

EAGLE ROCK AGGREGATES, INC.

2498

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|----------------------|--------------------------------------|-------------------|--------------|-----------------|-----------------|
| Vendor ID | Name | Payment Number | Cheque Date | Document Number | |
| LARWQCB | Los Angeles Regional Water Quality C | 00000000000003034 | 5/3/2011 | 2498 | |
| Our Voucher Number | Date | Amount | Amount Paid | Discount | Net Amount Paid |
| SEC401 WATER QUALITY | 4/29/2011 | US\$1,252.00 | US\$1,252.00 | US\$0.00 | US\$1,252.00 |

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

US\$1,252.00

US\$1,252.00

US\$0.00

US\$1,252.00



EAGLE ROCK AGGREGATES, INC.
700 WRIGHT AVENUE
RICHMOND, CA 94804

BANK OF AMERICA
345 MONTGOMERY ST
SAN FRANCISCO, CA 94104

2498

11-35/1210
33

DATE 05-03-2011
M M D D Y Y Y Y

PAY **One Thousand Two Hundred Fifty Two Dollars and 00 Cents

US*****1,252.00

TO THE ORDER OF Los Angeles Regional Water Quality Control Board
320 W 4th Street, Suite 200
Los Angeles CA 90013

EAGLE ROCK AGGREGATES, INC.

PER

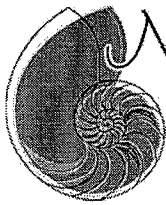
PER

[Signature]
AUTHORIZED SIGNATURE

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Rec'd 05/12/11
29/11



Nautilus Environmental

11 May 2011

Mr. Michael Lyons
Los Angeles Regional Water Quality Control Board
320 West 4th Street
Suite 200
Los Angeles, CA 90013

Re: LETTER OF TRANSMITTAL
CWA Section 401 Certification Application Submittal
Eagle Rock Aggregates

Dear Mr. Lyons,

This letter of transmittal includes a Clean Water Act (CWA) Section 401 certification application I am submitting on behalf of Eagle Rock Aggregates. The permit application includes information regarding dredging of approximately 6,000 cubic yards of sediment from the Port of Long Beach's Inner Harbor (previously characterized and reviewed by the DMMT). Eagle Rock Aggregates has received Port approval to place materials in the Middle Harbor Redevelopment Project's fill site, as indicated in the application.

Also note that we are currently in the process of applying for our CWA 404 permit, and that the Port is currently preparing an Environmental Impact Report. Please find attached:

1. the certification application;
2. the sediment characterization report (including a site map);
3. the USACE CWA 404 permit application, and;
4. the Port's letter indicating their provisional acceptance of material.

Please do not hesitate to contact me with additional information needs regarding processing of this application. I can be reached at nick@nautilusenvironmental.com, 619-985-9111 (cell), or 858-587-7333 x210 (office).

Kindest Regards,

Nick Buhbe, M.S.
Project Manager, Nautilus Environmental, San Diego Office

Encl.

Cc:

Mr. Bill Terry (Eagle Rock Aggregates)

Mr. Ray Ouellete (Kennedy/Jenks Consultants)

California
San Diego Office
5550 Morehouse Drive
Suite 150
San Diego, California 92121
858.587.7333
fax: 858.587.3961

Pacific Northwest
Seattle Office
5009 Pacific Highway East
Suite 2
Tacoma, Washington 98424
253.922.4296
fax: 253.922.5814

British Columbia
8664 Commerce Court
Burnaby, British Columbia
V5A 4N7
604.420.8773
fax: 604.603.9381

nautilusenvironmental.com

Nautilus Environmental, LLC

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2011 MAY 12 PM 10 51
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>



Arnold Schwarzenegger
Governor

SECTION 401 WATER QUALITY CERTIFICATION APPLICATION FORM

Applications for Water Quality Certification shall be filed in accordance with Sections 3830 through 3869 of Title 23 of the California Code of Regulations. An initial deposit of **\$640** must accompany all applications. Please include a check made out to the State Water Resources Control Board. The schedule of fees can be found at:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/401_water_quality_certification/.

Failure to submit this fee deposit will make this application incomplete. Submit your completed application form to the address above, Attn: 401 Certification Staff. Attach additional sheets as necessary.

