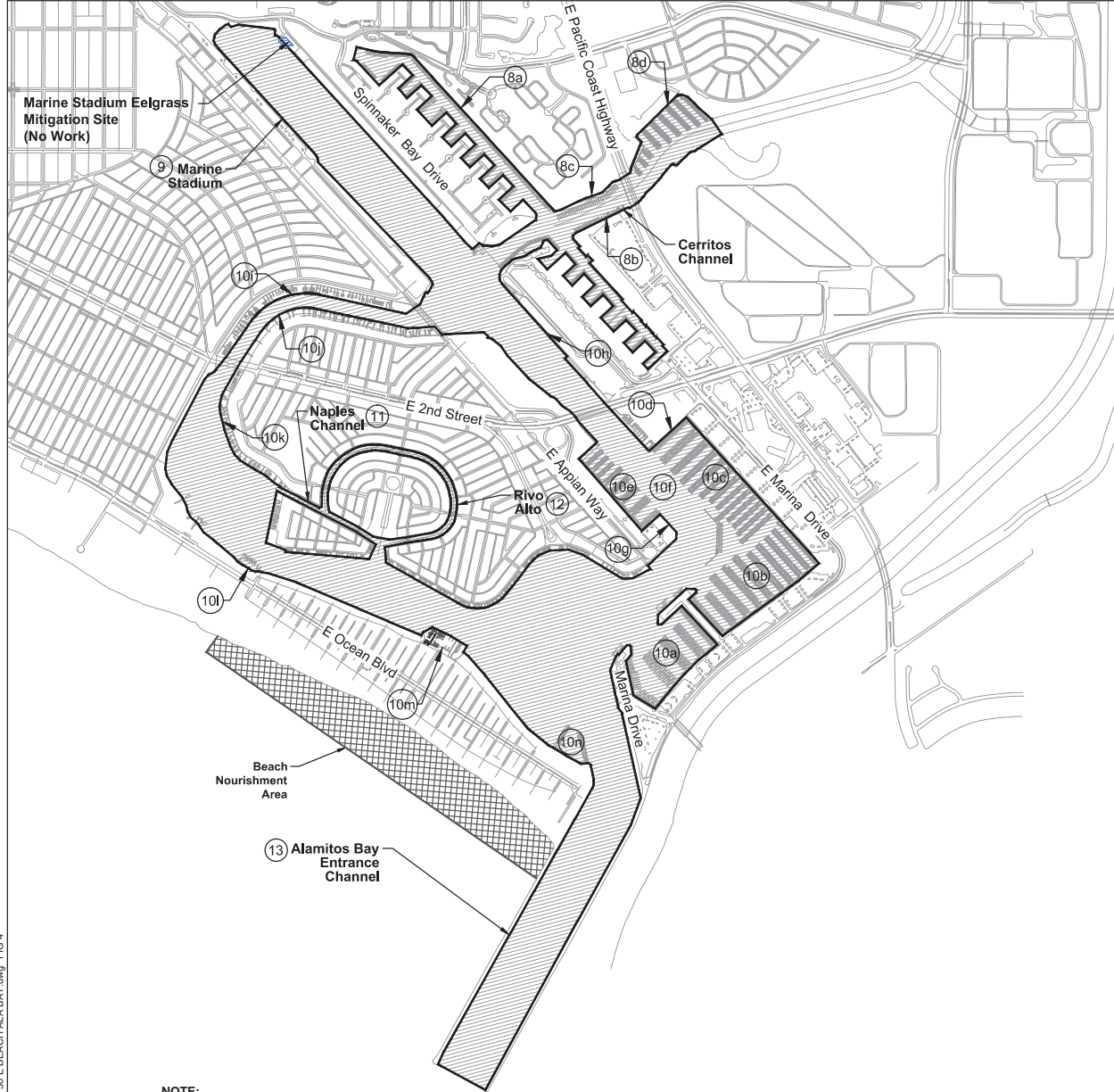


Figure 2
Proposed Rainbow Harbor Channel Maintenance Dredge Area
Regional General Permit 30







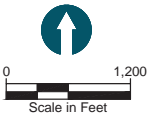
NOTE:
Dredging depths do not include allowable 2 ft of overdepth.

