



LOP AGENCY NOTIFICATION

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

REQUEST FOR AGENCY COMMENTS ON APPLICATION FOR LETTER OF PERMISSION

Application No.: SPL-2016-00349-TS
Comment Period: April 27, 2016 to May 12, 2016

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The U.S. Army Corps of Engineers (Corps), Los Angeles District, Regulatory Division, North Coast Branch received an application for a Department of the Army permit on April 13, 2016. The Corps is reviewing the application under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). Please review the Letter of Permission (LOP) notification materials and provide substantive, site-specific comments to the Corps Regulatory Division **on or before May 12, 2016**. If no comments are received by this date, the Corps will assume compliance with 33 C.F.R. §325.2(e)(1).

AGENCY

CCC
CDFW
NMFS, Long Beach
RWQCB, Los Angeles
SWRCB
SHPO
U.S. FWS, Carlsbad
U.S. EPA, Region IX
U.S. EPA, Region IX
U.S. Coast Guard (LA/LB)
NOAA, Marine Chart Div.

Attention

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APPLICANT NAME: Los Angeles Harbor Department (LAHD), David M. Walsh, Chief Harbor Engineer

PROJECT MANAGER: Marco Sanchez, Project Engineer

WATERWAY NAME: Los Angeles Harbor, East Basin

LOCATION: The action would take place on the north side of Terminal Island at Berths 210-211 which are alongside the wharf at the SA Recycling facility in the East Basin, Los Angeles Harbor, Port of Los Angeles in the city and county of Los Angeles, California (Lat: 33°45' 47"/Long: -118°15'16").

BRIEF DESCRIPTION OF THE PROPOSED WORK: The LAHD proposes to conduct maintenance dredging at Berths 210-211. Approximately 3,500 cubic yards of accumulated sediment would be dredged. Maintenance dredging would restore design depths at this berth to -37 feet mean lower low water (MLLW) with two feet of overdredge depth for a total depth of -39 feet MLLW. Dredged material would be disposed of at the Corps-approved¹ Berths 243-245 confined disposal facility (CDF) or the LA-2 ocean disposal site, depending on the results of the sediment characterization study and the review of the results by the Southern California Dredged Material Management Team/Contaminated Sediments Task Force (DMMT/CSTF).

AREA OF WATERS SUBJECT TO LOSS AS A RESULT OF THE PROPOSED PROJECT: Approximately 0.41 acre of benthic area at Berths 210-211 would be affected by the dredging.

NAVIGATION: The proposed dredging and disposal activities would temporarily affect navigation in the vicinity of the dredging and disposal site(s). Navigation impacts would take place over a few weeks and are expected to be minimal. The Corps would require a standard "Notice to Mariners" for the proposed action.

ESSENTIAL FISH HABITAT (EFH): The proposed dredging and sediment disposal actions would directly and indirectly impact EFH and federally managed species covered by the Pacific Groundfish Species and Coastal Pelagic Species Management Plans. Managed species would be directly impacted by increased disturbance, noise and turbidity in the dredging areas and vicinity, and at the disposal site(s). Impacts to managed species would be potentially adverse, but temporary and of short duration. Impacts are not expected to result in mortality or injury of individuals or populations of managed species. There would be temporary impacts to the benthic habitat and loss of species that live on the bottom or in the upper sediment layers as a result of dredging; however no loss of waters of the United States would occur and aquatic functions are expected to restore and benthic and burrowing organisms recolonize the substrate following the conclusion of dredging.

The Corps has reviewed the Programmatic Consultation (2004) and the General Concurrence (2003) between the Corps and National Marine Fisheries Service maintenance dredging and sediment disposal projects are not covered by the list of

¹ The Corps authorized the CDF pursuant to section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act (Corps file No. SPL-2008-00662-AOA).

approved activities. As such, consultation pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (50 CFR 600 et. seq.) is requested at this time.

ENDANGERED SPECIES ACT: The Corps has determined the proposed maintenance dredging and sediment disposal actions may affect but would not likely adversely affect California least tern (CLT, *Sterna antillarum browni*), a federally listed endangered species which is known to nest on a 15-acre habitat area located on Pier 400, approximately three miles from the proposed dredging area. The proposed maintenance dredging and sediment disposal actions would have no effect on the Pier 400 nesting site. Individuals of CLT forage in open water areas within the Port complex. It is anticipated that dredging and disposal activities in the Berth 210-211 area could be scheduled to avoid the period when CLT are present in the Port complex and thereby avoid impacts to foraging individuals. However, if dredging and sediment disposal occurs during the nesting season, CLT are expected to avoid the dredging and disposal areas due to disturbances associated with equipment and personnel, and increased noise. In accordance with 50 CFR 402.13, concurrence with our determination from the U.S. Fish and Wildlife Service is requested at this time.

NATIONAL HISTORIC PRESERVATION ACT: The undertaking is the issuance of a Department of the Army (DA) permit to conduct dredging and disposal activities in navigable waters of the United States. The Area of Potential Effect (APE) includes the 0.41 acre area of navigable waters that would be affected by dredging activities; the permit area (defined at 33 CFR 325 Appendix C) directly overlaps with the APE in this case because no terrestrial area would be affected by the proposed action. The Corps has reviewed the National Register of Historic Places and no federally listed or eligible historic period properties or archaeological sites are located within APE/permit area. Potential impacts to federally listed or eligible historic period or archaeological resources associated with the disposal sites were evaluated at the time those federal actions were taken by the Corps and U.S. EPA. As such, the Corps has determined the proposed action would have no potential to effect federally listed or eligible historic period properties or archaeological sites. No further consultation with the State Historic Preservation Officer pursuant to 36 CFR 800 or 33 CFR 325, Appendix C, is requested at this time.



Regulatory Program Goals:

- To provide strong protection of the Nation's aquatic environment, including wetlands.
- To ensure that 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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