STATE OF CALIFORNIA -- THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
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STAFF REPORT AND RECOMMENDATION

ON CONSISTENCY DETERMINATION

Consistency Determination No.	**CD-005-97**
Staff:	JRR-SF
File Date:	1/13/97
45th Day:	2/27/97
60th Day extended to:	5/23/97
Commission Meeting:	5/16/97

FEDERAL AGENCY: CORPS OF ENGINEERS

DEVELOPMENT LOCATION: Los Angeles River Estuary, City of Long Beach (Exhibit 1)

DEVELOPMENT DESCRIPTION: Maintenance dredging of existing navigation channel with disposal of contaminated material in a previously excavated borrow pit located at the mouth of the Los Angeles River, City of Long Beach (Exhibit 2)

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Assessment for Los Angeles River Estuary maintenance dredging and disposal demonstration site, Long Beach California, Department of the Army, Corps of Engineers, January 1997.

2. Los Angeles River Estuary Navigation Channel Alternatives, Moffatt & Nichol Engineers, November 29, 1996.

3. Consistency Determination, CD-043-95, dredging and disposal of Los Angeles River navigational channel sediment by the U.S. Army Corps of Engineers.

4. Coastal Development Permit, 5-96-231, modifications to the former Naval Station Long Beach for the development of Pier T by the Port of Long Beach.

5. Analysis of Marine Sediment Samples from the Los Angeles River Estuary Borrow Pit and Pier J Access Area Long Beach Harbor, California, April 1997.

6. Hydrographic and Sediment Profile Imaging Investigation Report Long Beach Harbor, California, March and April 1996.

EXECUTIVE SUMMARY

The Corps of Engineers proposes dredging approximately 100,000 cubic yards of sediment from the Los Angeles River Estuary navigational channel. The Corps limits the dredge area mostly to that portion of the channel upstream from the Queens Way Bridge. The dredging is necessary to maintain the existing navigation channel and reduce the possibility of its closure from shoaling associated with storm events. The Corps proposes to dispose of that material in a previously excavated "borrow pit" within the Los Angeles River estuary.

The Corps' analysis of the sediment in the Los Angeles River channel concluded that the area proposed for dredging contains elevated levels of heavy metals, phthalates, and PAHs. However, the concentration of pollutants in the sediment is low enough to characterize it as mildly contaminated. The material may even be clean enough for unconfined open ocean disposal at LA-2, the EPA designated ocean disposal site. However, the Corps has not conducted the appropriate toxicity tests that would allow that type of disposal.

Since its original submittal, the Corps has amended its consistency determination to provide additional analysis of project alternatives, engineering, and disposal site characterization. The additional information supports the conclusion that the upland site is not a feasible alternative because the Port of Long Beach and the Corps of Engineers have approved development plans for that site. The Corps has also eliminated other alternatives such as other upland sites, LA-2, and beach disposal because they are either not feasible or more environmentally damaging.

In addition, to providing the requested information, the Corps has revised its project based on updated engineering, disposal site characteristics, and sediment chemistry. In developing the revised project, the Corps coordinated with the Los Angeles Basin Contaminated Sediment Taskforce. The revised project provides for dredging the upper

portion of the Los Angeles River Channel and disposal of 100,000 cubic yards of sediment Los Angeles River Borrow Pit. The project no longer includes capping of the disposal mound. The Corps believes that capping is no longer necessary because the disposal site is in the same vicinity (Los Angeles River estuary) as the dredge site, the sediment in the disposal site is physically and chemically similar to the material proposed for dredging, and the pit is functioning as trap for contaminated material discharged from the Los Angeles River. The revised project also includes an evaluation of the borrow pit as a sediment trap to provide information to support preparation of a Contaminated Sediment Management Strategy by the Los Angeles basin Contaminated Sediment Taskforce.

As modified, the proposed project will not significantly affect water quality or marine habitat. In addition, the proposed disposal site evaluation would provide the region with valuable information allowing for improved water quality in the long term. Therefore, the proposed project is consistent with the marine resource and habitat policies of the California Coastal Management Program (CCMP).