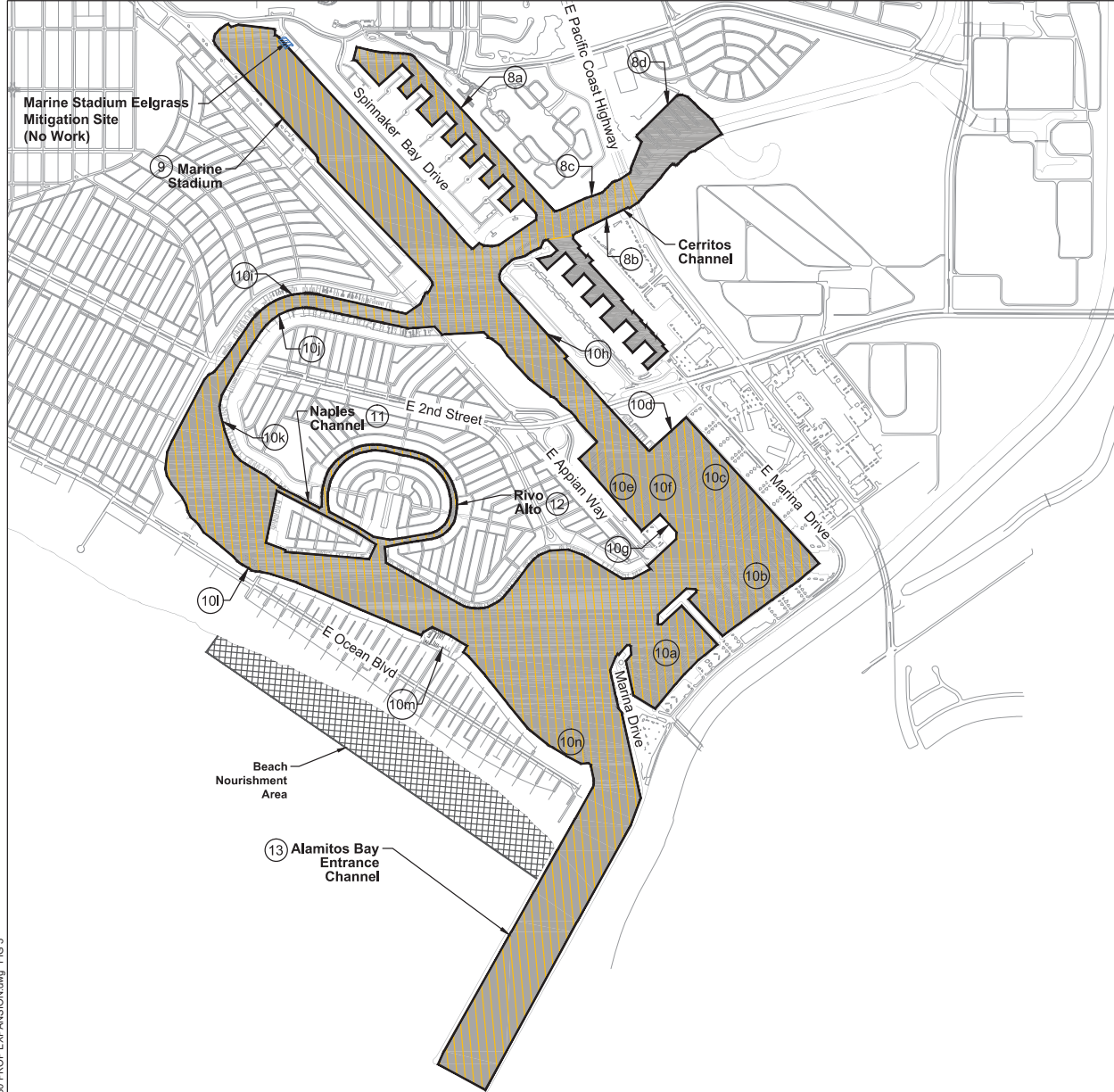
East Beach/Alamos Bay Dredge Area	Estimated Quantity (cubic yards)	Dredging Depth (ft MLLW)	East Beach/Alamos Bay Dredge Area	Estimated Quantity (cubic yards)	Dredging Depth (ft MLLW)
8.Cerritos Channel	2,000	-10.0	f. Basin Channel	8,000	-15.0
a. Spinnaker Cove	1,300	-10.0	g. Long Beach Yacht Club Dock	2,000	-15.0
b. Basin 6	15,000	-10.0	h. Davies Long Dock	2,000	-15.0
c. Basin 8	500	-10.0	i. Bayshore	10,000	-15.0
d. Cerritos Bahia Marina	8,000	-10.0	j. Sorrento Drive	7,500	-15.0
9. Marine Stadium	5,000	-15.0	k. The Toledo	10,000	-15.0
10. Alamos Bay	10,000	-15.0	l. Basin 7	15,000	-10.0
a. Basin 1	20,000	-15.0	m. Bayshore Walk	3,000	-15.0
b. Basin 2	15,000	-10.0	n. Basin 5	15,000	-10.0
c. Basin 3	15,000	-10.0	11. Naples Canal	3,000	-8.0
d. Long Beach Marina Shipyard	200	-10.0	12. Rivo Alto	8,000	-8.0
e. Basin 4	15,000	-10.0	13. Alamos Bay Entrance Channel	50,000	-20.0

SOURCE: Base file from City of Long Beach.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:

- Maintenance Dredging Area
- Beach Nourishment Area
- Eelgrass Mitigation Site (No Work)








