



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Catalina Express Federal Channel Project

Public Notice/Application No.: SPL-2013-00244-BLR

Project: Catalina Express Federal Channel Project

Comment Period: April 08, 2013 through April 22, 2013

Project Manager: Bonnie Rogers; 213-452-3372; Bonnie.L.Rogers@usace.army.mil

Applicant

Dennis Loput
The Abbey Company
14770 Firestone Blvd. #206
La Mirada, California 90638

Contact

Mark Hereford
Facilities Procurement and Development
Berth 95
San Pedro, California 90731

Location

Within the city of Long Beach, Los Angeles County, CA (at: 33.76007, -118.199879).

Activity

Remove an underwater shoal in the Federal Channel currently obstructing navigation for the Catalina Express (see attached drawings). For more information see page 3 of this notice.

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:

LOS ANGELES DISTRICT CORPS OF ENGINEERS
REGULATORY DIVISION
SPL-2013-00244-BLR
PO BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

Alternatively, comments may be sent electronically to: Bonnie.L.Rogers@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.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity may adversely affect essential Fish Habitat. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of EFH consultation for the proposed project. This notice initiates the EFH consultation requirements of the Act using General Concurrence (50 CFR 600.920(g)(2)). In order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: see project description on page 4&5 of this public notice.
2. On site inspection information: see baseline information on page 4 of this public notice.
3. Analysis of the potential adverse effects on EFH: The proposed project area is within the Federal Channel used for vessel navigation and is periodically dredged approximately every 3-5 years. This frequent dredging results in disturbance and removal of large quantities of sediment and therefore frequent effects to the area. The proposed project would relocate a small quantity of sediment (800 CY) into the Federal Channel which is subsequently expected to be dredged at a later date. Therefore, the proposed project would result in temporary and minimal adverse impacts to EFH.
4. Proposed minimization, conservation, or mitigation measures: See proposed mitigation information on page 5 of this public notice.
5. Conclusions regarding effects of the proposed project on EFH: Based on the project description and information provided by the applicant, the proposed project would result in disturbance of approximately 18,000 square feet of substrate. Based on the location, the affected substrate would

likely consist of only soft-bottom sediments, with little or no hard rock substrate, resulting in minimal effects to EFH.

Therefore, it is my initial determination the proposed activity may adversely affect, but would not, have a substantial adverse impact on EFH or federally managed fisheries in California waters. My final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If I do not receive written comments (regular mail or e-mail) within the 30-day notification period, I will assume concurrence by NOAA Fisheries that no mitigation measures are needed.

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 that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. 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 restore navigation within the channel directly north of the Queensway Bridge in Long Beach, through removal of an existing shoal (approx. 800 CY).

Additional Project Information

Baseline information- The Federal Channel of interest is located near Catalina Landing in Long Beach, California and is dredged by the Corps periodically. On January 30, 2013 a Bathymetry Survey was conducted by Gahagan and Bryant Associates Inc. revealing that a shoal has accumulated within the Federal Channel to a depth of approximately -9.9 feet below sea-surface (MSL). The Federal Channel is located near Catalina Landing, a ferry business that transports

passengers to and from Catalina Island. The shoal is an obstruction to navigation. Because no dredging at this location is currently planned by the Corps and the shoal creates a navigational hazard, the applicant has proposed to relocate the sediment shoal to maintain navigation and business.

The project was reviewed by the Dredge Materials Management Team March 27, 2013 at the Army Corps of Engineers Los Angeles District and all agencies agreed no sediment testing, nor Sampling and Analysis Plan (SAP), would be required for this project.

Project description- The proposed project would use a drag beam connected to a derrick and barge to move the drag beam across the top approximately 1 foot of sediment to reduce the height of the sediment build-up. The area is approximately 120 feet by 150 feet (18,000 sq.ft.; 0.41-acre), estimated to be 800 cubic yards of silt and sand. The drag beam would pull the sediment about 200 feet southeast into a deeper region (-14.5-ft) of the Federal Channel. Removal of the sediment would increase the channel depth to approximately -10.9-ft. Work is expected to last no more than 3 days from start to finish.

