

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



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Date: February 28, 2007

Permit Application No. 4-06-086

COASTAL DEVELOPMENT PERMIT

On February 14, 2007, the California Coastal Commission granted to Ventura Port District, permit 4-06-086, subject to the attached Standard and Special Conditions, for development consisting of: Implement a Maintenance Dredging Program in the outer and inner areas of Ventura Harbor through April 15, 2016. Maintenance dredging of the *Inner Harbor*, to design depths, would entail up to 100,000 cu. yds. of material to be dredged annually from the navigation channels, berthing areas, and sand traps within the harbor and deposited: (1) within surf zone near the mouth of the Santa Clara River, (2) three interior depressions within the interior of the harbor; and/or (3) in the 4,000 feet of nearshore area off of McGrath State Beach. Of the proposed 100,000 cu. yds. of material to be dredged, up to 2,500 cu. yds. of fine-grained material may be dredged from the mouth of the Arundell Barranca and/or the Olivas Park storm drain with a shore-based clam shell, with deposition outside of the coastal zone.

Maintenance dredging of the *Outer Harbor*, to design depths, would entail up to 600,000 cu. yds. of material to be removed annually from the entrance channel and offshore sand traps and deposited: (1) within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty, including South Beach, the area near the Santa Clara River mouth, and McGrath State Beach; (2) within the surf zone north of the harbor entrance in Cells 1 and 2 of the Pierpont Groin Field; (3) in the 4,000 feet of nearshore area off of McGrath State Beach; and/or (4) the 1,000 feet of nearshore area off of San Buenaventura State Beach south of the Ventura Pier.

Dredging would be accomplished by means of hydraulic dredging with pipeline deposition into designated *surf zone areas* or alternately by means of clamshell or hopper dredging with deposition in the *nearshore waters*. A shore-based clam shell may also be used to dredge up to 2,500 cu. yds. of material at the mouth of the Arundell Barranca and/or the Olivas Park storm drain, with deposition outside of the coastal zone. The dredging and deposition period will be subject to timing constraints for resource protection. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Ventura County at Ventura Harbor, City of San Buenaventura; Beach deposition sites in the cities of San Buenaventura and Oxnard.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
 Executive Director


 By: Barbara Carey
 Supervisor, Planning & Regulation

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

3/6/07

Date


 Permittee



STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Timing and Implementation of Project Operations**

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited:

- (a) Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Game, or the State Park Resource Protection Area from March 15 through August 31 to avoid disturbance during the breeding season of the Least Tern.
- (b) On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
- (c) On any part of the beach in those portions of the project area where California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods, as documented by the surveys conducted pursuant to Special Condition Five (5). In the event that sediment needs to be placed below the high tide line from the date of the first predicted grunion run, as listed by the California Department of Fish and Game, to August 31, the applicant shall submit evidence, for the review and approval of the Executive Director, that surveys for grunion have been conducted pursuant to Special Condition Eight (8) at the project site and that no grunion were found. No work shall occur below the high tide line between the date of the first predicted grunion run, as listed by the California Department of Fish and Game, and August 31 without the authorization of the Executive Director.

- (d) Within federally designated critical habitat of the Western Snowy Plover from March 1 through September 30 to avoid adverse effects to nesting Western Snowy Plovers, or in any other area where snowy plovers may be, if they are exhibiting nesting or reproductive activity, as documented by the surveys conducted pursuant to Special Condition Eight (8) and Special Condition Fourteen (14).

2. Dredging and Disposal Operation Plan

The applicant shall submit a dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. The plan shall include at a minimum:

- (a) Site map showing the area of the Ventura Harbor to be dredged and receiver site(s). Nearshore disposal areas shall be plotted in latitude and longitude coordinates. All maps shall be drawn to scale.
- (b) Detailed description of the dredging operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be deposited at the receiver site(s).
- (c) Description (e.g., size, type, capacity) of equipment to be used, including bin capacity when hopper and/or clamshell dredging is utilized.
- (d) Schedule of the dredging operation's proposed beginning and ending dates.
- (e) Results of a grain size and chemical analysis, pursuant to Special Condition Three (3).
- (f) Evidence that local agencies were apprised of the availability of sand resources that meet beach replenishment standards and the target destination for the current year's dredging operation.
- (g) Explanation of receiver site(s) priority.
- (h) All relevant monitoring reports required pursuant to this permit.
- (i) Debris management plan to prevent disposal of solid debris at receiver site(s). The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