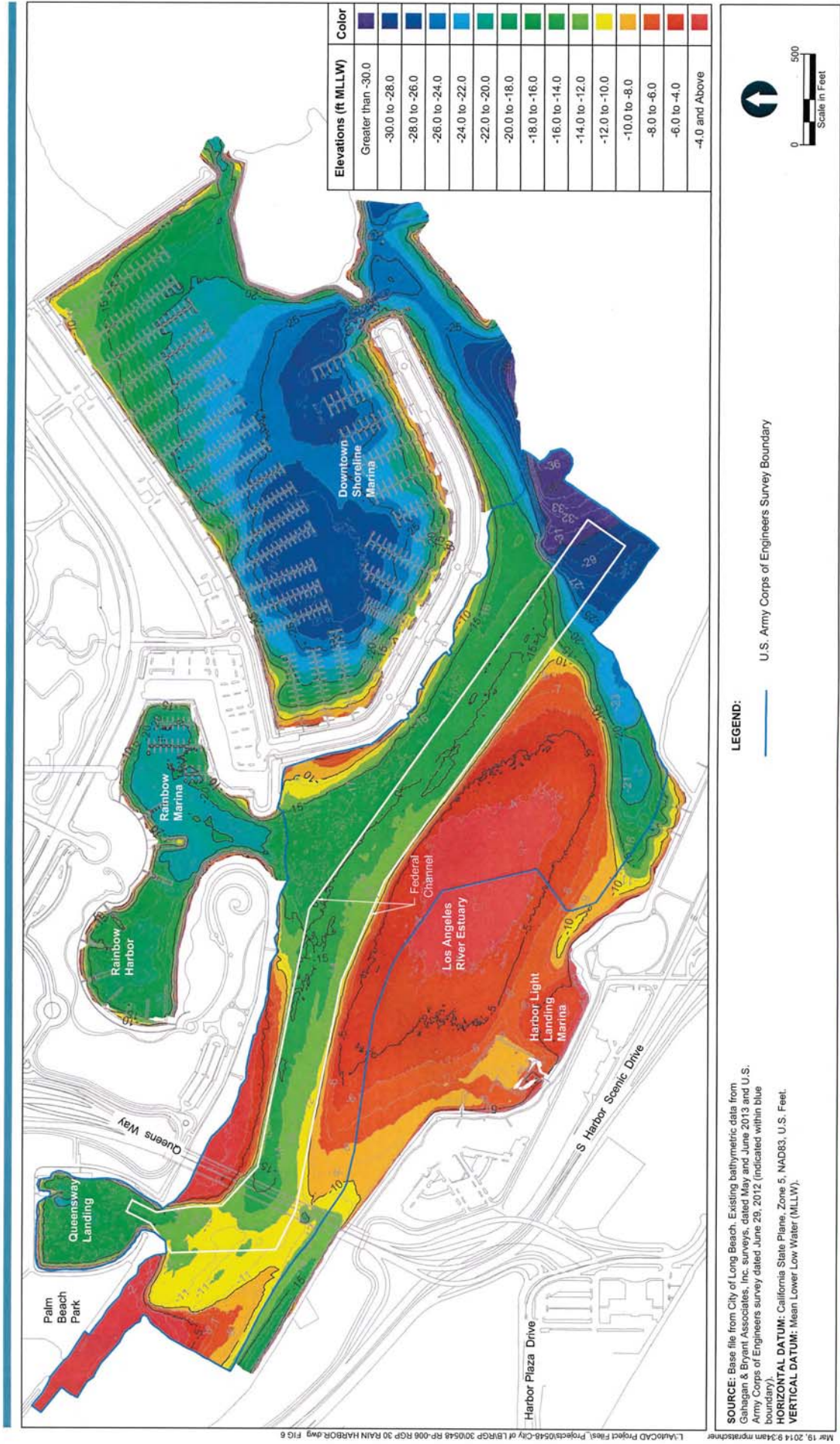
East Beach/Alamos Bay Dredge Area	East Beach/Alamos Bay Dredge Area
8.Cerritos Channel	f. Basin Channel
a. Spinnaker Cove	g. Long Beach Yacht Club Dock
b. Basin 6	h. Davies Long Dock
c. Basin 8	i. Bayshore
d. Cerritos Bahia Marina	j. Sorrento Drive
9. Marine Stadium	k. The Toledo
10. Alamos Bay	l. Basin 7
a. Basin 1	m. Bayshore Walk
b. Basin 2	n. Basin 5
c. Basin 3	11. Naples Canal
d. Long Beach Marina Shipyard	12. Rivo Alto
e. Basin 4	13. Alamos Bay Entrance Channel

SOURCE: Base file from City of Long Beach.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:

-  Proposed RGP 30 Dredge Area
-  Existing RGP 30 Dredge Area
-  Eelgrass Mitigation Site (No Work)



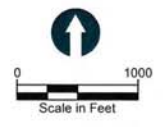


Mar 19, 2014 10:58am mpratt@anchor.com L:\AutoCAD Project Files\Projects\0548-City of Long Beach\0548-RP-007 RGP 30 ALA.dwg FIG 7



SOURCE: Base file from City of Long Beach. Existing bathymetric data from Gahagan & Bryant Associates, Inc. survey, dated May and June 2013.
HORIZONTAL DATUM: California State Plane, Zone 5, NAD83, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

NOTE:
 Bathymetry for Alamos Marina Basins 1 through 7 are not included as they are undergoing renovation.



ATTACHMENT B



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Long Beach
Permit Number: SPL-1999-15256-KW
Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are reauthorized to continue to perform work in accordance with the terms and conditions specified below. *Please note that the terms and conditions in this permit supersede the conditions in the previously issued permit for RGP 30.*

1. **Project Description:** To perform maintenance dredging of no more than 150,000 cubic yards per year from locations specified in Figures 2 and 3.

Project Location: City of Long Beach and Alamitos Bay in Long Beach, Los Angeles County, California. See Figures 2 and 3.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on April 17, 2014. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

Section 10:

1. 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.
2. No earthwork is authorized by this Letter of Permission.
3. 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.
4. No other modifications or work shall occur to the structure permitted herein.
5. 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 that survey shall be furnished to the Corps, NOAA Fisheries, and the California Department of Fish and Game (CDFG) 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, in consultation with NOAA Fisheries and CDFG.