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: Only the immediate area of sediment accumulation would be displaced.

Minimization: The proposed sediment displacement project would move sediment into an existing Federal Channel resulting in temporary impacts. In addition the Federal Channel is expected to be dredged in the future.

Compensation: Given the project would result in only temporary impacts and would not affect any special aquatic sites or other valuable habitat, no compensatory mitigation is proposed.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects: No Special Conditions are proposed at this time.

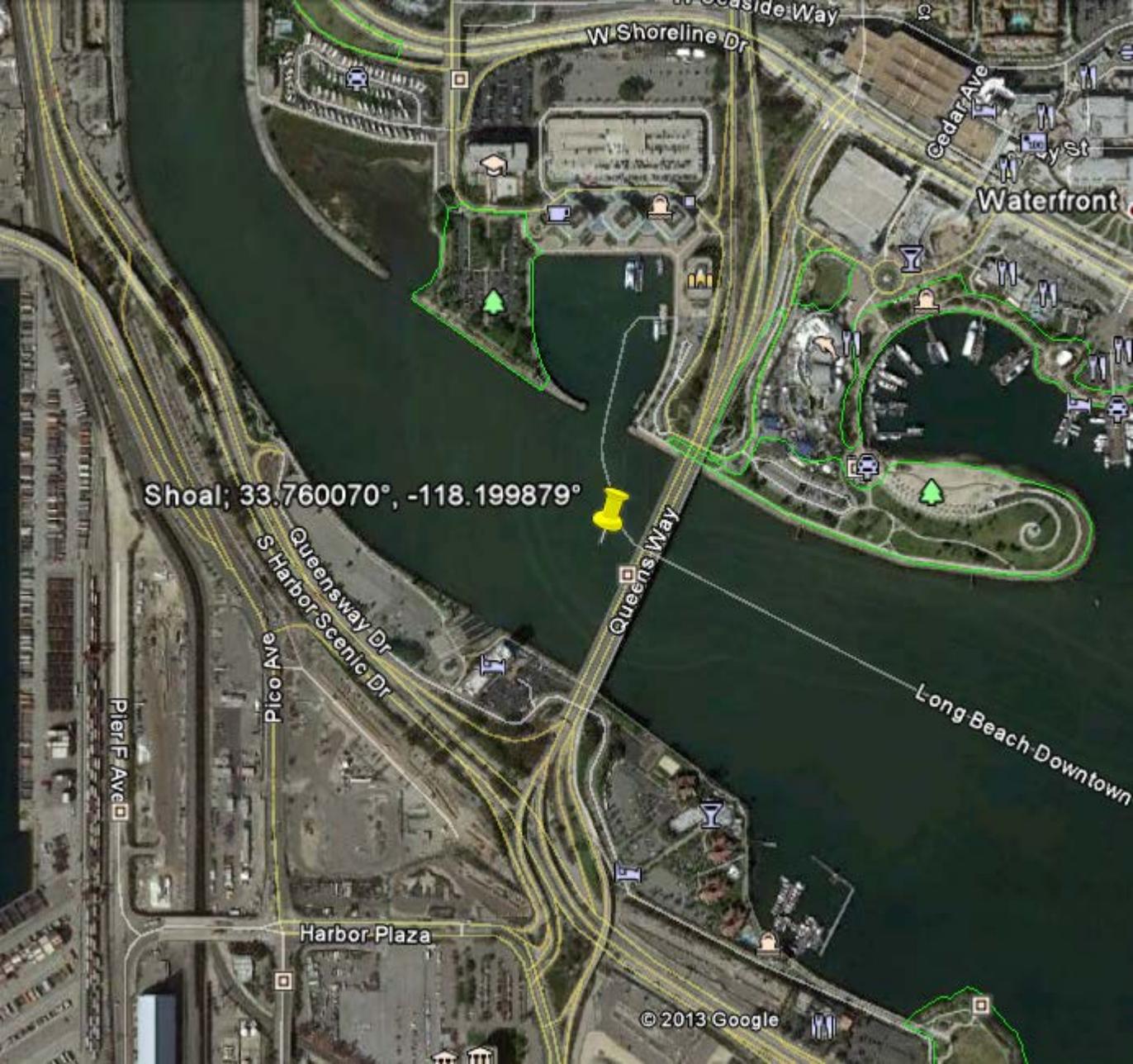
For additional information please call Bonnie Rogers of my staff at 213-452-3372 or via e-mail at Bonnie.L.Rogers@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT
PO BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325
WWW.SPL.USACE.ARMY.MIL