The dredging is necessary to protect recreational boating activities located in Queens Way Marina. Those recreational boating activities include the Catalina transport, whale watching, sports fishing, recreational diving, and small craft recreational boats. The channel shoaling interferes with boating and the dredging would correct the problem. Therefore, the project protects recreational boating in a manner consistent with the CCMP.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The Corps proposes maintenance dredging of a navigation channel within the Los Angeles River estuary to allow for unobstructed passage of vessels in and out of Queens Way Marina. The Corps proposes to dredge approximately 100,000 cubic yards of sediment from the upper portion of the Los Angeles River navigation channel, starting upstream from the area just east of the Queens Way Bridge into the entrance of the marina. The Corps will use a hopper dredge, cutterhead/pipeline, and/or a clamshell/barge to accomplish the dredging.

The Corps proposes to dispose of the dredged material in the Los Angeles River borrow pit offshore of the Downtown Shoreline Marina, within the Los Angeles River estuary. This site has a remaining disposal capacity of approximately 900,000 cubic yards and can accommodate the materials from this project. The disposal site is approximately 30 feet deeper than the surrounding area, and the Corps will fill it to no higher than -40 feet

MLLW. The Corps expects the material to remain confined because of the borrow pit's depth and the expected currents of this area.

This project includes an evaluation of the disposal site to determine its effectiveness as a sediment trap. The Corps proposes to work with the Los Angeles Basin Contaminated Sediment Taskforce to develop the evaluation and proceed with the study, provided its scope is within the Corps' budgetary constraints.

II. Status of Local Coastal Program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the CCMP, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has incorporated the Long Beach LCP into the CCMP.

III. Federal Agency's Consistency Determination.

The Corps of Engineers has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Staff Recommendation:

The staff recommends that the Commission adopt the following resolution:

A. Concurrence.

The Commission hereby **concurs** with the consistency determination made by the Corps of Engineers for the proposed project, finding that the proposed project is consistent to the maximum extent practicable with the California Coastal Management Program.

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Background. In 1995, the Corps dredged the Los Angeles River estuary navigational channel and placed the sediment in a borrow pit created during construction

of one of the offshore energy islands (Island Grissom). This borrow pit is located at the mouth of the Los Angeles River (Exhibit 2). The Corps conducted the dredging pursuant to its emergency authority, which allows the Corps to exempt itself from complying with environmental regulations, including the National Environmental Protection Act, the Clean Water Act, and Coastal Zone Management Act. The Corps complied with these laws after completion of the project, including the submittal of an after-the-fact consistency determination (CD-43-95). Through its permit process, the Corps required the Port of Long Beach to use material from its dredging project as a cap of clean sediment over the contaminated material removed from the Los Angeles River estuary navigational channel.

At the request of EPA, the Corps agreed to collect samples of the sediment during the dredging. The chemical analysis of that sediment occurred after completion of the dredging. The results of those tests indicate that the sediment had elevated levels of contaminates. In response to concerns raised by EPA, the Corps agreed to place a clean sediment cap on top of the disposal site. Concurrent with that decision, the Port of Long Beach was seeking approvals for its dredging operation (CC-41-95 and 5-95-111). The Corps decided to use sediment from that project to place a temporary cap over the contaminated sediment. The Commission staff raised concerns about this concept, because the cap thickness, 1.75 to 5 feet, may not be enough to fully isolate the contaminated material and the grain size of the cap material may be too small to assure its permanence. Additionally, the Corps had not conducted any of the studies necessary to assure that it designed the cap to isolate the sediments from disturbance associated with ocean currents, wave energy, Los Angeles River flood flows, or benthic infauna (burrowing organisms).

Because of Commission concerns, the Corps, EPA, and the Commission staff negotiated modifications to that project. Those modifications included placement of a temporary cap, monitoring it, and designing a permanent contained aquatic disposal site at this location. The Corps agreed to submit a new consistency determination for the permanent contained aquatic disposal site within three years (Exhibit 3).

In January of this year, the Corps submitted a consistency determination for the currently proposed dredging. That project included dredging of the entire channel with disposal within the Los Angeles River borrow pit. The Commission staff recommended objection to this project because the consistency determination lacked information on the quality of the sediment proposed for dredging, the feasibility of an identified upland site near the channel, and environmental and engineering characterization of the disposal site. In addition, Commission staff's recommended objection because the project did not include an absolute commitment to cap the contaminated sediment, adequate monitoring, and water quality protection from the dredging and disposal operations.