6. FOR BOAT DOCKS and OTHER STRUCTURES PLACED IN WATERS OF THE US WITH THE POTENTIAL TO IMPACT EELGRASS: Once authorized impacts to navigable waters authorized by this permit have ceased, the Permittee shall conduct two years of post-construction eelgrass monitoring surveys per the mapping guidelines in NOAA Fisheries' Southern California Eelgrass Mitigation Policy (Policy) (<http://swr.nmfs.noaa.gov/hcd/eelpol.htm>). 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' Los Angeles District Mitigation Guidelines and Monitoring Requirements, dated April 19, 2004. The Permittee shall fully implement the final EFH mitigation plan as approved by the Corps.

7. FOR DREDGING PROJECTS WITH THE POTENTIAL TO IMPACT EELGRASS: Prior to each maintenance dredging event, a pre-project eelgrass survey should be conducted in accordance with the Southern California Eelgrass Mitigation Policy (SEMP) (<http://swr.nmfs.noaa.gov/hcd/eelpol.htm>). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the SEMP.

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, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

9. The Permittee shall notify the Corps of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.

10. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

- A) Project description including the type of operation (i.e. dredging, diving, construction, etc).
- B) Location of operation, including Latitude / Longitude (NAD 83).
- C) Work start and completion dates and the expected duration of operations.
- D) Vessels involved in the operation (name, size and type).

- E) VHF-FM radio frequencies monitored by vessels on scene.
- F) Point of contact and 24 hour phone number.
- G) Potential hazards to navigation.
- H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

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

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

13. Upon notification to the U.S. Coast Guard as specified in Special Condition 10, the Permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). 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.

14. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters. The Permittee shall forward a copy of the survey to the Corps and to the National Oceanic and Atmospheric Service for chart updating: Gerald E Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

15. 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, 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.

Dredging:

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 dredge or disposal barge or scow.
2. Dredging authorized in this permit shall be limited to the areas defined in Figures 2 and 3 only. No more than 150,000 cubic yards of dredged material are annually authorized for dredging from the dredge footprint 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. The maximum dredging design depth (also known as the project depth or grade) for each area to be dredged is indicated on the Figures 2 and 3 with a 2 foot maximum allowable overdredge. No dredging shall occur deeper than the dredging design depth plus overdredge depth or outside the project boundaries.
4. The Permittee is prohibited from dredging and disposing material in navigable waters of the U.S. that has not been tested and determined by the Corps, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. Re-testing of previously tested or dredged areas is required after three years from the date of sediment sampling. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual or Ocean Disposal Manual as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area.
5. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall send a dredging and disposal operations plan to the Corps and EPA, with the following information:
 - A) A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.
 - B) A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and disposal operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.
 - C) The results of a detailed analysis of all material to be dredged pursuant to an approved SAP.

D) A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:

- i) Dredging and disposal procedures for dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.
- ii) Dredging and disposal procedures for dredged material to be dredged from the dredge footprint.
- iii) A schedule showing when the dredging project is planned to begin and end.

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

- i) The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the predredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.
- ii) The dredging design depth, overdredge depth and the side-slope ratio.
- iii) The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.
- iv) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps may request additional information.
- v) The predredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.

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

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

7. The Permittee shall maintain a copy of this permit on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.

8. The Permittee shall notify the Commander Eleventh Coast Guard District (USCG), and the Coast Guard Marine Safety Office / Group LA-LB not less than 14 calendar days prior to commencing work and as project information changes. A copy of each notification to the USCG shall be sent to the Corps for our file. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

- A) Project description including the type of operation (i.e. dredging, diving, construction, etc).
- B) Location of operation, including Latitude / Longitude (NAD 83).
- C) Work start and completion dates and the expected duration of operations.
- D) Vessels involved in the operation (name, size and type).
- E) VHF-FM radio frequencies monitored by vessels on scene.
- F) Point of contact and 24 hour phone number.

- G) Potential hazards to navigation.
- H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

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

10. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the USCG.

11. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information

12. The Permittee shall ensure that the captain of any hopper dredge, tug or other vessel used in the dredging and disposal operations, is a licensed operator under USCG regulations and follows the Inland and Ocean Rules of Navigation or the USCG Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes, operating marine band radio, and other appropriate navigational aids.

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

14. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps, EPA, and(or) the USCG to inspect all phases of the dredging and disposal operations.

15. 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 USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

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

17. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that notice of any violations must be reported to the Permittee immediately.

18. When using a hopper dredge, water flowing through the weirs shall not exceed 10 minutes during dredging operations. The level that a hopper dredge can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

19. When using a disposal barge or scow, no water shall be allowed to flow over the sides. The level that a disposal barge or scow can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

20. The Permittee shall use an electronic positioning system to navigate at the dredging site. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in the post-dredging completion report per Special Condition 21.

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

- A) Permit and project number.
- B) Start date and completion date of dredging and disposal operations.
- C) Total cubic yards disposed at the disposal site.
- D) Mode of dredging.
- E) Mode of transportation.
- F) Form of dredged material.
- G) Frequency of disposal and plots of all trips to the disposal site.