3. Sediment Analysis

Physical (grain size) analysis shall be conducted of a representative sample of the sediments to be dredged from the Outer Harbor areas, consistent with the Environmental Protection Agency (EPA) and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment. Testing of Outer Harbor sediment shall be conducted upon initiation of the dredging operation. If sampling reveals that any sediment does not meet beach replenishment standards, the applicant shall cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Chemical and physical analysis shall be conducted of a representative sample of the sediments to be dredged from the Inner Harbor, consistent with the requirements of the joint EPA/Corps *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. —Testing Manual* and CRWQCB waste discharge requirements. Re-testing of Inner Harbor sediment shall be conducted a

minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and CRWQCB guidelines. If the EPA or CRWQCB determine that the sediment exceeds any contaminant threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a spill, release, or similar event that has the potential to result in contamination of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

4. Dredge Spoil Compatibility

- A. The dredged material shall meet all applicable federal and state beach nourishment or dredge spoil discharge requirements and comply with the grain size requirements for the locations as cited below.
- B. Dredged material meeting EPA and Regional Water Quality Control Board criteria for beach replenishment, and for which an average of 91% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with project plans shown in Exhibits 3 through 8:
- (1) Nearshore area south of San Buenaventura pier;
 - (2) Cells 1 and 2 of the Pierpont Groin Field;
 - (3) South Beach;
 - (4) Surf zone of the Santa Clara River;
 - (5) Surf zone at McGrath State Beach;
 - (6) Nearshore area at McGrath State Beach; and/or
 - (7) Surfer's Point, provided that (1) a detailed site plan is approved pursuant to Special Condition Two and (2) evidence is submitted, for the review and approval of the Executive Director, illustrating that there would be no adverse impacts to coastal resources at this site.
- C. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements, and for which an average of 90% or less of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with project plans shown in Exhibits 3 through 5:
- (1) Inner Harbor Depressions;
 - (2) Surf zone of the Santa Clara River no closer than 300 feet from the Santa Clara River and only while the River is flowing at 100 cubic feet per second as measured at USGS Montalvo Station in the vicinity of Victoria Avenue bridge; and/or
 - (3) Nearshore area at McGrath State Beach.

- D. Fine-grained material dredged by a shore-based clam shell from the mouth of the Arundell Barranca and/or the Olivas Park storm drain must be deposited outside of the coastal zone.
- E. Dredged material that does not meet the physical or chemical standards for beach replenishment or spoil discharge shall not be discharged at any of the deposition sites, except as specified above. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Nearshore Disposal Project Monitoring

Maintenance dredging may be conducted using a clamshell or hopper dredge with nearshore disposal off of McGrath State Beach as shown in Exhibit 4. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 7. To evaluate the appropriateness of nearshore disposal at these two locations and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- (a) The applicant shall measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and document the dispersion and migration of the berm itself. The monitoring program parameters shall correspond to the Maintenance Dredging Monitoring Plan For Nearshore Disposal (Exhibit 11), including pre- and post-dredge surveys of the beach profiles and bathymetry. A baseline survey of the nearshore project area shall take place no earlier than four (4) weeks prior to any dredging operation. As described in the Monitoring Program, data shall be collected for a period of one year, a minimum of quarterly, after any disposal operation at a nearshore site. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. Modifications to the monitoring program specified in Exhibit 11 are subject to review and approval of the Executive Director.
- (b) The Executive Director may waive the full year post-dredging monitoring requirement, if the applicant submits evidence, subject to the Executive Director's review and approval, which shows that the nearshore berm has completely dispersed.

6. Shoreline Monitoring Program

- A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:
 - (1) Annual beach profiles shall be provided by the applicant for the term of the project. The profiles shall be taken (1) by October 15 of each year and (2) in January of each year or immediately after completion of any dredging operation. The profiles shall be at the twelve locations utilized in the baseline survey (example provided in Exhibit 12) and shall be conducted in a manner consistent with the profile surveys conducted annually since 1989. In

addition to the baseline survey locations, a minimum of two beach profiles shall be performed in the vicinity of the McGrath State Beach deposition site. A minimum of two beach profiles shall be performed in the vicinity of the Surfer's Point deposition site, for any year the deposition site is utilized. Minimum and maximum tide levels at the time of profile survey shall be noted on the profiles.