1. APPLICANT/AGENT INFORMATION

| | |
|---|---|
| a) Applicant: Eagle Rock Aggregates, Inc | b) Agent/Consultant*: Nautilus Environmental, LLC |
| Main Contact: Bill Terry | Main Contact: Nick Buhbe |
| Address: 700 Wright Ave, Richmond, CA 90804 | Address: 5550 Morehouse Dr. Ste. 150 San Diego, CA 92121 |
| Email: bterry@eagleaggregates.com | Email: nick@nautilusenvironmental.com |
| Phone No. 510-232-2200 | Phone No. 619-985-9111 |
| Fax No. 510-232-4255 | Fax No. 858-587-3961 |

*Complete only if applicable

2. PROJECT DESCRIPTION

| | |
|--|--|
| a) Project Title: Eagle Rock Aggregates Berth D44 Redevelopment Project | |
| b) Purpose/Goal: Approximately 6,000 cubic yards of material will be dredged from Berth D44 in the Port of Long Beach to provide safe navigation to an aggregate receiving and storage terminal. The dredged material will be used as <i>Fill of Waters of the U.S.</i> currently permitted under RB Order R4-2010-0020. | |
| c) Project Activities: (Attach additional sheets as necessary) <i>Please provide a detailed explanation of all project activities. Include information such as: avoidance and minimization measures for project impacts; alternatives analysis; project activity impacts to waterbodies and/or water quality; and implementation of Low Impact Development (LID) strategies.</i> *Please note that the Regional Board will not allow stormwater treatment facilities to be placed within waters of the United States* Eagle Rock Aggregates (Eagle Rock), will be dredging materials at Berth D44 in the Port of Long Beach (Port) to ensure safe navigation for a proposed aggregate receiving and storage terminal (similar to the current land use). The site would be accessed by a Panamax Class vessel, and navigation improvements would be necessary for the safe operation of the site. Eagle Rock has been notified by the Port Pilot that a dredge depth of -44 feet mean lower low water (ft MLLW) would be sufficient for safe navigation. | |

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

The proposed project would dredge materials using a clam-shell dredge to a permitted depth of -44 ft MLLW (project depth) plus a 2-ft overdredge allowance (46 ft MLLW) over the majority of the dredge footprint. In addition, it is proposed that advanced maintenance dredging (AMD) of a 2-ft sump be dredged to mitigate future accumulation of sediments, which are likely to accrete once the facility is operational. AMD is prudent due to site-specific conditions (i.e., the protected nature of the site, which likely contains a high degree of fine sediments susceptible to erosion and redeposition in the area), and may minimize project impacts by reducing the long-term frequency of maintenance dredging operations. The total proposed dredge volume is approximately 6,000 cubic yards.

Material was characterized per Green Book/Inland Testing Manual protocol and determined by the Dredge Material Management Team/Contaminated Sediments Task Force to be unsuitable for ocean disposal (report attached). The Port's Middle Harbor Fill project was determined to be the most appropriate option for the material based on observed contaminant levels. Use of the material as fill has been provisionally approved by the Port (approval letter attached).

The disposal of the dredged material will be coordinated with the Port. The fill project involves the disposal of up to 6.73 million cubic yards of material from multiple sources. The Port of Long Beach has received a permit for this project from the Department of the Army (File No. SPL-2004-01053-AOA) and waste discharge requirements from the Los Angeles Regional Board (Order No. R4-2010-0020). Eagle Rock has obtained provisional approval from the Port to include materials dredged from this project in the Middle Harbor fill.

Preparation of an Environmental Impact Report is currently underway with the Port of Long Beach as the Lead Agency. As such, opportunities for mitigation of project impacts will be analyzed and incorporated into the project. Eagle Rock Aggregates anticipates the use of Best Management Practices to minimize impacts affecting water quality and associated natural resources. The EIR is anticipated to be certified prior to commencement of the fill window.

d) Proposed Schedule (Start-up, duration, and completion dates):

All dredging and disposal is anticipated to take place between January and April 2012. Project duration is anticipated to be less than one week.

3. FEDERAL LICENSES/PERMITS

- a) Federal Agency(ies)/File Number(s): U.S. Army Corps of Engineers Representative: John Markham
U.S. Army Corps of Engineers X Other _____
File No.(s) Application Filed 29 April 2011 _____
- b) Permit Type(s) (please provide permit number(s):
Nationwide Permit No.(s) _____ Regional General Permit No.(s) _____
Individual Permit X Other _____
- c) Does the project require any Federal Application(s), Notification(s) or Correspondence?
Yes X (attach copy(ies)) No _____ (Attach detailed explanation)

4. OTHER LICENSES/PERMITS/AGREEMENTS

- a) Please list all other required regulatory approvals (submit final or draft copy if available):

| Agency | Agency Representative | License/Permit/Agreement | Approval Date |
|--------------------|------------------------------------|---|---------------|
| Port of Long Beach | Director of Environmental Planning | Permit for Placement of Dredge Material, Port of Long Beach Middle Harbor Fill Site (provisional) | 10/18/10 |
| Port of Long Beach | Director of Environmental Planning | Harbor Development Permit | In Progress |
| US Army Corps Eng. | John Markham | CWA 404/RHA 10 Permit (application attached) | In Progress |
| | | | |
| | | | |

- b) Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?

No X Yes _____ (Attach application copy)

5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Indicate CEQA Document (submit final or draft copy*) and Lead Agency:

Categorical Exemption _____ Negative Declaration _____ Environmental Impact Report X

Has the document been certified/approved, or has a Notice of Exemption been filed? NO

If yes, date of approval/filing _____ If no, expected approval/filing date: 4th Quarter, 2011 _____

Lead Agency Port of Long Beach _____

*Note, ample time must be provided to the certifying agency to properly review a final copy of valid CEQA documentation before certification can occur.