- H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the disposal site ocean disposal site.
- I) Percent sand, silt and clay in dredged material.
- J) A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
- K) A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the predredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the predredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.
- L) The post-dredging report shall be signed by a duly authorized representative of the Permittee. The Permittee's representative shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Ocean Disposal:

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

2. The ocean disposal sites are demarcated as circles with the center coordinates and radii listed below:

LA-2: 33 degrees 37.10 minutes North Latitude, 118 degrees 17.40 minutes West Latitude (NAD 1983), circular site with radius of 3,000 feet.

LA-3: (coordinates of the soon-to-be permanently designated site, effective October 2005): 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

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

3. No more than 150,000 cubic yards of dredged material excavated at the locations depicted in Figures 2 and 3 are authorized annually for disposal at the LA-2 ocean disposal site.

4. Prior to commencement of any ocean disposal operations, the Permittee shall submit a Scow Certification Checklist to EPA and the Corps for review and approval. The Scow Certification Checklist shall document: the amount of material dredged and loaded into each barge for disposal; the location from which the material in each barge was dredged; the weather report

for and sea state conditions anticipated during the transit period; the time that each disposal vessel is expected to depart for, arrive at and return from the LA-2 ocean disposal site.

5. The Permittee shall notify the USCG by radio on VHF-FM channel 16 or by telephone at least four (4) hours before departing for each disposal site. The notification shall include:

- A) Name of Permittee.
- B) Corps permit number.
- C) Name and identification of vessels (tug boat, hopper dredged or disposal barge or scow) employed in the disposal operation.
- D) Loading location of the material to be disposed.
- E) Material to be disposed.
- F) Time of departure from the dredging site.
- G) Estimated time of arrival at the ocean disposal site and estimated time of departure from the ocean disposal site.
- I) Estimated time of arrival at dredging site after the disposal operation is completed.

6. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to LA-2 ocean disposal site. The Permittee shall transport dredged material to the LA-2 ocean disposal site only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.

7. When dredged material is discharged by the Permittee at the LA-2 ocean disposal site, no portion of the vessel from which the materials are to be released (e.g. hopper dredge or towed barge) may be further than 1,000 feet (305 meters) from the center of the disposal site (the "surface disposal zone" or "SDZ").

8. No more than one disposal vessel may be present within the LA-2 ocean disposal site SDZ at any time.

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

10. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel (e.g., scow) based. An appropriate Global Positioning System (GPS) shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the LA-2 ocean disposal site boundary, and at a maximum 15-second interval while inside the LA-2 ocean disposal site boundary. This system must also indicate and record the time and location of each disposal event (e.g., the discharge phase). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the LA-2 ocean disposal site and its SDZ, superimposed on the appropriate National Oceanic Service navigational chart, so that the operator can confirm proper position within the SDZ before disposing the dredged material.

11. Data recorded from the primary disposal tracking system must be posted by a third party contractor on a near-real time basis to a World Wide Web (Internet) site accessible at a minimum by EPA, the Corps, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps and EPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to LA-2 ocean disposal site; the beginning and ending locations of the disposal event; and the disposal vessel draft throughout the transit. The requirement for posting this information on the Internet is independent from the hard-copy reporting requirements listed in Special Condition 14 below. The third-party system must also generate and distribute 'e-mail alerts' regarding any degree of apparent dumping outside the SDZ of the LA-2 ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the LA-2 ocean disposal site. Substantial leakage/spillage or other loss for this permit is defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to LA-2 and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24 hours of the end of that trip, at a minimum to EPA, the Corps, the Permittee, and the prime dredging contractor.

12. If the primary disposal tracking system fails during transit to the LA-2 ocean disposal site, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow (layback), the estimated scow position would be within the SDZ of the LA-2 ocean disposal site. In such cases, the towing vessel's position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. The Permittee shall halt further disposal operations using a disposal vessel whose navigation tracking system fails until those primary disposal tracking capabilities are restored.

13. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to EPA and the Corps within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in Special Condition 11 above, will be considered as fulfilling this 24-hour notification requirement. In addition, the Permittee shall prepare and submit a detailed report of any such compliance problems with the monthly hard-copy reports described below.

14. The Permittee shall collect, for each ocean disposal trip, both automatically-recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled, and provided in reports to both EPA and the Corps at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically-recorded electronic navigation tracking and disposal vessel draft data on CD ROM (or other media approved by EPA and the Corps), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The reports shall also include a cover letter describing any problems complying with the general and special conditions of this permit, the

cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

15. Following the completion of ocean disposal operations, the Permittee shall submit to EPA and the Corps a completion letter summarizing the total number of disposal trips and the overall (in situ) volume of material disposed at LA-2 ocean disposal site for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit.

Beach Nourishment:

Pre-discharge requirements:

1. Discharges of fill material into waters of the U.S. authorized in this permit shall be limited to the volume and grain size distribution specified on a case-by-case basis. Non-traditional materials, such as materials derived from upland sources or materials deviating from Corps general practice (requiring beach nourishment material be at least 75% sand with no more than a 10% difference in sand content between material at the source and discharge sites), are likely to require additional, unique, site-specific testing, to be determined on a case-by-case basis, beyond traditional testing methods in order to ensure compliance with the 404(b)(1) guidelines. No discharge of fill material into waters of the U.S. is authorized for any single proposed project until the Corps has provided a Final signed notification to proceed (NTP) according to the requirements below.

