



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Reissuance of Regional General Permit No. 54

Public Notice/Application No.: SPL-2011-00249-SME

Project: Reissuance of Regional General Permit No. 54

Comment Period: October 1, 2012 through October 31, 2012

Project Manager: Stephen Estes; 213-452-3660; Stephen.M.Estes@usace.army.mil

Applicant

Chris Miller
Division of Harbor Resources
City of Newport Beach
829 Harbor Island Drive
Newport Beach, California 92660
949-644-6043

Contact

Adam Gale
Anchor QEA
26300 La Alameda, Suite 240
Mission Viejo, California 92691
949-347-2780

Location

Projects proposed for authorization under Regional General Permit (RGP) No. 54 would be located throughout portions of Newport Bay, within the city of Newport Beach, Orange County, California centered at approximately 33.609397; -117.905810 (Figures 1 and 2).

Activity

The City of Newport Beach has requested the reissuance of RGP No. 54 to conduct minor maintenance dredging underneath and adjacent to private, public, and commercial docks, floats, and piers throughout portions of Newport Bay (Figures 1 and 2). Dredged sediment would either be (1) discharged onto adjacent beaches or in front of existing bulkheads or (2) disposed of at the LA-3 Ocean Dredged Material Disposal Site (ODMDS) or an approved inland disposal site.

Up to 20,000 cubic yards (CY) of sediment would be dredged annually from the project area (Figures 1-5). Individual projects may receive authorization to dredge up to 1,000 CYs of sediment. Any project proposing to dredge more than 1,000 CYs of sediment would need a separate Corps authorization.

Generally, dredging would occur to a depth not exceeding -7 feet mean lower low water (MLLW) (plus one foot of allowable overdepth). If it can be demonstrated a particular location has historically had a design depth below -7 feet MLLW, maintenance dredging to a maximum depth of -10 feet MLLW (plus one foot of allowable overdepth) may be authorized as long as the dredged material would be disposed of at an approved inland disposal site. Dredging would not be authorized in certain areas of Newport Bay, including the Rhine Channel, portions of the West Lido Channel, areas west of Newport Boulevard, areas north of Dover Shores, portions of the Bayside Village Marina, Promontory Bay, and

portions of the Balboa Yacht Basin (Figures 1-5). However, the U.S. Army Corps of Engineers (Corps) Regulatory Division and U.S. Environmental Protection Agency (EPA) may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved Sediment Analysis Plan (SAP)) and the material is found to be suitable. For additional information regarding the proposed reissuance of RGP No. 54, please see Page 3 of this Public 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 Figures 1-6. The Corps invites you to review this Public Notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the administrative record and will be considered in the permitting decision. This permit would be issued, issued with special conditions, or denied under section 404 of the Clean Water Act, section 10 of the Rivers and Harbors Act of 1899, and section 103 of the Marine Protection, Research, and Sanctuaries Act. Comments should be mailed to:

Stephen M. Estes
Regulatory Division
U.S. Army Corps of Engineers
915 Wilshire Boulevard
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Stephen.M.Estes@usace.army.mil.

The mission of the Corps 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 Corps 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 waters 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 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 Code of Federal Regulations (CFR) Part 230) as required by section 404(b)(1) of the Clean Water Act.

The Corps Regulatory Division 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 Regulatory Division 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 (EIS) 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 EIS 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 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 EPA.

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. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity may adversely affect Essential Fish Habitat (EFH). 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 with the National Marine Fisheries Service (NMFS) for the proposed project. This notice initiates the EFH consultation requirements of the MSA abbreviated consultation. In order to comply

with the 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: RGP No. 54 would authorize minor maintenance dredging projects underneath and adjacent to private, public, and commercial docks, floats, and piers throughout portions of Newport Bay (Figures 1 and 2). RGP No. 54 would authorize the dredging of up to 20,000 CYs of sediment annually within the project area (Figures 1-5). Individual projects may receive authorization to dredge up to 1,000 CYs of sediment. Any project proposing to dredge more than 1,000 CYs of sediment would need a separate Corps authorization. From 2004 to 2010, projects authorized under RGP No. 54 dredged an average of 335 CYs of sediment with annual totals of between 2,600 and 10,903 CYs within the authorized RGP No. 54 boundaries.

Generally, dredging would occur to a depth not exceeding -7 feet MLLW (plus one foot of allowable overdepth). If it can be demonstrated a particular location has historically had a design depth below -7 feet MLLW, maintenance dredging to a maximum depth of -10 feet MLLW (plus one foot of allowable overdepth) may be authorized as long as the dredged material would be disposed of at an approved inland disposal site.

Dredged sediment would either be discharged onto adjacent beaches (for beach nourishment) or in front of existing bulkheads, or disposed of at the LA-3 ODMDS or an approved inland disposal site. Sediment from authorized areas (Figures 1-5) meeting the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) would be suitable for discharge onto beach sites within 1,000 feet of dredging operation sites. Sediment from authorized areas (Figures 1-5) with 80% or less sand content would be suitable for disposal at the LA-3 ODMDS.