Shoal; 33.760070°, -118.199879°

W Shoreline Dr

W Occaside Way

Cedar Ave

Waterfront

Queens Way

Queensway Dr
S Harbor Scenic Dr

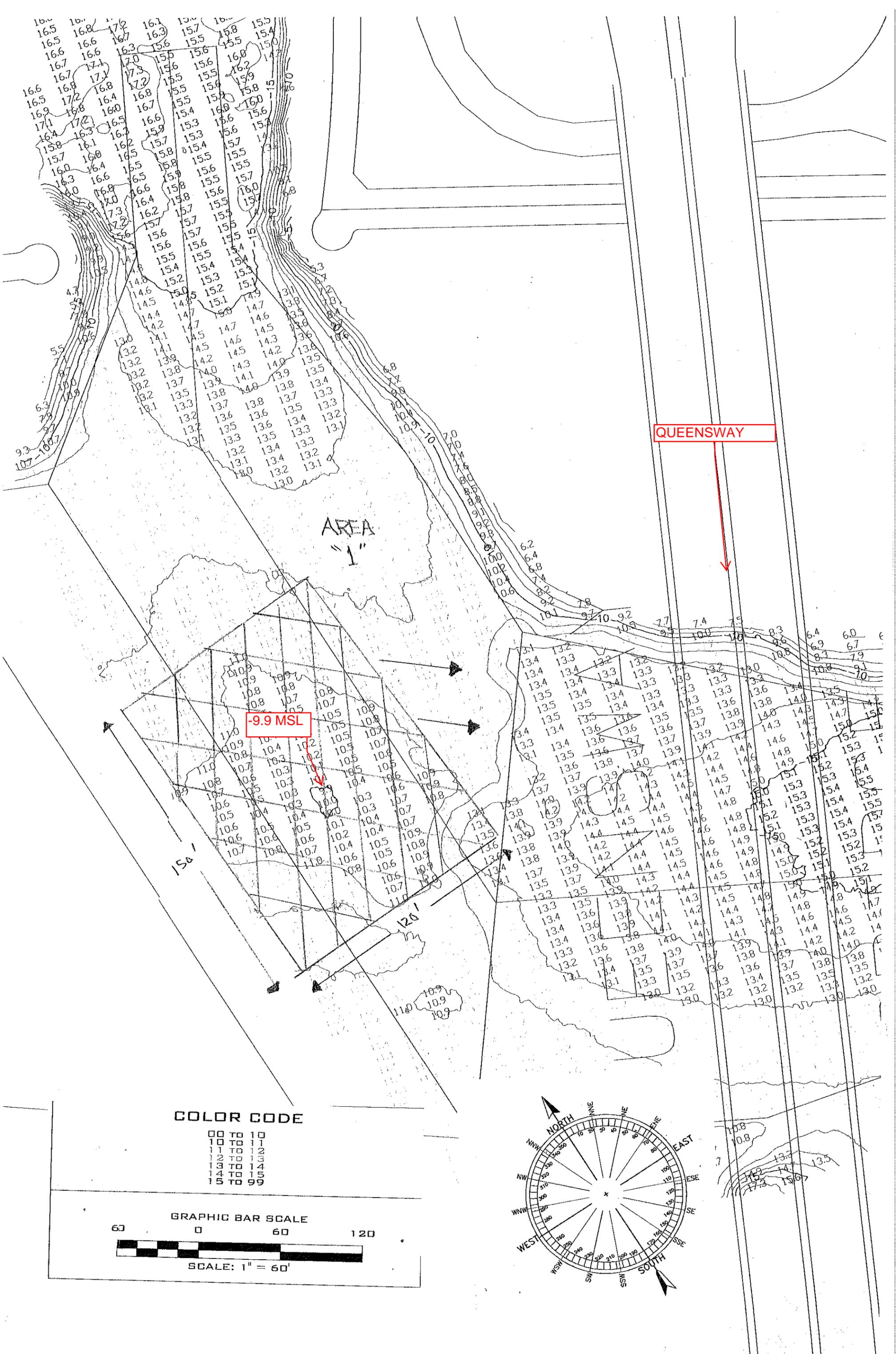
Pier F Blvd

e/N Blvd

Harbor Plaza

Long Beach Downtown

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-9.9 MSL