A) Testing results per the approved Master SAP will be submitted to the Corps, EPA, and appropriate Regional Water Board for review and approval.

2. If source material is to be dredged, separate authorization under Sections 10 and/or 404 will be required.

3. Non-traditional materials (defined above) must be discharged in the surf-zone, subject to other applicable restrictions (location, timing).

4. A detailed, pre- and post-project monitoring plan will be submitted for Corps review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps. The plan shall identify monitoring protocol, reporting protocol, and contingency operations to evaluate potential changes in turbidity/sedimentation, water quality, and biology within the proposed discharge site and the adjacent offshore area. The survey would be required to identify and delineate habitat types, including eelgrass beds, high-relief reef and low-relief vegetated reefs (with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass), immediately adjacent and downcoast of the proposed discharge, with potential to be impacted by the proposed discharge. In addition, pre-project monitoring shall include surveys to evaluate beach suitability for California grunion (*Leuresthes tenuis*) activity. In the event that beach nourishment operations would extend beyond March 1 through August (the grunion spawning season), and if surveys indicate that beach conditions are found to be suitable for grunion activity or grunion activity is detected at any time, the permittee shall refrain from work and immediately notify the Corps (within 24

hours). After coordination with NOAA Fisheries, to ensure that impacts to California grunion are minimized to the greatest extent possible, then the Corps may authorize the permittee to proceed.

5. A detailed sediment budget analysis will be submitted for Corps review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps. The plan will be based on (1) pre-project sediment budget analysis or (2) known sediment budget data for the receiving beach from a reasonably recent study. The permittee should be able to demonstrate a net loss of sediment deposition over the project area, and thus that local beach profiles reflect these conditions and show the effects of erosion.

6. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps at least 30 calendar days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:

A) Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.

B) A schedule showing when the beach nourishment project is planned to begin and end.

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

D) The plan shall include the volume of material to be excavated and discharged.

E) The plan shall list previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this Regional General Permit.

7. The Permittee shall not commence beach nourishment operations unless and until the Permittee has received the information required in Special Conditions 1 through 6 above and receives a signed Notice to Proceed from the Corps.

Post-discharge special conditions:

8. If a violation of any permit condition occurs during discharge operations, the Permittee shall report such violations to the Corps within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the Permittee shall instruct all such contractors that notice of any permit violations must be provided to the Permittee immediately so the Permittee can report the violation as required.

9. The permittee shall maintain a copy of this permit on all vehicles used to transport and discharge of fill material authorized under this permit.

10. The permittee shall send one (1) copy of the post-discharge report to the Los Angeles District's Regulatory Branch documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall include:

A) All information collected by the permittee as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.

B) The post-discharge report shall include the following information:

- i) Corps permit number.
- ii) Identify source of material.
- iii) Total cubic yards disposed at each discharge site.
- iv) Modes of transportation and discharge.
- v) Form of discharged material and percent sand, silt and clay in the dredged material.
- vi) Actual start date and completion date of transport and discharge operations.
- vii) Monitoring results.

11. The applicant will submit the results of post-project monitoring, as required, within 30 calendar days of the discharge. Based on pre- and post-project monitoring results, the Corps will determine the level of impact and if additional resource monitoring is warranted. If additional monitoring is required, the Corps will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps review and approval within 30 calendar days of notification by the Corps and shall conduct the additional monitoring as approved. If the Corps determines there have been no impacts, the monitoring program may be terminated at that time. If additional monitoring is required, the conditions of the original monitoring plan remain in effect until the supplemental plan is completed and approved by the Corps.

12. This permit does not authorize significant impacts to aquatic resources. Based on pre- and post-project monitoring results, the Corps will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings.

13. The Permittee shall implement all appropriate, standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter waters of the U.S. due to beach nourishment operations.

14. The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.

15. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the U.S.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures

such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

mlhsl
PERMITTEE

4/4/09
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Mark Durham
Aaron Allen
Chief, North Coast Branch
Regulatory Division
fe

17 Apr 2009
DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEEEE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-1999-15256*
Name of Permittee: *City of Long Beach*
Date of Issuance: *April 17, 2009*

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

Signature of Permittee

Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Kenneth.Wong@usace.army.mil

OR

(2) FAX this certification, after signing, to: (213) 452-4196

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-1999-15256
LOS ANGELES DISTRICT, CORPS OF ENGINEERS

P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMPLETION OF WORK AND
CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-1999-15256*
Name of Permittee: *City of Long Beach*
Date of Issuance: *April 17, 2009*