2. On-site inspection information: Please see baseline information on Page 6 of this Public Notice.
3. Analysis of the potential adverse effects on EFH: Projects proposed for authorization under RGP No. 54 would occur within EFH for various federally managed fish species within the Coastal Pelagic Species and Pacific Coast Groundfish Fishery Management Plans (FMP). In addition, these projects would result in direct impacts to estuarine habitat, which is designated as a habitat area of particular concern for various federally managed fish species within the Pacific Coast Groundfish FMP.

Projects proposed for authorization under RGP No. 54 would result in minimal impacts to EFH with temporary, localized increases in turbidity during construction. Dredging would also remove benthic species from the dredging footprint. According to information provided by the applicant, recent surveys indicate benthic species are typically sparse in areas between bulkheads and adjacent to docks and floats in Newport Bay.

Eelgrass (*Zostera marina*) surveys were conducted throughout Newport Bay between 2009 and 2010, with additional observations in 2011. Eelgrass beds were identified as occurring at several areas within lower Newport Bay, particularly near the bay entrance, around Balboa Island, and near Linda Isle (Figure 6). The following eelgrass- and Caulerpa- (*Caulerpa taxifolia*) related conditions would apply to projects proposed for authorization under RGP No. 54:

- a. For projects proposing to discharge sediment onto adjacent beaches or in front of existing bulkheads-
 - i. Pre-construction eelgrass and Caulerpa surveys would be conducted out to 30 feet in all directions from the proposed dredging and discharge footprints.
 - ii. Projects would not be eligible for authorization under RGP No. 54 if eelgrass is found within 15 feet from the proposed dredging and/or discharge footprints.
 - iii. For projects where eelgrass is identified within 15 to 30 feet in any direction from the proposed discharge footprint, monitoring and mapping would be required to identify potential impacts to eelgrass. Monitoring and mapping would include pre- and post-construction eelgrass surveys. Compensatory mitigation may be required for impacts to eelgrass pursuant to the Southern California Eelgrass Mitigation Policy (SCEMP).
 - b. For projects proposing to dispose of dredged sediment at the LA-3 ODMDS or an approved inland disposal site-
 - i. Pre-construction eelgrass and Caulerpa surveys would be conducted out to 30 feet in all directions from the proposed dredging footprint.
 - ii. Projects would not be eligible for authorization under RGP No. 54 if eelgrass is found within 15 feet from the proposed dredging footprint.
4. Proposed minimization, conservation, or mitigation measures: Dredging would not be authorized by RGP No. 54 in certain areas of Newport Bay, including the Rhine Channel, portions of the West Lido Channel, areas west of Newport Boulevard, areas north of Dover Shores, portions of the Bayside Village Marina, Promontory Bay, and portions of the Balboa Yacht Basin (Figures 1-5). However, the Corps Regulatory Division and EPA may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved SAP) and the material is found to be suitable. In addition, annual dredging would be limited to 20,000 CYs of sediment and individual projects would be limited to the dredging of 1,000 CYs of sediment. As noted above, Special Conditions ensuring the avoidance or minimization of impacts to eelgrass would be included in RGP No. 54, with the option to require compensatory mitigation. Standard Best Management Practices (BMPs) would be required during construction.
 5. Conclusions regarding effects of the proposed project on EFH: Based on the project description and EFH assessment provided by the applicant, the proposed project may result in the dredging of up to 20,000 CYs of sediment annually within lower Newport Bay. The affected substrate would likely consist of soft-bottom sediment, with little or no hard rock substrate affected. In consideration of the information above, 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 NMFS. If I do not receive written comments (regular mail or e-mail) within the 30-day notification period, I will assume concurrence by NMFS.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the project area 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. Furthermore, the proposed project involves maintenance dredging to the original design depths within the footprint of existing structures. Dredging would not occur in previously undisturbed

areas. In consideration of the information above, the Corps Regulatory Division has made a no potential to cause effects determination to historic properties pursuant to section 106 of the National Historic Preservation Act.

Endangered Species- Preliminary determinations indicate 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, 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 result in a discharge of dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to restore and maintain navigation. This is considered a water-dependent activity in this specific instance.

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 conduct minor maintenance dredging to restore and maintain the navigable capacity of Newport Bay.

Additional Project Information

Baseline Information- RGP No. 54 was originally issued on August 29, 1989 (Corps File No. 890021100). It was subsequently re-issued on July 21, 2000 (Corps File No. 980029600) and again on November 6, 2006 (Corps File No. 2005-01233-DPS). The last RGP No. 54 authorization expired on November 6, 2011.