- (2) An indication of beach width and sand volume changes to the beaches within the area profiles. This shoreline analysis shall include the deposition area along McGrath State Beach. The shoreline analysis shall include the Surfer's Point receiver site for any year the deposition site is utilized. The applicant shall utilize aerial photographs, to the extent feasible, to prepare the summary of beach width and sand volume changes.
 - (3) Data detailing the annual quantity and placement of dredged material.
- B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

7. Caulerpa Surveys and Monitoring

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
- (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of the project until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.

8. Sensitive Species Surveys and Monitoring

- A. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to commencement of dredging or discharge activities. The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, one day prior to commencement of installation or removal of the discharge pipeline, or any grading activities on the beach. In the event that any sensitive wildlife species (including but not limited to California least tern, western snowy plover, California grunion) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- B. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to any dredging or discharge activities from the date of the first predicted grunion run, as listed by the California Department of Fish and Game, through August. The environmental resource specialist shall conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Game. If any grunion spawning activity and/or if grunion are present in or adjacent to (within 100 yards of) the project site in any life stage, no construction, maintenance, or any grading and grooming activities on the beach or other project activities shall occur until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed at any of the above sites. If material is in the process of being placed, the material shall be rough graded and returned to contours that will enhance the habitat for grunion prior to the run period. Furthermore, placement activities shall cease in order to determine whether grunion are using the beach during the following run period. The resource specialist shall provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Game.
- C. The applicant shall submit documentation, prepared by the biologist or environmental specialist, which indicates the results of each pre-construction survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.
- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-06-086 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-06-086. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

9. Operational Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (a) At the completion of each year's dredging and deposition, but prior to the timing restrictions specified in Special Condition One (1) above, the sand deposited on the beach shall be rough graded to natural beach contours to restore the dynamic shoreline habitat and to facilitate recreational use.
- (b) All pipeline operations and vehicle traffic shall be limited to the 50-foot wide corridor along the proposed pipeline route.
- (c) All vehicle traffic associated with placement of the pipeline, including the movement of sections of the pipeline, must be preceded by a designated individual walking ahead of the equipment being moved to ensure that no snowy plovers or other sensitive species are at risk from vehicle or equipment movement.
- (d) No pipes or any other equipment shall be stored on the beach consistent with timing constraints identified pursuant to Special Condition One (1).
- (e) The disposal pipeline, access routes, and equipment corridor shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during discharge operations, pipeline placement, and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.
- (f) At no time shall disposal or associated activities interfere with the breaching or retention of flow within the Santa Clara River estuary in such a way as to cause or threaten flooding on adjacent lands.

10. Operation Staging

- A. At least two (2) weeks prior to commencement of any dredging operation, the applicant shall submit to the Executive Director for review and approval, final staging plans that include the following:
 - (1) A map of the location of the project construction headquarter(s).
 - (2) Site plans for all construction staging areas and access routes, including stockpile areas for pipe and the access corridor necessary for placement of the pipeline.
 - (3) Special staging and parking needs for heavy equipment.
- B. The plan shall be consistent with the following criteria:
 1. Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations.
 2. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be

placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.

3. Construction equipment shall not be cleaned on the beach or in the beach parking lots.
 4. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
 5. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
 6. The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
 7. Stockpiled materials shall be located as far from stream areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the top edge of a stream bank.
 8. Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.
- C. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

11. Agency Coordination

Within sixty (60) days, and no less than four (4) weeks, prior to commencement of each dredging operation, the applicant shall provide notice to local agencies and any other known interested parties of the volume and quality of shoal material, which meets beach replenishment requirements as specified in Special Condition Four, to be extracted and the reason(s) for prioritization of the target site(s). Those parties that shall receive notice include, but are not limited to, the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corp of Engineers, Regional Water Quality Board, BEACON, and the Executive Director of the Coastal Commission. If any party requests to use the dredged material which meets beach replenishment requirements as specified in Special Condition Four at Surfer's Point, and if the Executive Director determines that the proposed beach nourishment will not have adverse impacts on coastal resources and that these materials are not more appropriate at alternative disposal sites, the applicant shall make the

dredged material available to that party, for transport and use for beach nourishment at Surfer's Point, at that party's expense.

12. Public Access Program

Prior to issuance of this coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during dredging and discharge operations.

13. Required Approvals

Prior to commencement of any sediment management activities authorized by this coastal development permit, the applicant shall provide evidence to the Executive Director of receipt of all necessary State and Federal permits including the U.S. Army Corps of Engineers, the California State Lands Commission, and the California Regional Water Quality Control Board.