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

Signature of Permittee

Date

Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Kenneth.Wong@usace.army.mil

OR

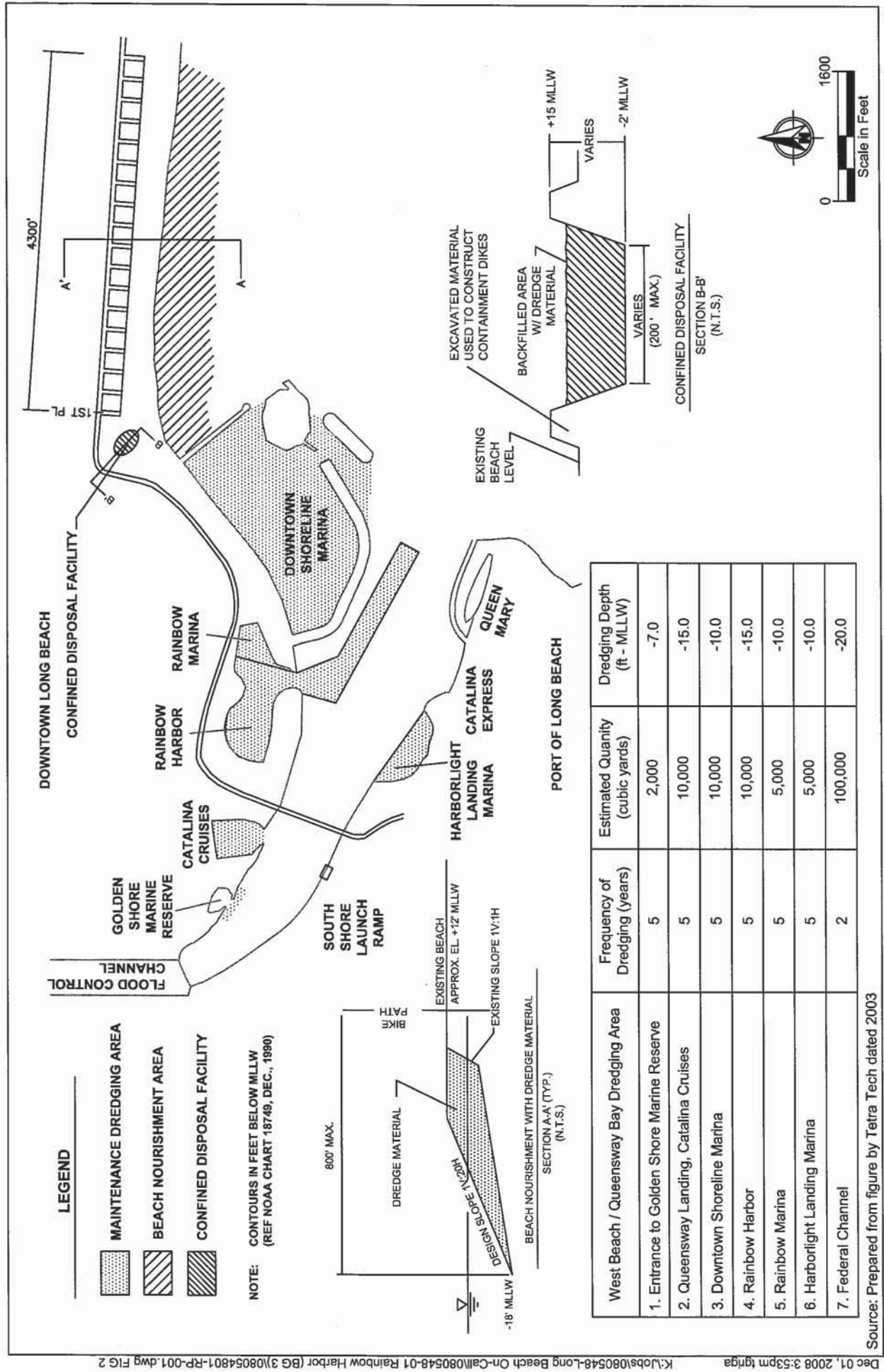
(2) FAX this certification, after signing, to: (213) 452-4196

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-1999-15256
LOS ANGELES DISTRICT, CORPS OF ENGINEERS