The City of Newport Beach completed sediment testing from representative locations within Newport Bay in May 2009. Additional sediment sampling and analysis was completed in 2012 to include portions of Newport Bay not included in the previous version of RGP No. 54 due to elevated mercury concentrations. Results from these investigations, in addition to previous investigations of Dover Shores and Newport Dunes, were included in the Sampling and Analysis Report (SAR) prepared by the applicant on March 5, 2012. Material in lower Newport Bay was evaluated to support the reissuance of RGP No. 54 using the protocols described in the "Dredged Material Proposed for Ocean Disposal-Testing Manual" and "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.-Testing Manual." Based on available data, areas throughout much of lower Newport Bay included in the 2006 version of RGP No. 54 were found to be suitable for beach nourishment or offshore disposal by the SC-DMMT. Two areas formerly excluded from RGP No. 54-the eastern portion of West Lido Channel and areas east of the 15th Street dock-were found to have material that met suitability criteria. Areas excluded from the proposed reissuance of RGP No. 54 are shown on Figures 1-5.

Given the age of some sampling data analyzed in the SAR, the Corps is considering a permit duration of three years for RGP No. 54. Prior to this expiration date, the City of Newport Beach plans to conduct a full Tier-III evaluation of all areas that would be authorized under RGP No. 54. The results of this testing would be analyzed for future issuances or modifications of RGP No. 54.

Project Description- RGP No. 54 would authorize minor maintenance dredging projects underneath and adjacent to private, public, and commercial docks, floats, and piers throughout portions of Newport Bay (Figures 1 and 2). RGP No. 54 would authorize the dredging of up to 20,000 CYs of sediment annually within the project area (Figures 1-5). Each individual project may receive authorization to dredge up to 1,000 CYs of sediment. Any project proposing to dredge more than 1,000 CYs of sediment would need a separate Corps authorization. From 2004 to 2010, projects authorized under RGP No. 54 dredged an average of 335 CYs of sediment with annual totals of between 2,600 and 10,903 CYs within the RGP No. 54 boundaries.

Generally, dredging would occur to a depth not exceeding -7 feet MLLW (plus one foot of allowable overdepth). If it can be demonstrated a particular location has historically had a design depth below -7 feet MLLW, maintenance dredging to a maximum depth of -10 feet MLLW (plus one foot of allowable overdepth) may be authorized as long as the dredged material would be disposed of at an approved inland disposal site.

Dredged sediment would either be discharged onto adjacent beaches (for beach nourishment) or in front of existing bulkheads, or disposed of at the LA-3 ODMDS or an approved inland disposal site. Sediment from authorized areas (Figures 1-5) that meet the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) would be suitable for discharge onto beach sites within 1,000 feet of dredging operation sites. Sediment from authorized areas (Figures 1-5) with 80% or less sand content would be suitable for disposal at the LA-3 ODMDS.

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: Dredging would not be authorized by RGP No. 54 in certain areas of Newport Bay, including the Rhine Channel, portions of the West Lido Channel, areas west of Newport Boulevard, areas north of Dover Shores, portions of the Bayside Village Marina, Promontory Bay, and portions of the Balboa Yacht Basin (Figures 1-5). However, the Corps Regulatory Division and EPA may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved SAP) and the material is found to be suitable.

Minimization: BMPs would be required during construction. As described above, eelgrass avoidance and minimization measures would be included in the Special Conditions of RGP No. 54. Dredging of no more than 20,000 CYs of sediment would be authorized annually within the project area (Figures 1-5). Any individual project proposing to dredge more than 1,000 CYs of sediment would need a separate Corps authorization.

Compensation: The Corps Regulatory Division may require compensatory mitigation for impacts to eelgrass, pursuant to the SCEMP.

Proposed Special Conditions-

The following list is comprised of proposed permit Special Conditions, which are required of similar types of projects:

1. Overall Special Conditions applicable to all uses of RGP No. 54:

- a. Annual maintenance dredging is limited to 20,000 CYs of material. Individual dredging projects must be no more than 1,000 CYs. Individual disposal projects must be no more than 1,000 CYs.
- b. The applicant must submit a pre-construction notification (PCN) and must receive a signed notice to proceed (NTP) from the Corps Regulatory Division before commencing any work in waters of the United States.
- c. The City of Newport Beach Tidelands Administrator (aka Harbor Resources Manager) shall be the primary Point of Contact (POC) for applicants seeking authorization under RGP No. 54 and applications will be screened through this office. Once the POC has determined an application meets the conditions of this permit, the POC will forward the application to the Corps Regulatory Division along with a written certification. This certification shall include the following information:
 - i. Certification letter from the City of Newport Beach Tidelands Administrator confirming the proposed application meets the terms and conditions of RGP No. 54 with special emphasis on the presence or absence of eelgrass;
 - ii. Maps of the project site including location within Newport Bay, site address, site latitude and longitude coordinates (e.g., decimal degree format), as well as to-scale drawings of the proposed action (i.e., plan view and cross-section view of proposed activity), including the boundaries of any proposed sediment dredging and/or disposal work;
 - iii. The proposed area of permanent and temporary impacts to waters of the United States (in acres or square feet), proposed dredge and/or disposal quantities (in CYs), including a detailed estimate of how much material has been dredged from or discharged onto the site through previous activities; and
 - iv. Photos (minimum of five) of the beach area and the low tide line (i.e. prior to any work) with special emphasis on any areas of eelgrass.
- d. Annual Reporting: The City of Newport Beach shall submit annual reports for the life of the RGP to the Corps Regulatory Division documenting activities authorized under this RGP. Each annual report shall be a cumulative ledger documenting all activities conducted using this reissued RGP to date. The annual report shall be submitted by July 1 of each year. Annual reports from the City of Newport Beach shall include:
 - i. Summary of dredge operations including;
 1. Location (address) of each dredging operation;
 2. Areas and volumes of material dredged (in acres and CYs); and