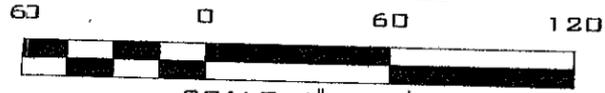
QUEENSWAY

AREA "1"

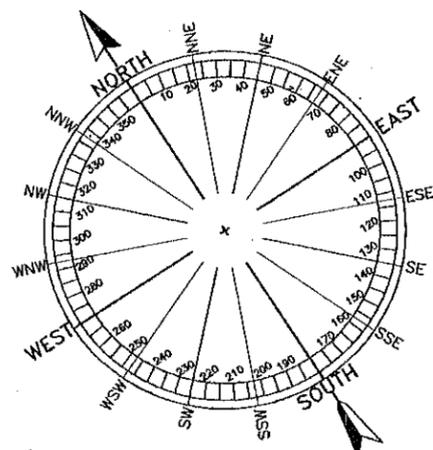
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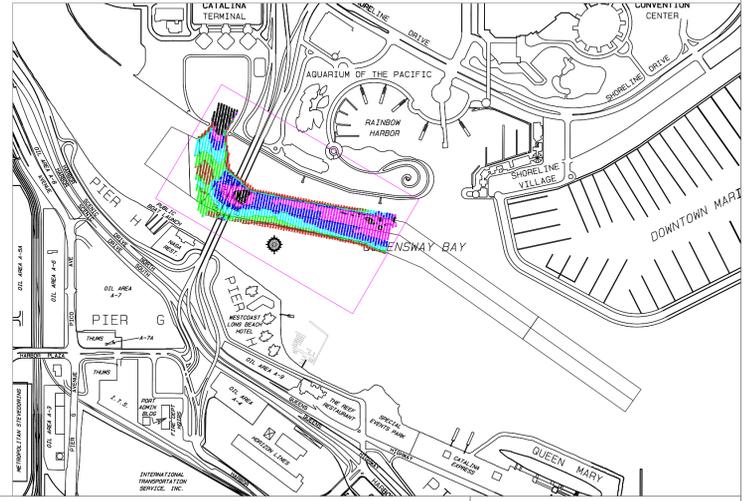
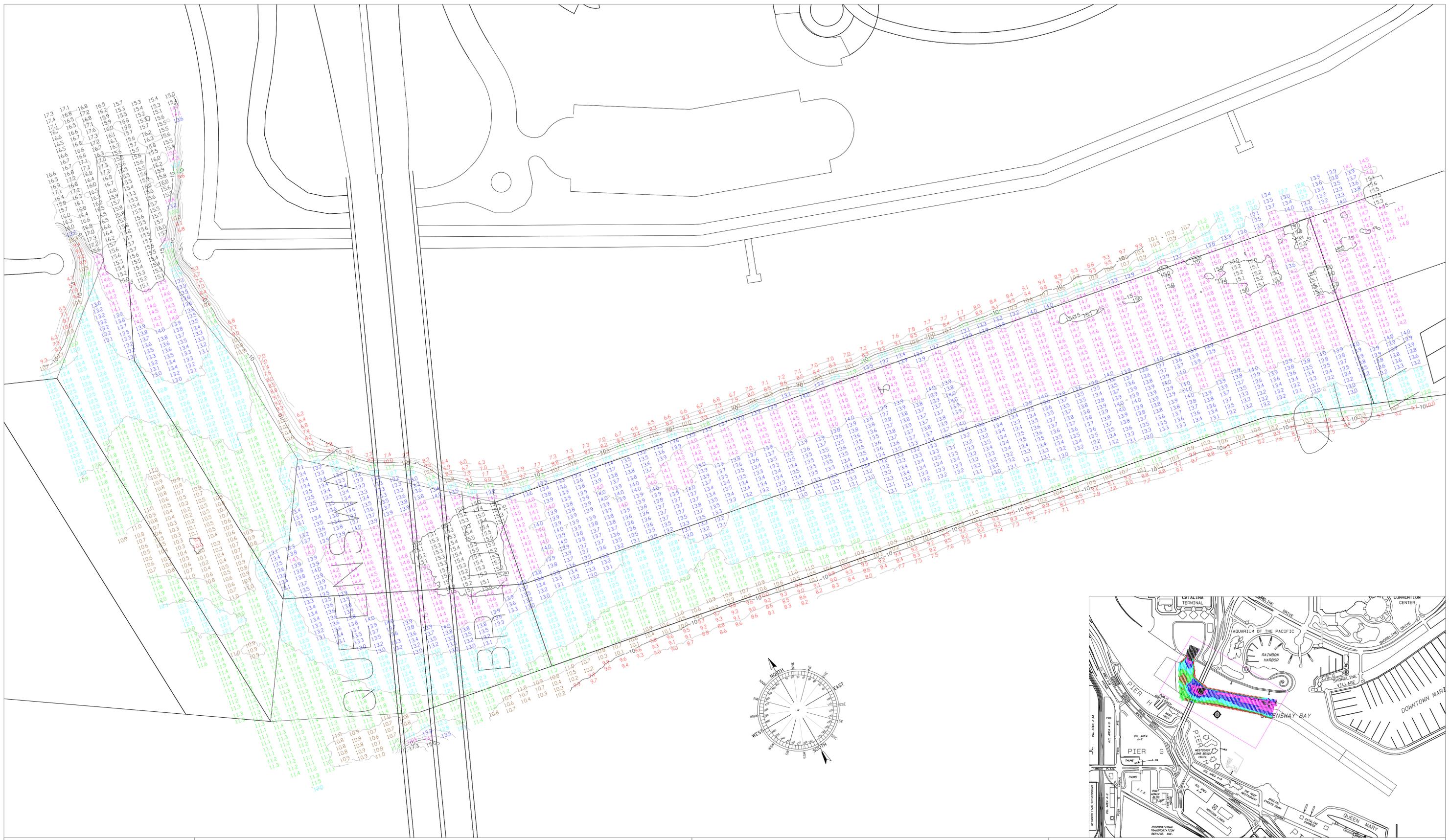
- 00 TO 10
- 10 TO 11
- 11 TO 12
- 12 TO 13
- 13 TO 14
- 14 TO 15
- 15 TO 99