Based on Commission staff concerns, the Corps postponed Commission review of this project twice to gather the requested information, evaluate the new data, and consider project changes. After an evaluation of the new information, the Corps no longer believes that the disposed dredged material requires capping. The Corps made that project change, because the disposal site is in the same vicinity (Los Angeles River estuary) as the dredge site, the sediment in the disposal site is physically and chemically similar to the material proposed for dredging, and the pit is functioning as trap for contaminated material transported by the Los Angeles River. The revised project also includes an evaluation of the borrow pit as a sediment trap to provide information to support preparation of a Contaminated Sediment Management Strategy by the Los Angeles basin Contaminated Sediment Taskforce.

B. Marine Resources. Section 30230 of the Coastal Act provides:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act provides:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act provides that:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:...

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

1. Sediment Characterization. The Corps proposes to maintain a portion of the existing navigational channel within the Los Angeles River estuary and to dispose of the dredged material in an area, at the mouth of the Los Angeles River, historically excavated for the creation of an energy island. The Corps recently tested the material to determine its effect on water quality resources. The Corps' data indicates that the sediment has elevated levels of some heavy metals, phthalates, and PAHs. The concentration of these contaminates are higher than the National Oceanic and Atmospheric Administration's (NOAA) ER-L level (Effects Range-Low, Long, 1995), but lower than NOAA's ER-M (Effects Range-Median). The ER-L is the level of concentration of a contaminate in the sediment that has **possible** biological effects and the ER-M is the level of contaminate concentration that has **probable** biological effects.

Generally, the level of contaminates in the Los Angeles River dredge sediment are above to the ER-L level, but **do not** exceed the ER-M levels. Additionally, in comparison to the existing sediment in the disposal site, the proposed dredged material is similar in grain size and types and concentrations of contaminates.

Even with this information, it is difficult for the Commission to evaluate the biological effects from disposal of this sediment. In order to fully address this impact, the Corps would have to conduct bioassay and bioaccumulation tests. These tests would provide data on the biological availability and toxicity of the material. Based on the bulk chemistry data, the Commission believes that it is possible that the material would pass such tests. However, without such tests, the Commission cannot make that conclusion. The Commission can conclude that there are possible biological effects from the contaminates based on a comparison to NOAA's ER-L level and that those effects would be similar to existing effects from sediment naturally deposited in the pit.

2. Dredge and Fill Projects. Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) an allowable use test; (2) an alternative test; and (3) a mitigation test.

a. Allowable Use. Since the project restores previously dredged depths of the navigation channel, it complies with the first test because maintenance dredging of existing navigation channels is an allowable use for dredging and filling.

b. Alternatives. In evaluating the proposed project, the Corps considered several alternatives: no project alternative, beach or nearshore disposal, LA-2 disposal, port landfill construction, and upland disposal. The Corps rejected the no-project alternative because it would not benefit recreational boating resources in the area. The Corps rejects both the beach nourishment and port land fill alternatives, because the material is predominately silt and clay and would not be suitable for either beach nourishment or land creation. The Corps' bulk sediment testing contains data on the physical characteristics of the sediment and supports this conclusion. Therefore, the Commission finds that this alternative is not feasible.

The Corps initially rejected the upland disposal alternative because of costs. However, the Corps did not provide any information to support this conclusion. In order to address Commission staff concerns, the Corps provided new information and concluded that the upland alternative is not feasible because the City of Long Beach proposes to construct a boat launch facility at that location. The facility is mitigation required in a Commission approved coastal development permit for the modification to the Queens Way Marina. Additionally, both the Port of Long Beach and the Corps of Engineers have approved permits for the new boat launch. Therefore, the Commission agrees that this site is not available for disposal of dredged material.

