



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

July 20, 2010

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

Antonio V. Gioiello, Chief Harbor Engineer
Port of Los Angeles, Engineering Division
425 South Palos Verdes Street
P.O. Box 151
San Pedro, California 90731

Dear Mr. Gioiello:

This correspondence pertains to a June 7, 2010 request by Mr. Robert Zmuda of your staff to proceed with additional dredging pursuant to Standard Individual Permit (SIP) No. SPL-2007-01417-SDM, dated September 3, 2008, authorizing discharges of fill into waters of the U.S. and work and structures in navigable waters of the U.S. associated with modernizing the existing Cabrillo Way Marina in the Port of Los Angeles, in the City of Los Angeles, California.

As you know, on March 19, 2009, pursuant to Special Condition 19 of the SIP, we authorized you to proceed with dredging the North Channel and Keyway Area portions of the project area (i.e., approximately 43,000 cubic yards per Mr. Zmuda). We also specified that dredging of the Cabrillo Marina Relocation Area (i.e., approximately 53,000 cubic yards per Mr. Zmuda) would not be authorized until pre-dredging bathymetric survey information is submitted to and approved by this office. Furthermore, we stated that approval of this portion of the dredging would also depend on the adequacy of the mitigation plan to address the loss of eelgrass (*Zostera marina*) known to occur in this area.

In support of his October 22, 2009 request for additional dredging, Mr. Zmuda submitted updated eelgrass and Caulerpa (*Caulerpa taxifolia*) survey reports for the Cabrillo Marina Relocation Area on November 24, 2009; updated surveys were deemed necessary by the Corps and National Marine Fisheries Service because a full growing

season had passed since the previous surveys were completed in March 2009. In addition, on November 25, 2009, Mr. Zmuda submitted a pre-dredging bathymetric condition survey for a small portion of the Cabrillo Marina Relocation Area, in accordance with Special Condition 18.D of the SIP, which was the additional area your contractor wished to dredge at that time. On December 2, 2009, Ms. Kathryn Curtis of the Port's Environmental Management Division submitted to the Corps and other agencies the draft *Eelgrass Mitigation Program in Support of the Cabrillo Way Marina, Phase II Capital Improvement Project*. It included specific information regarding proposed compensatory mitigation for eelgrass losses anticipated from dredging the Cabrillo Marina Relocation Area, also referred to as Phase 2. As we stated previously, this builds upon the mitigation strategy developed previously by Dr. Ralph Appy, Director of the Port's Environmental Management Division, and Mr. Robert Hoffman of the National Marine Fisheries Service.

Pursuant to Special Condition 19 of the SIP and as requested by Mr. Zmuda on October 22, 2009, on December 3, 2009, we authorized you to proceed with dredging approximately 7,000 cubic yards within the Cabrillo Marina Relocation Area/Phase 2. In that notice, we stated we would consider authorizing the balance of the Cabrillo Marina Relocation Area dredging after we receive a current pre-dredging bathymetric condition survey pursuant to Special Condition 18.D of the SIP for the remaining portion of this area.

On July 13, 2010, we received from Mr. Zmuda the requested pre-dredging bathymetric condition survey and have determined it to be satisfactory. Therefore, pursuant to Special Condition 19 of the SIP and as requested by Mr. Zmuda on June 7, 2010, we are authorizing you to proceed with the balance of the Cabrillo Marina Relocation Area dredging (approximately 46,000 cubic yards per the submitted survey).

Thank you for participating in our regulatory program. If you have any questions, please contact me at (805) 585-2152 or via e-mail at Spencer.D.MacNeil@usace.army.mil.

Sincerely,



Spencer D. MacNeil, D.Env.
Senior Project Manager
North Coast Branch
Regulatory Division