



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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**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

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Contact

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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.
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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.

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