3. Disposal location(s) and volumes for each method used (i.e. LA-3, inland site, or other approved area).
 - ii. An estimate of the total acreage of waters of the United States impacted for each activity type;
 - iii. Summary of any direct and indirect eelgrass impacts for each activity type, and the eelgrass mitigation completed or in progress (per Special Condition “e” below);
 - iv. An updated, to-scale map showing the locations of all activities conducted using this reauthorized RGP No. 54 to date; and
 - v. Confirmation of compliance with all Special Conditions, or a detailed explanation of any Special Conditions not complied with.
- e. Eelgrass-related requirements: ALL projects proposed for authorization under RGP No. 54 shall meet the following requirements:
- i. All projects proposed for authorization under RGP No. 54 must be surveyed for presence of out to 30 feet in all directions from the proposed project footprint;
 - ii. RGP No. 54 does not apply to dredging projects in which eelgrass is found 15 feet or less (in any direction) from the proposed dredge or dredge material discharge footprint;
 - iii. For RGP No. 54-eligible dredging projects, where the dredged material would not be placed on a an adjacent beach site or in front of an existing bulkhead (i.e. disposal at a designated offshore disposal site), any eelgrass present at the site must be located greater than 15 feet (in any direction) away from the proposed dredge footprint. No further eelgrass-related monitoring conditions apply in this situation provided the survey remains 'valid' in accordance with Section I.e.vi. below;
 - iv. For RGP No. 54 -eligible dredging projects, should it be determined dredged material is suitable for placement on a beach or in front of an existing bulkhead(s), the following eelgrass monitoring requirements apply:
 1. If eelgrass is not present within 30 feet (in any direction) of the proposed dredge or dredge material disposal footprint, no additional eelgrass monitoring requirements apply;
 2. If eelgrass is present between 15-30 feet from the proposed dredge material disposal footprint (in any direction), then monitoring of the site for potential eelgrass impacts from disposal operations shall be required. Monitoring shall consist of pre- and post-project transects placed perpendicular to the shoreline and spaced five feet apart which map the eelgrass bed. Enough transects will be used to extend the length of the project footprint. Along each transect, the extent of eelgrass will be measured. Any decrease in eelgrass extent along any transect (pre-project vs. post-project) will constitute an impact. The pre-project transects shall be conducted no sooner than 60 days prior to the start of dredging and the post-project transects shall be conducted no later than 30 days following the completion of dredging; and
 3. Should the monitoring required in special condition “iv.2” above identify an impact to the mapped eelgrass bed, then mitigation consistent with the provisions of the SCEMP shall apply. An eelgrass monitoring report will be submitted to the Corps Regulatory Division, NMFS, and the California Coastal Commission no later than 90 days following

completion of dredging. If an impact was detected (as defined above), the report will include a summary of how the SCEMP will be complied with;

- v. For purposes of this RGP, all eelgrass survey/mapping efforts must be completed during the active growth phase for the vegetation (typically March through October) and shall be valid for a period of 120 days with the exception of surveys completed from August through October. A survey completed from August through October shall be valid until the resumption of active growth (i.e. March 1). Work may only occur with a valid survey. If the survey expires prior to commencement of work, a new survey shall be required prior to commencement of any work;
 - vi. Prior to commencement of any activity authorized under RGP No. 54, the boundaries of any eelgrass meadow within the general project area shall be marked with buoys so that equipment and vessel operators shall avoid damage to eelgrass meadows; and
 - vii. Barges and other vessels used for any activity authorized under RGP No. 54 shall be anchored to avoid encroachment into any eelgrass bed. Barges and other vessels shall avoid transit over any eelgrass meadow to the maximum extent practicable. Where transit over eelgrass beds is unavoidable, such transit shall only occur during high tides when grounding and potential damage to eelgrass can be avoided.
- f. Caulerpa-related requirements: ALL projects proposed for authorization under RGP No. 54 shall meet the following requirements:
- i. A pre-construction survey of the project area for Caulerpa (*Caulerpa taxifolia*) shall be conducted in accordance with the Caulerpa Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 calendar days prior to planned construction or dredging-related activities and not later than 30 calendar days prior to construction or dredging-related activities. The results of that survey shall be furnished to the Corps Regulatory Division, NMFS, California Coastal Commission, 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, the California Coastal Commission and CDFG.
 - g. To renew RGP No. 54, the Permittee shall submit a report that documents the existing conditions in the project area at least four months prior to the expiration date of the permit. This report shall include new sediment testing data collected in accordance with a new SAP approved by the Corps Regulatory Division and EPA. If the Corps determines there are no changes in the project area that would warrant further in-depth analysis, RGP No. 54 would be issued for another 5-year period with minimal environmental review. If there are substantial changes in the project area, RGP No. 54 could still be re-issued; however, the Corps would be required to complete a more substantive environmental review to address the changes in the project area.
2. Minor maintenance dredging under and adjacent to previously authorized private, public, and commercial docks, floats, and piers:

- a. For this RGP, 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.
- b. Under RGP No. 54, dredging operations would be limited to -7 feet MLLW with one foot of allowable overdepth. Discharge of material dredged from below -8 feet below MLLW (dredging design depth plus overdredge depth), which represents the characterization depth, or dredged from outside the project boundaries (Figures 1-5), is not authorized by this permit. If the Permittee can demonstrate that a particular location has historically had a design depth below -7 feet MLLW, the Corps Regulatory Division may authorize deeper maintenance dredging to a maximum depth of -10 feet MLLW (plus one foot of allowable overdepth), provided that material is to be disposed in uplands or in an approved confined fill.
- c. In no case will offshore (ocean) disposal or beach discharge be authorized for material dredged below the sediment testing characterization depth (currently -8 feet MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps Regulatory Division and EPA may approve offshore disposal and/or beach discharge for a particular site if additional sediment testing is conducted to the depth requested (via Corps- and EPA-approved SAP) and the material is found to be suitable.
- d. Sediments from areas within the RGP No. 54 boundary identified as containing elevated mercury levels are not eligible for sediment dredging or disposal operations under this RGP. However, the Corps Regulatory Division and EPA may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved SAP) and the material is found to be suitable.
- e. Sediment from authorized areas (Figures 1-5) within the proposed RGP No. 54 area that meet the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) are suitable for discharge onto beach sites within 1,000 feet of dredging operation sites. No use of sediments from areas identified as containing elevated mercury levels would be authorized for beach nourishment unless individual stations were to be retested and found by the Corps Regulatory Division to be suitable for beach nourishment.
- f. Sediment from authorized areas (Figures 1-5) within the proposed RGP No. 54 area with 80% or less sand content are suitable for disposal at the LA-3 ODMDS. No use of sediments from areas identified as containing elevated mercury levels would be authorized for disposal at the LA-3 ODMDS unless individual stations were to be retested and found by the Corps Regulatory Division to be suitable for offshore placement.
- g. Dredging authorized by this permit shall be limited to the areas with existing authorized docks or bulkheads in Newport Bay (Figures 1-5). No dredging operation is authorized in any other location under this permit. No more than 1,000 CYs of dredged material is authorized for dredging for any individual project (i.e. any single and complete project with independent utility) proposed for authorization under RGP No. 54. This permit does not authorize the placement or removal of buoys.
- h. The Permittee is prohibited from dredging and disposing material in navigable waters of the United States that has not been tested and determined by the Corps Regulatory Division, in consultation with the EPA, to be both clean and suitable for beach nourishment. EPA must expressly approve materials for placement in approved ocean disposal sites. In the case of this

RGP, re-testing of previously tested or dredged areas is required after three years from the date of permit issuance. 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. The Permittee shall submit to the Corps Regulatory Division and EPA a draft SAP. Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division, in consultation with EPA.

- i. 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:
 - i. 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;
 - ii. 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;
 - iii. 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:
 1. Dredging and disposal procedures for the dredged material determined by the Corps Regulatory Division and EPA to be unsuitable for ocean disposal;
 2. Dredging and disposal procedures for the material to be dredged from the proposed site; and
 3. A schedule showing when the dredging project is planned to begin and end;
 - iv. A pre-dredging bathymetric condition survey, taken within 30 days before the dredging begins. For RGP No. 54 only, one of two survey methods can be used:
 1. Survey taken via lead line, sounding disc, or sounding pole techniques according to Chapter 8 (Manual Depth Measurement Techniques) from the Corps' Engineering and Design Hydrographic Surveying Manual (EM 1110-2-1003, published 01 Jan 2002). Each individual project survey using this method will include a minimum of three sounding points (adjusted for tide) per individual dock; and
 2. Survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot 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:

- a. 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;
 - b. The dredging design depth, overdredge depth, and the side-slope ratio;
 - c. The total quantity of dredged material to be removed from the dredging areas and the side-slope areas;
 - d. Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps Regulatory Division may request additional information; and
 - e. 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 30 days before the proposed dredging start date; and
- v. 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.
- j. The Permittee shall not commence individual dredging operations unless and until the Permittee receives a signed NTP from the Corps Regulatory Division.
- k. The Permittee shall maintain a copy of this RGP No. 54 and the signed NTP on all vessels used to dredge, transport, and dispose of dredged material authorized under this permit.
- l. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:
- 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;
 - 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; and
 - viii. Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (dpw)