Regarding disposal at the EPA designated ocean disposal site, LA-2, the Corps rejects the alternative because the dredged material has elevated levels of contaminates and may not be suitable for ocean disposal. However, the Corps has not completed the toxicity testing required to support such a conclusion. Based on bulk sediment tests for this channel, the Commission agrees that the material contains elevated levels of contaminates, but, as stated above, the sediment may pass the necessary biological tests. Even though the feasibility of this alternative remains uncertain, the proposed disposal project is not likely to have significant effects. Based on engineering and environmental data supplied by the Corps, the borrow pit appears to be a depositional site capturing sediment from the Los Angeles River. The Corps recently conducted sediment profiling imaging and bathymetry of the borrow pit and concluded that the borrow pit is depositional. Additionally, sediment chemistry from the borrow pit shows that material within the pit is physically and chemically similar to the material within the Los Angeles River navigational channel. Since coastal processes naturally transport the sediment in the river to the borrow pit, the contaminates already affect water quality and habitat values of the pit. Since the disposal of the proposed dredged material is chemically similar to sediment in the borrow pit, there would be no new effect on coastal resources. In addition, the water quality and habitat

impacts from contaminates in the pit are not significant, because their concentration is relatively low. In conclusion, the Commission agrees that the effects from the project are not significant enough to warrant objection to the project because of lack of testing for disposal at LA-2.

c. Mitigation. Regarding the third (mitigation) test, the Corps proposes to mitigate potential impacts from the proposed dredging and the disposal. The potential impacts include degradation of water quality from re-suspension of sediment and pollutants and from disposal of contaminated sediment into the marine environment, and impacts to marine benthic organisms.

The Commission does not expect impacts to the benthic habitat to be significant. The project will disturb benthic resources at both the dredge and disposal sites. However, within a short time, these organisms will re-colonize the areas. Additionally, benthic resources in the borrow pit are in a degraded state because of the continuous natural deposition of large amounts of material, making it difficult for benthic resources to become established.

The Corps proposes to mitigate impacts to water quality by requiring its contractor to monitor turbidity and mitigate it, if turbidity, at either the dredging or disposal sites, increases to 20 percent over background. This type of mitigation is not normally adequate for dredging contaminated material, because it allows for a degradation of water quality. Contaminates bind to small-grained particles and those particles are easily re-suspended during the dredging operation. This fine-grained material also remains in suspension longer than heavier grained material and may drift far off site. In past projects, the Commission has required the use of silt curtains, environmentally sealed clamshell buckets, or other appropriate technologies when projects involve dredging of contaminated material. For example, the Commission required (and the Corps agreed to) similar modifications to the Marina del Rey dredging project (CD-088-94). The Commission also imposed similar requirements on the Port of Long Beach's recent "Pier T" dredging project (5-96-231).

With respect to this project, however, the contamination level in the dredge sediments is not very high. As described above, the concentration of contaminates are above the ER-L level, which indicates that the sediment **may** have a biological effect. However, the levels are below the ER-M level, which is the level that the contaminates **are likely** to have a biological effect. Because of the low level contamination of this material, the Commission finds that the water quality mitigation proposed by the Corps will adequately address the potential impacts from re-suspension of contaminates.

In its initial submittal, the Corps proposed to mitigate impacts to water quality and habitat resources from the disposal of contaminated sediments through the placement of a clean-

sediment cap over the contaminated material. However, after evaluating additional information, the Corps concluded that capping the proposed dredged material is unnecessary. As described above, dredged material is physically and chemically similar to naturally deposited sediments in the borrow pit. Additionally, the borrow pit appears to function as a trap for sediment transported from the Los Angeles River. The effectiveness of a cap in this borrow pit is questionable because contaminated material transported down the Los Angeles River and deposited in the pit would cover the cap and expose marine organisms to pollutants at a level similar to the material contained by the cap. An example of this process is the 0.7 feet of contaminated material that covers the cap placed over the material disposed during the 1995 emergency project. Based on this information, the Commission, at this time, agrees with the Corps' conclusion not to cap the material disposed from this project. However, the Commission has concerns that future monitoring and studies may provide evidence that capping of contaminates in the borrow pit may be needed. If necessary, the Commission will evaluate this issue through the Corps' agreement for future consistency review of a permanent cap over the material deposited from the 1995 emergency project (Exhibit 3).

Since its initial submittal, the Corps provided the Commission with additional information regarding the environmental characteristics of the borrow pit. As described above, this information indicates that the borrow pit functions as a sediment trap for the Los Angeles River. This new information raises a new mitigation issue and an opportunity for the project to benefit marine resources. As a sediment trap, the borrow pit may enhance the water quality of the marine environment by capturing contaminated sediment. Although there is not enough information to determine the value of the borrow pit as a sediment trap, the Commission believes that the proposed project will utilize capacity of the borrow pit, and thus, reduce its value. This capacity would otherwise capture contaminates transported from the Los Angeles River, and possibly reduce the water quality impacts from those pollutants.