14. Snowy Plover and Least Tern Monitoring

- A. A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the northernmost point at the Pierpont Groinfield deposition site to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include, but not be limited to, the following components: 1) population and trend analysis; 2) analysis and illustration of population density and spatial distribution before, during, and after each dredging operation; 3) documentation of all known incidents of snowy plover and least tern disturbance (including incidents resulting in mortality, citing the probable cause of mortality) including dates, times, location, degree of plover disturbance (e.g., plover behavior such as moving, running, or flying from a disturbance or other actions such as elevating wings), source of disturbance (e.g., pedestrians, vehicles, dogs on or off leash, equestrians, predation, spills, dredging operations and support activities including pipeline installation and removal and any beach grading or grooming activities, or vandalism of unknown origin), length of time of disturbance, level of disturbance (i.e., how many plovers made to fly or move and how far plovers were displaced),

and the approximate distance between the source and plovers which resulted in the disturbance; 4) analysis of any other activities with the potential to impact the species' population in the project area, such as use patterns (e.g., public recreation), weather patterns, and habitat changes; and 5) conclusions regarding the impact of the dredging operations on the snowy plover and least tern populations and habitat. If the Executive Director determines that adverse impacts have occurred to the species' population or habitat as a result of the dredging operations, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall cease work (if work is underway) and shall notify local resource agencies in a timely manner. The applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.

15. Water Quality Monitoring

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials into the intertidal zone. The monitoring program will be conducted each time dredged materials are deposited into or graded near the intertidal zone and will contain the following components:

(a) The applicant shall retain the services of a qualified biologist(s) or environmental resources specialist(s) with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall monitor and document the turbidity of coastal waters during all project construction activities consistent with California Regional Water Quality Control Board (RWQCB) Monitoring and Reporting Program No. 6300 for Ventura Port District (Maintenance Dredging) (File No. 76-59) which is attached to this report as **Exhibit 14**. The applicant shall submit, for the review of the Executive Director, all weekly monitoring reports that indicate non-compliance with the waste discharge requirements outlined in the Monitoring and Reporting Program. The weekly reports shall be submitted within 10 days of completion of each weekly sampling period for which non-compliance is found. In addition, the applicant shall submit, for the review of the Executive Director, a final report, summarizing the weekly monitoring, within 30 days of the completion of each dredging operation.

(b) Should the water quality monitoring program yield results that indicate sediment disposal into the intertidal zone causes a significant adverse impact on water quality or the marine environment the applicant is required to submit, for review and approval by the Executive Director, a mitigation plan exploring feasible alternatives, mitigation measures, and/or alternative disposal locations for sediment disposal in the intertidal zone prior to any future deposition activities in the intertidal zone. Should the mitigation plan identify mitigation measures and/or project alternatives to minimize water quality impacts which results in a substantial change in the proposed development approved by the Commission, an amendment to the permit or a new coastal permit shall be required.

16. Assumption of Risk

By acceptance of Coastal Development Permit 4-06-086, the applicant acknowledges and agrees (i) that the project site may be subject to hazards from erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of

damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

17. Project Term

All development approved pursuant to this coastal development permit shall be completed by April 15, 2016.



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

REGIONAL GENERAL PERMIT NUMBER 24 MAINTENANCE DREDGING BY THE VENTURA PORT DISTRICT

Permittee: Ventura Port District

Permit Number: SPL-2011-1154-AJS

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 authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899, and discharge fill waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972 in association with the Ventura Harbor Maintenance Dredging Project (RGP 24) as shown on the attached drawings.

Specifically, you are authorized to:

1. **Inner Harbor Area:** Maintenance dredge, to design depths, up to 100,000 cubic yards of material per year for five years from the inner harbor (Areas A-F) and deposit the dredged material in the surf zone at the Santa Clara River mouth during periods of a minimum 100 cubic feet per second flow and a minimum of 300 feet from where the channel enters the ocean (Plate 4), or in three depressions within the harbor (Plate 1), or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

Design depths are as follows: -18 feet MLLW in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, as shown on the figures referenced above and Plate 5.

If limited access to the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain prevents hydraulic, floating clamshell, or hopper operations, maintenance dredge to design depths, up to 2,500 cubic yards of material per year for five years, from the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain would be dredged using a shore-based clamshell operation with upland disposal.