Telephone: 510-437-5836

E-mail: D11LNM@uscg.mil

Website: <http://www.uscg.mil/d11/dp/LNMRequest.asp>

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

Telephone: 310-521-3860

E-mail: john.p.hennigan@uscg.mil

- m. 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 CFR chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the U.S. Coast Guard 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 which 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. The Permittee and its contractor(s) 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.
- n. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the United States, 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. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the United States until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.
- o. 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 U.S. Coast Guard regulations and follows the Inland and Ocean Rules of Navigation or the U.S. Coast Guard 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.
- p. 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.
- q. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division, EPA, and/or the U.S. Coast Guard to inspect all phases of the dredging and disposal operations.
- r. 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 U.S. Coast Guard 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.
- s. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
- t. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps Regulatory Division within 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.
- u. 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.

- v. 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.
- w. 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 III.x.
- x. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division 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 Conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:
 - i. Permit and project number;
 - ii. Start date and completion date of dredging and disposal operations;
 - iii. Total cubic yards disposed at the authorized disposal site(s);
 - iv. Mode of dredging;
 - v. Mode of transportation;
 - vi. Form of dredged material;
 - vii. Frequency of disposal and plots of all trips to the authorized disposal site(s);
 - viii. Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the authorized ocean disposal site;
 - ix. Percent sand, silt, and clay in dredged material: for RGP No. 54 only, see sediment testing requirements above;
 - x. A certified report from the dredging site inspector indicating all general and Special Conditions were met. Any violations of the permit shall be explained in detail;
 - xi. Pre-dredging hydrographic survey (per Special Condition III.i.v. above);
 - xii. 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 overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the overdredge 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 certifying that the data are accurate; and
 - xiii. 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.

3. Offshore (ocean) disposal of dredged material:

- a. All sediment within the authorized areas (Figures 1-5) of RGP No. 54 with 80% or less sand content are suitable for disposal at the LA-3 ODMDS with the exception of sediment from areas identified as containing elevated mercury levels. However, the Corps Regulatory Division and EPA may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved SAP) and the material is found to be suitable.
- b. For this permit, the term "ocean disposal operations" shall mean: the transportation of dredged material from the dredging site to the LA-3 ODMDS, proper disposal of dredged material at the central disposal area within the LA-3 ODMDS, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.
- c. The ocean disposal site is demarcated as a circle with the center coordinates and radii listed below:

LA-3: 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

- d. In no case will offshore (ocean) disposal or beach discharge be authorized for material dredged below the sediment testing characterization depth (currently -8 feet MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps Regulatory Division and EPA may approve offshore disposal and/or beach discharge for a particular site if additional sediment testing is conducted to the depth requested (via Corps Regulatory Division and EPA-approved SAP) and the material is found to be suitable.
- e. No more than 1,000 CYs of dredged material excavated for an individual dredging project authorized under RGP No. 54 are authorized for disposal at the LA-3 ODMDS.
- f. Prior to commencement of any ocean disposal operations, the Permittee shall submit a Scow Certification Checklist to EPA and the Corps Regulatory Division for review and approval. The Scow Certification Checklist shall document: the amount of material dredged and loaded into each barge for disposal, the location from which the material in each barge was dredged, the weather report for and sea-state conditions anticipated during the transit period, and the time that each disposal vessel is expected to depart for, arrive at, and return from the ocean disposal site.
- g. The Permittee shall notify the U.S. Coast Guard by radio on VHF-FM channel 16 or by telephone at least 4 hours before departing for each disposal site. The notification shall include:
 - i. Name of Permittee;
 - i. Corps permit number;
 - ii. Name and identification of vessels (tug boat, hopper dredge or disposal barge or scow) employed in the disposal operation;
 - iii. Loading location of the material to be disposed;
 - iv. Material to be disposed;

- v. Time of departure from the dredging site;
 - vi. Estimated time of arrival at the ocean disposal site and estimated time of departure from the ocean disposal site; and
 - vii. Estimated time of arrival at dredging site after the disposal operation is completed.
- h. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to the ocean disposal site. The Permittee shall transport dredged material to the ocean disposal site only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak, or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.
 - i. When dredged material is discharged by the Permittee at the ocean disposal site, no portion of the vessel from which the materials are to be released (e.g. hopper dredge or towed barge) may be further than 1,000 feet (305 meters) from the center of the disposal site (the "surface disposal zone" or "SDZ").
 - j. No more than one disposal vessel may be present within the ocean disposal site SDZ at any time.
 - k. The captain of any tug boat or other vessel covered by this permit shall monitor VHF-FM channel 16 while conducting disposal operations.
 - l. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel- (e.g. scow-) based. An appropriate Global Positioning System shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the ocean disposal site boundary, and at a maximum 15-second interval while inside the ocean disposal site boundary. This system must also indicate and record the time and location of each disposal event (e.g. the discharge phase). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the ocean disposal site and its SDZ, superimposed on the appropriate National Oceanic Service navigational chart, so that the operator can confirm proper position within the SDZ before disposing the dredged material.
 - m. Data recorded from the primary disposal tracking system must be posted by a third party contractor on a near-real time basis to an internet site accessible at a minimum by EPA, the Corps Regulatory Division, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps Regulatory Division and EPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to the ocean disposal site, the beginning and ending locations of the disposal event, and the disposal vessel draft throughout the transit. The requirement for posting this information on the Internet is independent from the hard-copy reporting requirements listed in Special Condition IV.p. below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent dumping outside the SDZ of the ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the ocean disposal site. Substantial leakage/spillage or other loss for this