6. PROJECT SITE DESCRIPTION (INCLUDES AREAS OUTSIDE OF U.S. WATERS)

| | | |
|--|---------------------------|-------------------------|
| a) Project Location (Attach map of suitable quality and detail): | | |
| City or Area <u>Long Beach, CA</u> | County <u>Los Angeles</u> | |
| b) Longitude/Latitude | | |
| Dredge Site: 33 degrees, 46 minutes latitude, 118 degrees, 12 minutes longitude (see attached map) | | |
| Disposal Site: <i>As permitted under RB Order R4-2010-0020</i> | | |
| (Decimal-Degrees) _____ | (Decimal-Degrees) _____ | |
| (Decimal-Degrees) _____ | (Decimal-Degrees) _____ | |
| (Decimal-Degrees) _____ | (Decimal-Degrees) _____ | |
| (Decimal-Degrees) _____ | (Decimal-Degrees) _____ | |
| Township/Range _____ | | |
| c) Total Project Size: | | |
| <i>As permitted under RB Order R4-2010-0020</i> _____ Acres* _____ linear feet (if appropriate) | | |
| d) Area Type/Description (check as appropriate): | | |
| Urban <u>X</u> _____ | Residential _____ | Recreation _____ |
| Agriculture _____ | Open Space _____ | Wildlife Corridor _____ |
| Migratory Pathway _____ | Spawning Habitat _____ | |
| Threatened/Endangered Species Habitat _____ | Other _____ | |

*This information is required.

7. IMPACTED WATER BODIES

| |
|--|
| a) Name(s) of Receiving Water Body(ies)*: <u>Long Beach Inner Harbor (for dredging only)</u> |
|--|

b) Indicate in ACRES and LINEAR FEET (where appropriate) the proposed **waters of the United States** to be impacted by any discharge other than dredging, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

| | | |
|--------------------------|------------------|-----------------------------|
| Jurisdictional Wetland: | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |
| Streambed (vegetated): | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |
| Streambed (unvegetated): | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |
| Lake/Reservoir: | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |
| Ocean/Estuary/Bay: | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |
| Isolated waters: | _____ permanent, | _____ temporary ACRES |
| | _____ permanent, | _____ temporary LINEAR FEET |

Please explain exactly how waters will be impacted by proposed project activities.
(Attach additional sheets as necessary)

c) Indicate in CUBIC YARDS the volume of Dredged material to be discharged in waters of the United States:
6,000 cu yds.

d) Indicate type(s) of material proposed to be discharged in waters of the United States:
The material to be dredged consists of approximately 1,920 y³ gravel, 3,420 y³ silt, and 660 y³ clay.

*All receiving water bodies must be identified in the *Water Quality Control Plan, Los Angeles Region* (Basin Plan). Any unnamed/unidentified waters must be extended to an identifiable tributary.

8. COMPENSATORY MITIGATION

a) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** proposed to be Created, Restored and/or Enhanced for purposes of providing Compensatory Mitigation:

| Water Body Type | Created | Restored | Enhanced |
|-------------------------|---------|----------|----------|
| Jurisdictional Wetland | | | |
| Streambed (vegetated) | | | |
| Streambed (unvegetated) | | | |
| Lake/Reservoir | | | |
| Ocean/Estuary/Bay | | | |

Please describe mitigation activities proposed (Attach additional sheets as necessary).

As permitted under RB Order R4-2010-0020

b) If contributing to a Mitigation or Conservation Bank, indicate the agency, dollar amount, acreage, and water body type (omit if not applicable):

Conservation Agency _____

\$ _____ for _____ acres of _____ (water body type)

How many acres of this qualify as waters of the United States?

c) Other Mitigation (omit if not applicable):

How many acres of this qualify as waters of the United States?

e) Location of Compensatory Mitigation Site(s) (Attach map of suitable quality and detail):

City or Area _____ County _____

Longitude/Latitude (Decimal-Degrees) _____

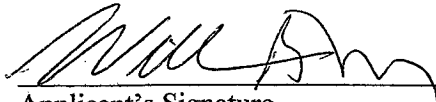
[A minimum of eight (8) coordinates]

9. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including SUSMPs/Low Impact Development (LID), habitat preservation, erosion control measures, project scheduling, flow diversions, etc.

10. PAST/FUTURE PROPOSALS BY THE APPLICANT

This application relates to dredging activities only. Additional project components, such as pile driving and installation of conveyor system infrastructure, may require additional permits.


Applicant's Signature
(Agent may not sign for Applicant)

5/5/11
Date

Should you have any questions regarding the water quality certification process, please contact Ms. Valerie Carrillo (213) 576-6759 or Mr. Dana Cole (213) 576-5733.