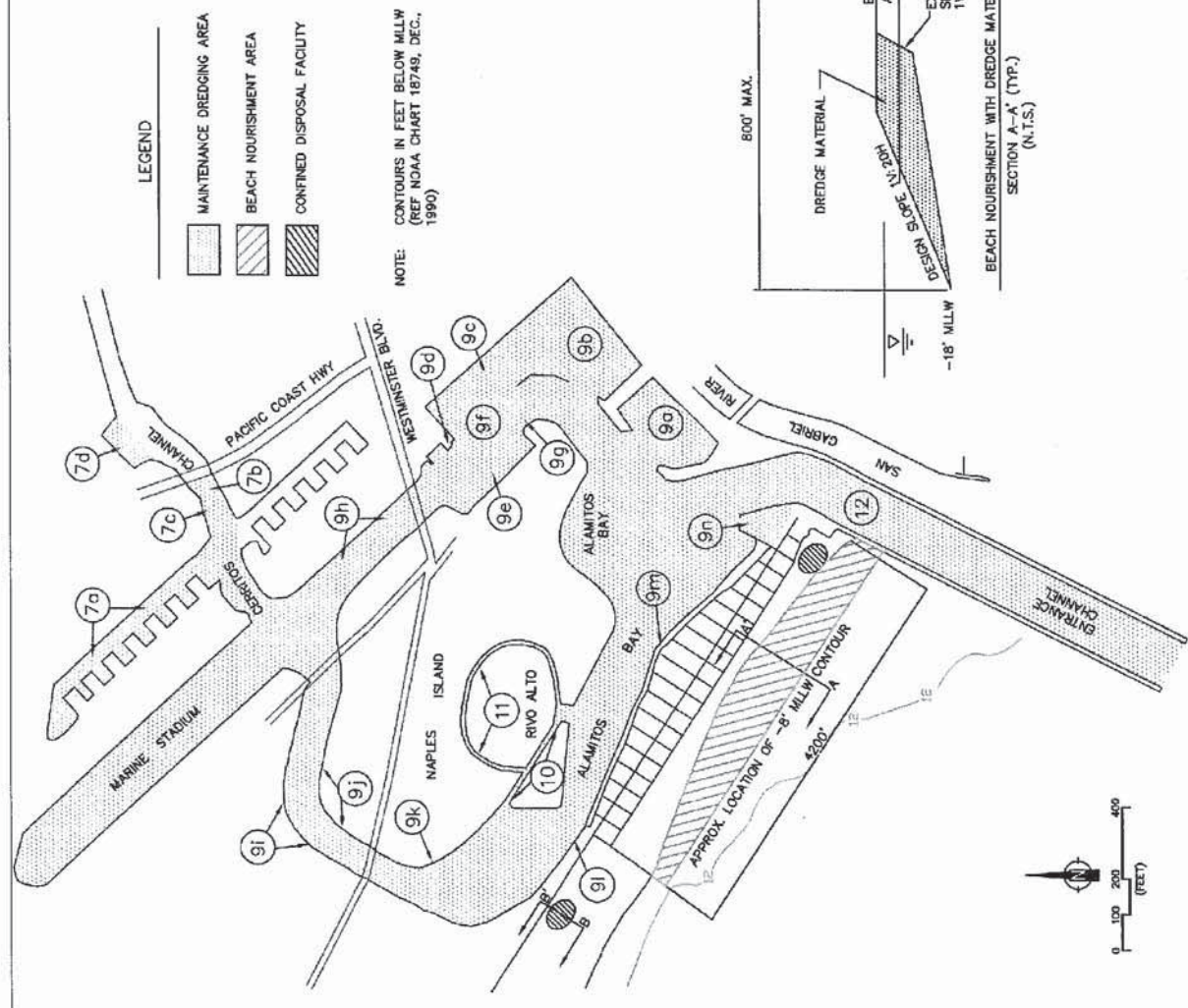
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325



Source: Prepared from figure by Tetra Tech dated 2003

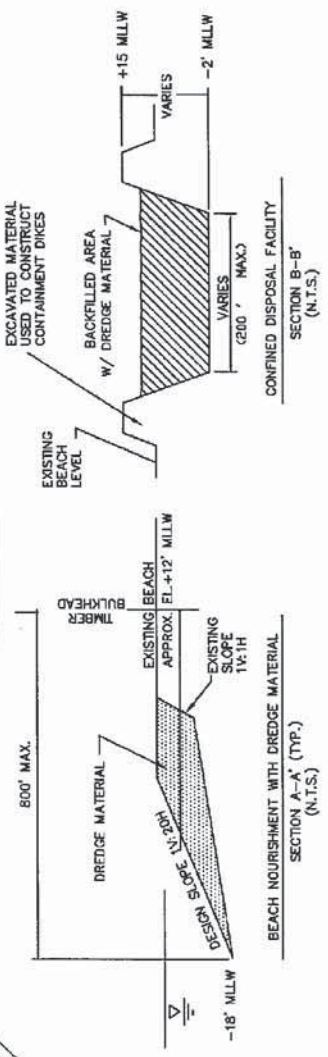


Figure 2
Revised Maintenance Dredging Program
Rainbow Harbor Channel Dredging



EAST BEACH / ALAMITOS BAY DREDGING AREA	Frequency of Dredging (years)	Estimated Quantity (cubic yards)	Authorized Dredge Depth (MLLW)
7. Cerritos Channel	>5	2,000	-10.0
a. Spinnaker Cove	>5	1,300	-10.0
b. Basin 6	>5	2,000	-10.0
c. Basin 8	>5	500	-10.0
d. Cerritos Bahia Marina	>5	8,000	-10.0
8. Marine Stadium	>5	5,000	-15.0
9. Alamitos Bay	>5	10,000	-15.0
a. Basin 1*	3	4,000	-12 & -15
b. Basin 2*	>5	3,000	-10.0
c. Basin 3*	>5	15,000	-10.0
d. Long Beach Marina Shipyard*	>5	200	-10.0
e. Basin 4*	>5	16,000	-10.0
f. Basin Channel*	>5	8,000	-10.0
g. Long Beach Yacht Club Dock	>5	2,000	-15.0
h. Davies Long Dock	>5	2,000	-15.0
i. Bayshore	>5	10,000	-10.0
j. Sorrento Drive	>5	7,500	-10.0
k. The Toledo	>5	10,000	-10.0
l. Basin 7	>5	7,500	-15.0
m. Bayshore Walk	>5	3,000	-15.0
n. Basin 5	>5	5,000	-15.0
10. Naples Canal	>5	3,000	-8.0
11. Rivo Alto	>5	8,000	-8.0
12. Alamitos Bay Entrance Channel	1	26,000	-20.0

*Dredging at these sites is expected to occur under separate Marina Rebuild Projects.



Source: Prepared from figure by Tetra Tech.



Figure 3
East Beach and Alamitos Bay Dredging Area
City of Long Beach Maintenance Dredging and Beach Nourishment