permit is defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to the ocean disposal site and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24 hours of the end of that trip, at a minimum to EPA, the Corps Regulatory Division, the Permittee, and the prime dredging contractor.

- n. If the primary disposal tracking system fails during transit to the ocean disposal site, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow (Alay back@), the estimated scow position would be within the SDZ of the ocean disposal site. In such cases, the towing vessel's position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. The Permittee shall halt further disposal operations using a disposal vessel whose navigation tracking system fails until those primary disposal tracking capabilities are restored.
- o. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and Special Conditions of this permit, to the Corps Regulatory Division and EPA within 24 hours of discovering such a situation. An operational "email alert" system, as described above, will be considered as fulfilling this 24-hour notification requirement. In addition, the Permittee shall prepare and submit a detailed report of any such compliance problems with the monthly hard-copy reports described below.
- p. The Permittee shall collect, for each ocean disposal trip, both automatically-recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled, and provided in reports to both EPA and the Corps Regulatory Division at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically-recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and the Corps Regulatory Division), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The reports shall also include a cover letter describing any problems complying with the general and Special Conditions of this permit, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.
- q. Following the completion of ocean disposal operations, the Permittee shall submit to EPA and the Corps Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (in-situ) volume of material disposed at the ocean disposal site for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit.

4. Beach discharge (beach nourishment):

- a. No use of sediments from areas identified as containing elevated mercury levels would be authorized for beach nourishment. However, the Corps Regulatory Division and EPA may approve sediment dredging or disposal operations under RGP No. 54 at these locations if additional sediment testing is conducted (via a Corps- and EPA-approved SAP) and the material is found to be suitable.
- b. Material dredged under RGP No. 54 is only authorized for beach discharge onto sites located within 1,000 feet of the authorized dredge site.

- c. In no case will offshore (ocean) disposal or beach discharge be authorized for material dredged below the sediment testing characterization depth (currently -8 feet MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps Regulatory Division and EPA may approve offshore disposal and/or beach discharge for a particular site if additional sediment testing is conducted to the depth requested (via Corps- and EPA-approved SAP) and the material is found to be suitable.
- d. Sediment from approved areas within the proposed RGP No. 54 area that meet the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) are suitable for discharge onto beach sites within 1,000 feet of dredging operation sites.
- e. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps Regulatory Division at least 15 calendar days prior to work in waters of the United States. Description of the transport and discharge operations should include, at a minimum, the following:
 - i. Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge;
 - ii. A schedule showing when the beach nourishment project is planned to begin and end;
 - iii. A debris management plan to prevent disposal of large debris at all beach discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods;
 - iv. The plan shall include the volume of material to be excavated and discharged; and
 - v. The plan shall list previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this RGP.
- f. The Permittee shall not commence individual beach discharge operations unless and until the Permittee receives a signed NTP from the Corps Regulatory Division.
- g. If a violation of any permit condition occurs during discharge operations, the Permittee shall report such violations to the Corps Regulatory Division within 24 hours after the violation occurs. If the Permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the Permittee shall instruct all such contractors that notice of any permit violations must be provided to the Permittee immediately so the Permittee can report the violation as required.
- h. The Permittee shall maintain a copy of this permit on all vehicles used to transport and discharge of fill material authorized under this permit.
- i. The Permittee shall send one copy of a beach disposal post-discharge report to the Corps Regulatory Division documenting compliance with all general and Special Conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall indicate whether all general and Special Conditions were met. Any violations of the permit shall be explained in detail. The report shall include:
 - i. Corps permit number;
 - ii. Identify source of material;
 - iii. Total cubic yards disposed at each beach disposal site;

- iv. Modes of transportation and discharge; and
 - v. Actual start date and completion date of transport and discharge operations.
- j. The Permittee shall implement all appropriate, standard BMPs to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter waters of the United States due to beach nourishment operations.
 - k. The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.
 - l. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the United States.

5. Inland disposal:

- a. If neither beach discharge nor offshore disposal are appropriate options for an individual project proposed under this RGP, an inland disposal site may be utilized, if approved by the Corps Regulatory Division.