To address this concern, the Corps has agreed to coordinate with the Contaminated Sediment Taskforce and develop and implement a study evaluating the effectiveness of the borrow pit as a sediment trap. Since the Taskforce has not yet determined the scope of the study, the Corps limits its commitment by its "budgetary constraints" (Exhibit 4). Despite this qualification, the Commission believes that the study will provide relevant information that will ultimately benefit the water quality and marine resources of the region and further the goals of the Contaminated Sediment Taskforce. Normally, the Commission would not accept a study as sole mitigation for a resource impact. In this case, however, the resource value, the borrow pit, functioning as a sediment trap, has not been verified, and the Commission concern at this point is speculative. Additionally, even if the Commission can document the resource value of the pit, the risk from this project is relative minor. The borrow pit has an existing capacity of approximately 900,000 cubic yards and this project, 100,000 cubic yards, would use approximately one ninth of that capacity. Therefore, the

Commission finds that the study, in providing information on the effectiveness of this sediment trap, will mitigate for any potential minor resource impacts associated with disposal of dredged material in the borrow pit.

3. Conclusion. In conclusion, the Commission finds that the proposed maintenance dredging is an allowable use. Additionally, the Commission finds that the proposed project is the least damaging feasible alternative and will adequately mitigate any adverse effects to water quality and marine resources of the coastal zone. Therefore, the Commission finds the project consistent with marine resource and water quality policies of the CCMP.

C. Recreational Resources. Section 30210 of the Coastal Act provides, in part, that:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30220 of the Coastal Act provides that:

> *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30224 of the Coastal Act provides, in part, that:

> *Increased recreational boating use of coastal waters shall be encouraged....*

This portion of the Los Angeles River provides access to Queens Way marina, which supports recreational boating activities. The land use plan (LUP) for the City of Long Beach describes the area as follows:

> *The existing uses in this area shall remain. These are the Catalina Cruises terminal and parking lot, the City Recreation Department, the California Department of Fish and Game, the headquarters of the State University and Colleges (Chancellor's office), and the Golden Shore small boat launch ramp.*

> *Permitted new uses are tour boats, marina-related activities, water recreation activities, recreation vehicle park, and office uses for marine oriented public agencies and activities.*

In addition, according to the environmental assessment for the emergency dredging, the Queens Way marina provides for berthing for other recreational charters including whale watching, scuba diving, sports fishing, and harbor tours. The recreational boating uses in this area are clearly a significant coastal resource. Shoaling in the river channel adversely affects this resource by interfering with boat traffic in and out of the Queens Way marina. The proposed project will remove those shoals, and restore recreational boating activities to this area. Therefore, the Commission finds the project consistent with the recreational boating policies of the CCMP.