2. Outer Harbor Area: Maintenance dredge, to design depths, up to 600,000 cubic yards of material per year for five years from the Ventura Harbor entrance channel and offshore sand traps (Federal Project Dredging Areas, Plate 1) and dispose of the material within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty (Plate 2) and/or north of the harbor entrance in cells 1 and 2 of the Pierpont Groin Field (Plate 6) or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

Project Location: Within the Ventura Harbor (Pacific Ocean), in the city and county of Ventura, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **August 13, 2017**. General permits may not be extended beyond five years. If you wish to reauthorize your Regional General Permit, you should submit your request for reauthorization to this office at least six months before the above date is reached to avoid any lapse in coverage for the authorized activity.
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 transfer responsibility for conducting the activity associated with this permit, you must obtain the signature of the new responsible party 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 (or state-issued equivalent) has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

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:

1. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
2. 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 Regulatory Division, 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.
3. Prior to each maintenance dredging event within the inner harbor or within "Area A" of the entrance channel (Federal Project), the Permittee shall conduct a pre-project *Caulerpa taxifolia* (Caulerpa) survey in accordance with the Caulerpa Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>). The survey may be conducted concurrent with pre-project eelgrass survey described in Special Condition 5a. The results of that survey shall be furnished to the Corps Regulatory Division, 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 Regulatory Division, in consultation with NMFS and CDFG.
4. 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.
- 5a. Prior to each maintenance dredging event, the Permittee shall conduct a pre-project eelgrass survey in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_final.pdf). Within "Area A" of the entrance channel (Federal Project) and areas A, B and E of the inner harbor, the pre-project eelgrass survey shall be conducted during the March through October growing season. For dredging activities conducted outside the growing season, the survey shall be conducted

between August through October to be valid, with the following exceptions: surveys outside the growing season may be conducted for dredging in areas C, D and F; b) surveys outside the growing season may be conducted in any part of the permitted area in the event of sudden, unforeseen accumulations of debris and/or sediment that result in an immediate navigational hazard if not promptly addressed. The Permittee shall provide the results of the pre-project eelgrass survey to the Corps Regulatory Division, National Marine Fisheries Service (NMFS), and California Department of Fish and Game at least 15 days prior to initiation of proposed work.

- 5b. If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project eelgrass survey shall be conducted in accordance with the SCEMP. The post-project eelgrass survey shall be conducted and submitted to the Corps and NMFS within 30 calendar days of project completion.
- 5c. Any impacts identified by these eelgrass surveys shall be mitigated per sections 3-12 of the SCEMP. Based upon the pre- and post-project eelgrass survey results and in accordance with the SCEMP, the Corps will determine the need and/or amount of eelgrass 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 mitigation plan to the Corps for review and approval. The mitigation plan shall be prepared in accordance with the SCEMP. The Permittee shall fully implement the final mitigation plan as approved by the Corps.

Dredging Operations

6. 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.
7. Dredging authorized in this permit shall be limited to the areas defined in Plates 1 and 5 only and include no more 600,000 cubic yards of material per year within the entrance channel and offshore sand traps, and 100,000 cubic yards of material per year from within the inner harbor. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.
8. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be as follows: -18 feet below mean lower low water (MLLW) in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, with a maximum allowable over-dredge depth two feet below these depths. No dredging shall occur deeper than the maximum allowable depth at each area dredging design depth plus over-dredge depth or outside the project boundaries.

9. 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 Regulatory Division, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. The Permittee shall submit to the Corps Regulatory Division and EPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division, in consultation with EPA. 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 Regulatory Division. 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.

10. 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 Regulatory Division 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 all dredged sediment including all material unsuitable for disposal.

 - ii) Dredging operations for material suitable for disposal to be dredged from the project area.

- iii) Disposal methods to be used for disposal.
 - iv) A schedule showing when the dredging project is planned to begin and end.
- E) A pre-dredging bathymetric condition survey (presented as a large format plan view drawing), taken within thirty (30) days prior to dredging, accurate to six inches with the exact location of all soundings clearly defined on the survey chart. The pre-dredge 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 pre-dredge 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, over-dredge 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 over-dredge depth shall be shaded yellow, and areas below over-dredge 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 pre-dredging 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.
- G) The Permittee shall not commence dredging operations unless and until the Permittee receives a Notice to Proceed, in writing, from the Corps Regulatory Division.
11. To ensure navigational safety, the permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Commander, 11th Coast Guard District (dpw)
TEL: (510) 437-2980
E-mail: d11LNM@uscg.mil
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

U.S. Coast Guard, Sector LA-LB (COTP)

TEL: (310) 521-3860
E-mail: john.p.hennigan@uscg.mil

A copy of each notification to the USCG shall be sent to the Corps' Los Angeles District Office for our file.