GRAPHIC BAR SCALE

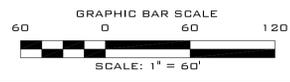


SCALE: 1" = 60'





COLOR CODE
 00 TO 10
 10 TO 12
 13 TO 14
 15 TO 99



LOCATION: LA RIVER AREA 1 TO 3
CONDITION SURVEY - BATHYMETRIC PLOT

SURVEY FOR: THE ABBEY CO.
SURVEY BY: GAHAGAN & BRYANT ASSOCIATES, INC.
SURVEY DATES: JAN 30, 2013
PLOT DATE: JAN 31, 2013

NOTES:

1. SURVEY VESSEL: "WALTER G"
2. SURVEY EQUIPMENT:
 HORIZONTAL: TSS POS/MV.
 VERTICAL: RESON SEABAT 8101.
3. SOUNDING ARE MEASURED IN FEET AND TENTHS AND REFER TO 1983 - 2001 AS DETERMINED FROM BENCHMARK "TIDE GAGE", ELEVATION 13.63' MLLW.
4. THE STATIONING AND HORIZONTAL POSITION ARE BASED ON STATE PLANE COORDINATES REFERENCED TO NAD 83 CALIFORNIA ZONE 5 IN FEET.

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

PERMITTEE: _____ **SPECIFICATION NUMBER:** _____