

## PUBLIC NOTICE

### **Public Comment Requested on the Proposed Rule for Site Designation of the “LA-3” Ocean Dredged Material Disposal Site off Newport Bay, Orange County, California.**

AGENCY: U.S. Environmental Protection Agency (EPA)

ACTION: Notice of Availability and request for public comment on a proposed Rule to designate “LA-3” as a permanent ocean dredged material disposal site (ODMDS) off Newport Bay, California. The proposed Rule also proposes an annual disposal volume limit for the existing LA-2 ODMDS, and joint management of the disposal operations at the two ODMDS to minimize cumulative environmental impacts in the region. EPA has the authority to designate ODMDS under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33USC 1401 et seq.). It is EPA's policy to publish an EIS for all ODMDS designations (63 FR 58045, October 1998). Public comments on this proposed Rule will be accepted for 30 days from the date of this notice.

FOR FURTHER INFORMATION AND/OR TO SUBMIT COMMENTS, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901, Telephone: (415) 972-3476 or FAX: (415) 947-3537 or E-mail: <mailto:ota.allan@epa.gov>.

PURPOSE: EPA requests public comments and intends to conduct a public meeting to collect comments on the proposed Rule. Copies of the supporting document, *Final Environmental Impact Statement for the Site Designation of the LA-3 Ocean Dredged Material Disposal Site off Newport Bay, Orange County, California*, may be viewed at the following locations:

1. Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292

2. Long Beach Public Library, 101 Pacific Avenue, Long Beach, CA 90822
3. Los Angeles Public Library, Central Library, 630 West 5<sup>th</sup> Street, Los Angeles, CA 90071
4. Los Angeles Public Library, San Pedro Regional Branch Library, 931 South Gaffey Street, San Pedro, CA 90731
5. Newport Beach Public Library, Balboa Branch, 100 East Balboa Boulevard, Balboa, CA 92661
6. Newport Beach Public Library, Central Library, 1000 Avocado Avenue, Newport Beach, CA 92660
7. Newport Beach Public Library, Corona del Mar Branch, 420 Marigold Avenue, Corona del Mar, CA 92625
8. Newport Beach Public Library, Mariners Branch, 2005 Dover Drive, Newport Beach, CA 92660
9. U.S. Environmental Protection Agency (EPA) Library, 75 Hawthorne Street, 13<sup>th</sup> Floor, San Francisco, CA 94105
10. U.S. EPA, Southern California Field Office, 600 Wilshire Boulevard, Suite 1460, Los Angeles, CA 90017
11. U.S. EPA website: <http://www.epa.gov/region9/>
12. U.S. Army Corps of Engineers' website: <http://www.spl.usace.army.mil>

SUMMARY: Dredging is essential for maintaining safe navigation in harbors and marinas in the Los Angeles County and Orange County region. Not all dredged materials are suitable for beneficial re-use (e.g., construction of port facilities, wetlands restoration), and the USACE and EPA have determined that it is not feasible to use the existing LA-2 ODMDS for all projects in the region, such as Upper Newport Bay which is not a revenue-

generating project. The LA-3 ODMDS has been used for the disposal of dredged material by some Orange County projects in the past, but its “interim” status has expired. Therefore there is a need to designate LA-3 as a permanent ODMDS. No actual disposal operations are authorized by this action. Before ocean disposal may take place, dredging projects must demonstrate a need for ocean disposal and the proposed dredged material must be suitable (non-toxic) according to USEPA ocean dumping criteria. Alternatives, including the option for beneficial re-use of dredged material, will be evaluated for each permit. Both LA-3 and LA-2 will be monitored periodically to ensure that each site operates as expected. This proposed site designation has been prepared pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA). The evaluation is based on EPA’s general and specific criteria. Field studies, modeling of sediment dispersion following dredged material disposal under various scenarios, incompatible use areas, and economic considerations are included in the evaluation.

The preferred alternative location for a permanent LA-3 ODMDS is about 4.5 nautical miles offshore of Newport Bay and in water depths ranging from 1,500 to 1,675 feet. It is 2,400 meters southeast of the “interim” LA-3 site, and was determined to be the environmentally preferred location. LA-3 will be managed regionally in conjunction with the existing LA-2 ODMDS, located offshore of the Los Angeles and Long Beach Harbors. The preferred alternative in the final EIS is to limit disposal of dredged material at the LA-3 ODMDS to a maximum of 2,500,000 cubic yards annually and to increase the maximum annual disposal limit at the LA-2 ODMDS to 1,000,000 cubic yards of dredged material. The final EIS contains an evaluation of potential impacts associated with the preferred alternative, other combinations of managing LA-3 and LA-2 jointly, and the No-Action alternative.

Comments were received during the scoping comment period and 4 public scoping meetings held at Los Angeles and Orange County locations in July 2003. Minor revisions were incorporated into the draft EIS to address these comments. Comments were received during the draft EIS comment period and 4 public meetings held in Newport Beach (Orange County) in January 2005. Minor revisions were incorporated into the final EIS to address these comments. EPA Region IX submitted a Coastal Consistency Determination for the proposed LA-3 site designation to the California Coastal Commission (CCC) in early June 2005. The CCC concurred by unanimous vote that the designation of LA-3 and the proposed joint management of dredged material disposal at LA-3 and LA-2 was consistent with the Coastal Zone Management Act.

**PUBLIC COMMENTS:** EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on this proposed Rule. Comments will be accepted for 30 days, beginning with the date of this Notice. See FOR FURTHER INFORMATION section above for contact information.