- A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB Captain of the Port (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by e-mail with at least the following information, transmitted as an attached Word or PDF file:
- i) Project description including the type of operation (i.e. dredging, diving, construction, etc).
 - ii) Location of operation, including Latitude / Longitude (NAD 83).
 - iii) Work start and completion dates and the expected duration of operations. The Coast Guard shall be notified if these dates change.
 - iv) Vessels involved in the operation (name, size and type).
 - v) VHF-FM radio frequencies monitored by vessels on scene.
 - vi) Point of contact and 24 -hour phone number.
 - vii) Potential hazards to navigation.
 - viii) Chart number for the area of operation.
 - ix) Recommend the following language be used in the LNM: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."
- B) 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 Regulatory Division, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that 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 Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S.

Coast Guard. Should any federal AtoN be affected by this project, the permittee shall contact the U.S. Coast Guard AtoN office at (510) 437-2982.

- C) Should the Permittee determine the work requires the temporary 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 Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). 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 Regulatory Division and the U.S. Coast Guard.
 - D) 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.
 - E) The permittee shall contact the USCG Marine Safety Office and the Corps' Los Angeles District Office at least twenty-four (24) hours in advance of any anticipated dredging activity which may restrict navigation within any channel or endanger any bridge.
 - F) 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.
 - G) 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.
12. The permittee shall have an inspector present on the dredging vessel at all times during dredging operations or in the alternative able to attest to the location of the dredging vessel at all times during the dredging operations. The inspector shall ensure that all permit conditions are obeyed during dredging operations. When the individual dredging project is completed, the inspector shall report on permit compliance and indicate whether any permit violations occurred. If any permit violations occurred, the inspector shall provide a complete written explanation of each violation.
13. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps Regulatory Division 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.
14. 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.

15. 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.
16. 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.
17. 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 Regulatory Division 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.

Disposal Operations

18. For this permit, the term **disposal operations** for a complete individual dredging project is defined as: the hydraulic pumping of dredged material from the dredging site and the placement of dredged material by pipeline at an approved disposal area and/or the transportation of dredged material from the dredging site to the nearshore disposal site, proper disposal of the dredged material at the disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.
19. Disposal of material under this permit is authorized only at the locations approximated on attached Plates 2-4 and 6, or at an appropriate upland location such that runoff from dewatering does not flow into any water of the United States.
20. Disposal of material dredged from the inner harbor shall be conducted below the mean high water line along the 2,500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being at least 300 feet away from the location at which the river flows into the ocean or in the 4,000 feet of nearshore area located approximately 1,000 feet south of the mouth of the Santa Clara River, or in three low spots within the harbor depicted on the attached drawings (Plates 2-6). The material to be dredged from the inner harbor and disposed

within the river mouth deposition area shall be discharged only during out-going tides or when the river flow, as measured in the vicinity of the Victoria Bridge, is 100 cubic feet per second or greater. The material to be disposed in the low spots within the harbor shall be discharged using a hydraulic pipeline placed in the bottom portion of the pits to minimize turbidity. However, if the permittee can demonstrate that this method would be infeasible, the permittee may request the Corps consider a different method of disposal within the low spots. A different method shall not be utilized without prior approval of the Corps.