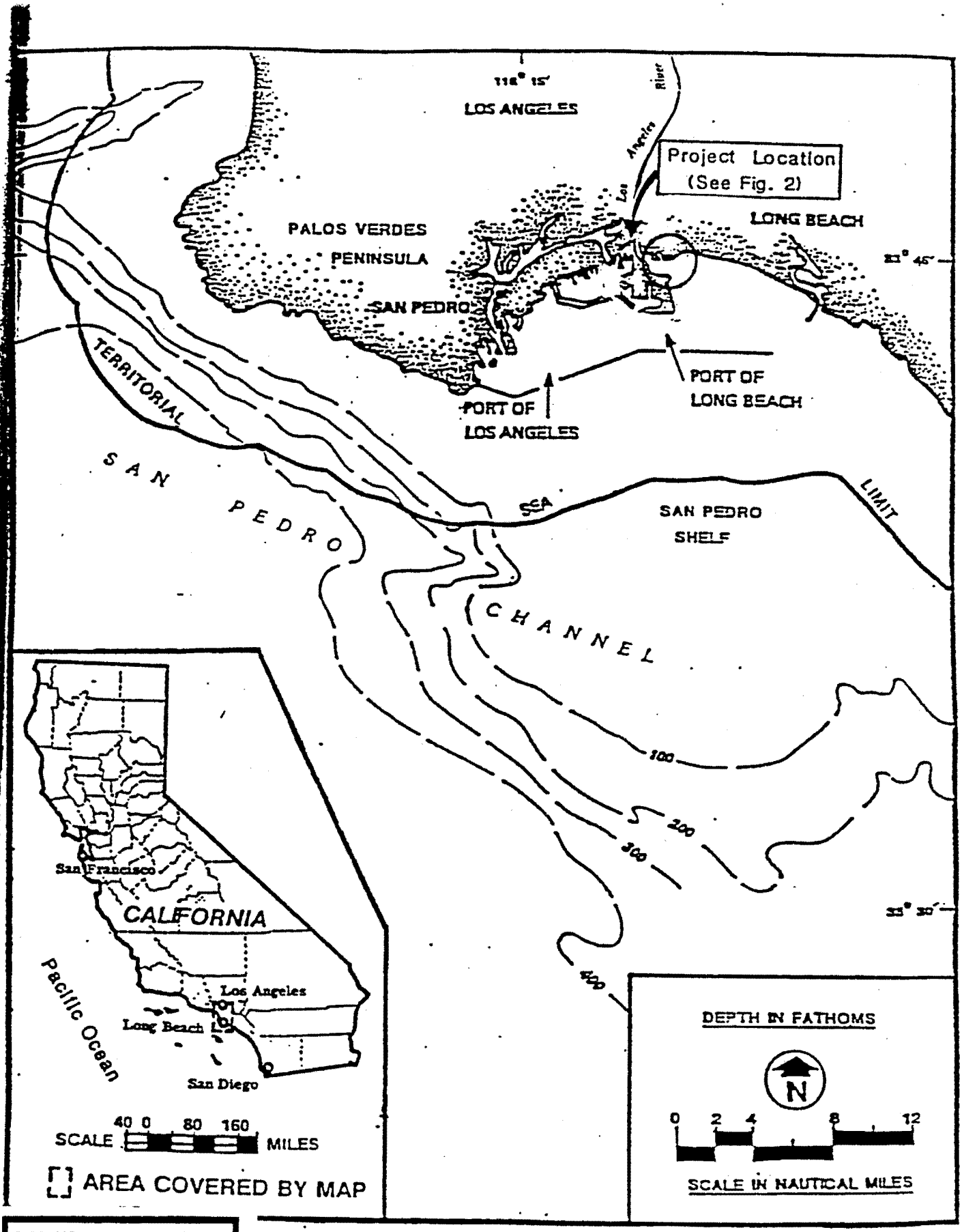

EXHIBIT NO. 1
APPLICATION NO. CD-005-97

PROJECT VICINITY

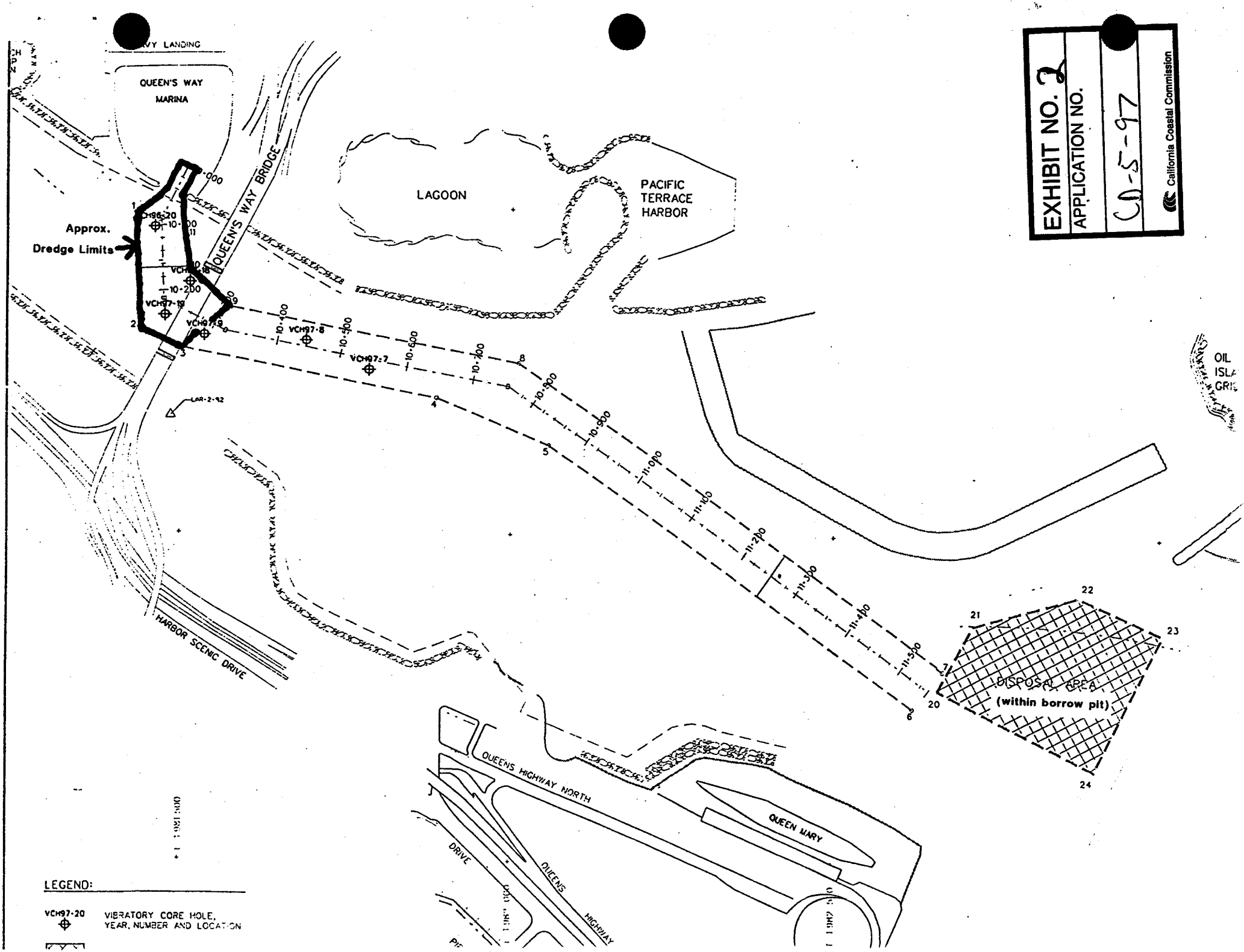
EXHIBIT NO. 2
APPLICATION NO.
CD-5-97
California Coastal Commission
QUEEN'S WAY MARINA
QUEEN'S WAY BRIDGE
LAGOON
PACIFIC TERRACE HARBOR
Approx. Dredge Limits
VCH97-20
VCH97-19
VCH97-9
VCH97-8
VCH97-7
HARBOR SCENIC DRIVE
QUEENS HIGHWAY NORTH
QUEEN MARY
DISPOSAL AREA (within borrow pit)
LEGEND:
VCH97-20 VIBRATORY CORE HOLE, YEAR, NUMBER AND LOCATION

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO ATTENTION OF:

June 30, 1995

Office of the Chief
Environmental Resources Branch

EXHIBIT NO. 3
APPLICATION NO. CD-005-97
2 pages

Mr. Peter Douglas
Executive Director
California Coastal Commission
45 Freemont, Suite 2000
San Francisco, California 94105-2219

Dear Mr. Douglas:

The Corps of Engineers (Corps) performed emergency maintenance dredging of 300,000 cubic yards from the Los Angeles River Estuary during February and March, 1995. All dredge sediments were disposed into an aquatic borrow-pit located immediately downstream of the dredge site. Chemical analysis of sediment samples obtained prior to dredging indicates that some of this material is contaminated. As requested by Mr. James Raives of your staff, this letter provides additional information regarding the Corps' proposed capping operation at the borrow pit. This information supplements the June 16, 1995 letter and memorandum amending the May 1995 Environmental Assessment (EA) and Consistency Determinations (CDs) prepared for this project, and for the Los Angeles Harbor Maintenance Dredging Project.

Additional information must be acquired before the Corps can fully assess the value of this capping operation as a permanent solution to isolate potentially contaminated sediments in the borrow pit. We therefore request that the Commission approve this project as a temporary solution to improve existing conditions while this information is being obtained. The Corps will submit a new CD within three years and either: (1) provide data to demonstrate that the cap is expected to perform adequately as a permanent solution, or (2) submit a proposed design for a new cap or an alternative solution. If it is determined that the temporary cap is not adequate, and additional data are required to appropriately design a permanent cap, then the Corps may request an extension of the three-year permit.