21. If a hopper or clamshell dredge is used the permittee shall dispose the dredged material in the designated nearshore disposal area. The approximate location of the nearshore area is indicated on Plate 3. Prior to the disposal of any material in the nearshore disposal area, the corners shall be surveyed by the permittee and approved by the Corps. The permittee shall be responsible for marking the corners of the disposal area with approved buoys and making periodic inspections of the buoy locations. The dredge material shall be deposited in such a way as to create a berm approximately parallel to the shoreline. The mound shall be located in the center of the disposal site, between -15 and -30 feet MLLW contours. Disposal in the nearshore disposal area shall advance only when operational technique, under keel clearance or equipment considerations, will permit safe operations.
22. The permittee shall use a short- to medium-range electronic positioning system (EPS) or global positioning system (GPS) throughout disposal operations at the nearshore disposal site. The EPS or GPS must have a minimum accuracy and precision of +/- 16.5 feet (5 meters). The permittee shall ensure that the EPS or GPS shall be activated at least 1,000 feet from the disposal site when traveling, and shall not be deactivated until at least 1,000 feet from the site on the return trip. The permittee shall plot the continuous course of each disposal trip once inside the designated site. The permittee shall use latitude and longitude or UTM coordinates for all plots. The plot shall indicate the continuous course of the hopper dredge and/or disposal barge or scow, and the time and position of the hopper dredge or disposal barge or scow when disposal commenced and ceased.
23. Beach replenishment at all disposal areas shall not occur twenty-four (24) hours before the predicted start of the any grunion run after March 31 to September 1 of any given year, unless such discharge is approved in writing by the Corps after consultation with the California Department of Fish and Game. If disposal cannot be completed prior to the first predicted grunion run after March 31, a contingency plan shall be implemented as described below:
 - A) The zone of operations and impact shall not exceed 500 feet in width and shall be fixed for each dredging episode by the Corps in consultation with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the National Marine Fisheries Service.
 - B) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the mean-higher-high tide line.

- C) As the material deposited within the zone of operations accumulates, the discharge pipe shall be extended seaward. Lateral movement of the outfall shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such a location that dredged material remains within the 500 foot zone of operations.
 - D) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.
 - E) If upon inspection it is determined by the Corps that adverse impacts to grunion spawning are occurring as a result of the contingency plan, reasonable alternative disposal methods and/or remedial measures shall be evaluated by the Corps and implemented by the permittee at the Corps' direction.
24. The disposal pipeline shall not cross or disturb sand dunes.
25. The permittee shall not remove the onshore pipeline if:
- A) The onshore pipeline is in the vicinity of the California least tern nesting area from April 15 to September 1 and,
 - B) The onshore pipeline is not set back more than 25 feet from the mean high water line 24 hours before the start of the first predicted grunion run of March 31 to September 1.
26. A qualified specialist on Western snowy plover shall be retained to monitor the installation and removal of the discharge pipeline for impacts to this species. The monitor shall be present beginning two weeks prior to construction, throughout the dredge operation, and for two weeks after completion of dredging operations. A report on the monitoring shall be submitted to the Corps at the conclusion of these activities.
27. The deposition of dredged material in the least tern nesting area is prohibited.
28. Disposal operations within designated critical habitat of the Western snowy plover shall be limited to the period from October 15 to March 31 to avoid adverse effects to nesting Western snowy plovers and California least terns. However, disposal operations are allowable in the area extending 1,500 feet south of the harbor's south jetty from September 1 to October 15 of each given year because it is located outside designated critical habitat and would have no effect on plover or terns. To further ensure that the operations will have no effect on plover, the permittee shall limit the number of vehicle trips across the river mouth, or on the beach south of the estuary, to installation, emergency maintenance, and pipeline removal activities. The permittee shall also limit beach re-contouring to the footprint of the pipeline.
29. The captain of the hopper dredge shall ensure compliance with all disposal operation general and special conditions defined in this permit. If the captain detects any violation, s/he shall

report the violation to the permittee immediately. The permittee shall contact the Corps' Los Angeles District Office at (213) 452-3413 and EPA Region IX at (415) 744-1962 to report the violation within twenty-four (24) hours. The captain of the dredge covered by this permit shall monitor VHF-16 while conducting disposal operations.

Post-Dredging Completion Report

30. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division and NMFS (attention Bryant Chesney, Habitat Conservation Division, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213) 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) Actual start date and completion date of dredging and disposal operations.
 - C) Total cubic yards disposed at each disposal site.
 - D) Total area affected by dredging and disposal operations.
 - E) Mode of dredging.
 - F) Mode of transportation.
 - G) Frequency of disposal and plots of all trips to the nearshore disposal site.
 - H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to each disposal site.
 - I) Percent sand, silt and clay in dredged material.
 - J) 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 over-dredge depth shaded yellow, areas below over-dredged depth that were not dredged or areas that were deeper than the over-dredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the over-dredge 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 pre-dredging condition survey. The

survey shall be signed by the Permittee or duly authorized representative certifying that the data are accurate.

K) 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.

Inspections

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

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.


Richard Parsons
Ventura Port District

8/14/12
DATE

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


Antal Szijj
Senior Project Manager
North Coast Branch

8/13/12
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