Data gathered over the next three years will include results from detailed bathymetric monitoring of the temporary cap. This monitoring will be conducted at least once a year (after the winter storm season). Biannual monitoring will occur whenever funds are available. Bathymetric monitoring would detect the noticeable changes in the

bottom profile, which will lead to detecting movement of the cap or the original disposal mound. The Corps also plans to install current meters within the vicinity of the borrow pit to measure the intensity of forces that could potentially cause the cap to migrate.

Materials dredged from the Port of Long Beach (POLB) and/or the Port of Los Angeles are proposed to be used to form a cap in the borrow pit. The Long Beach material includes clay that could form clumps during dredging, adversely affecting the capping operation. The Corps would, therefore, require the POLB to instruct its contractor to pulverize any clumps of clay prior to disposal in the borrow pit.

Some of the material deposited in the borrow pit last March formed a mound that extends to the top of the pit. This material is still at a minimum depth of -38 Mean Lower Low Water (MLLW). Some agencies have expressed concern, however, that this material, as well as the cap that would cover it, is more likely to migrate or become resuspended than material within the confines of the pit. To reduce this possibility, the Corps will either: (1) ask the POLB to include a "knock-down" operation in its specifications or instructions to the dredging contractor, or (2) inquire whether the City of Long Beach has the necessary equipment to push the mound into the borrow pit, and if so, request that they perform this operation.

If you have any questions or concerns regarding the proposed revisions, please respond as soon as possible so we can resolve any issues before the July 11-14 Coastal Commission hearing. You may contact Ms. Hayley Lovan, Environmental Coordinator, Environmental Resources Branch, at the above address, or at (213)894-0237.

Thank you for your attention to this document.

Sincerely,

Robert S. Joe
Chief, Planning Division

Copy Furnished:

Environmental Protection Agency
California Regional Water Quality Control Board (Los Angeles Region)

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

April 22, 1997

Office of the Chief
Environmental Resources Branch

EXHIBIT NO. 4
APPLICATION NO.
CD-5-97
California Coastal Commission

Mr. Peter Douglas
Executive Director
California Coastal Commission
ATTN: Mr. James Raives
45 Fremont Street, Suite 2000
San Francisco, California 94105

Dear Mr. Douglas:

This letter modifies the U.S. Army Corps of Engineers Consistency Determination (CD) for the Los Angeles River Maintenance Dredging and Disposal Demonstration Site Project (CD-005-97), by withdrawing the original proposal to cap sediments deposited in the Los Angeles River borrow pit. The Corps still proposes to dredge approximately 100,000 cubic yards of material. This material will be dredged from the Los Angeles River estuary, near Queen's Way Marina, and disposed within the borrow pit "uncapped". This decision is based on chemical test results which were not finalized at the time of the original proposal to cap. Based on these results (previously provided to your staff), it has been determined that the level of contamination present in the proposed dredge material is similar to that in the borrow pit. Therefore, it is the Corps determination that confinement of this material within the borrow pit without a "clean" cap would not have an adverse impact on the surrounding environment (borrow pit or estuary).

As suggested by Mr. James Raives of your staff, the Corps will commit to studying the effectiveness of the borrow pit as a sediment trap. It is the Corps' intention to develop a detailed plan of study. The study will be developed in consultation with the Contaminated Sediment Task Force, Technical Advisory Committee (CSTF/TAC) by mid-August, 1997. The scope of the proposed study will be subject to the Corps' budgetary constraints, and the study would not be initiated prior to Fiscal Year 1998 (after September 30, 1997).

Although an alternative to the proposed study plan would be to "cap" as previously proposed, capping will preclude the proposed study plan. The borrow pit's

sand trapping capability would be significantly diminished, moreover, once disposal and capping activities are completed.

If you have any questions or concerns regarding this modification, you may contact Ms. Stephanie Hall, Environmental Coordinator, Environmental Resources Branch, at the above address, at (213) 452-3862. Representatives from the Corps of Engineers will attend the May 1997 Coastal Commission meeting, and will be available to answer staff or Commissioners' questions at that time.

Thank you for your attention to this document.

Sincerely,

Robert S. Joe
Chief, Planning Division