6. Mitigation:

- a. This RGP does not authorize significant impacts to aquatic resources. Based on any relevant information, the Corps Regulatory Division will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings. Any impacts to eelgrass would be mitigated according to Special Condition I.e.iv.3. above.

For additional information, please call Stephen Estes at 213-452-3660 or via e-mail at Stephen.M.Estes@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
 LOS ANGELES DISTRICT, CORPS OF ENGINEERS
 P.O. BOX 532711
 LOS ANGELES, CALIFORNIA 90053-2325
WWW.SPL.USACE.ARMY.MIL

L:\AutoCAD Project Files\090243-01 Newport CAD\Lower Newport Bay\RGF 54\0243RPG-RP-001.dwg VMap FIG-1

May 17, 2012 1:15pm mpratschner



SOURCE: Image from Bing map.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

Approximate Project Location:
 33° 36.540', 117° 54.230'

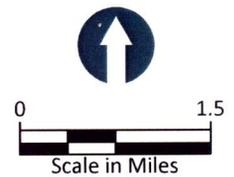
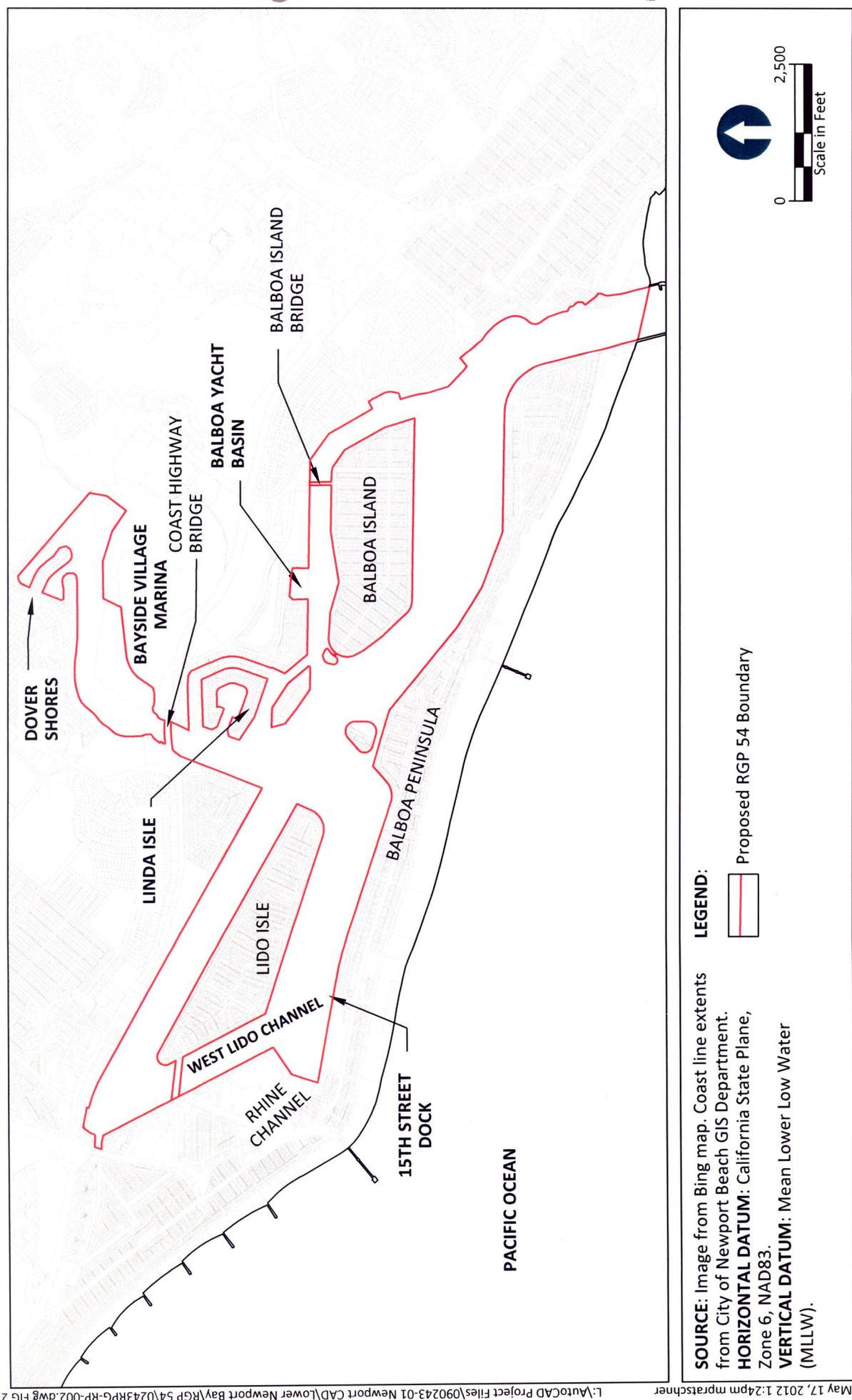
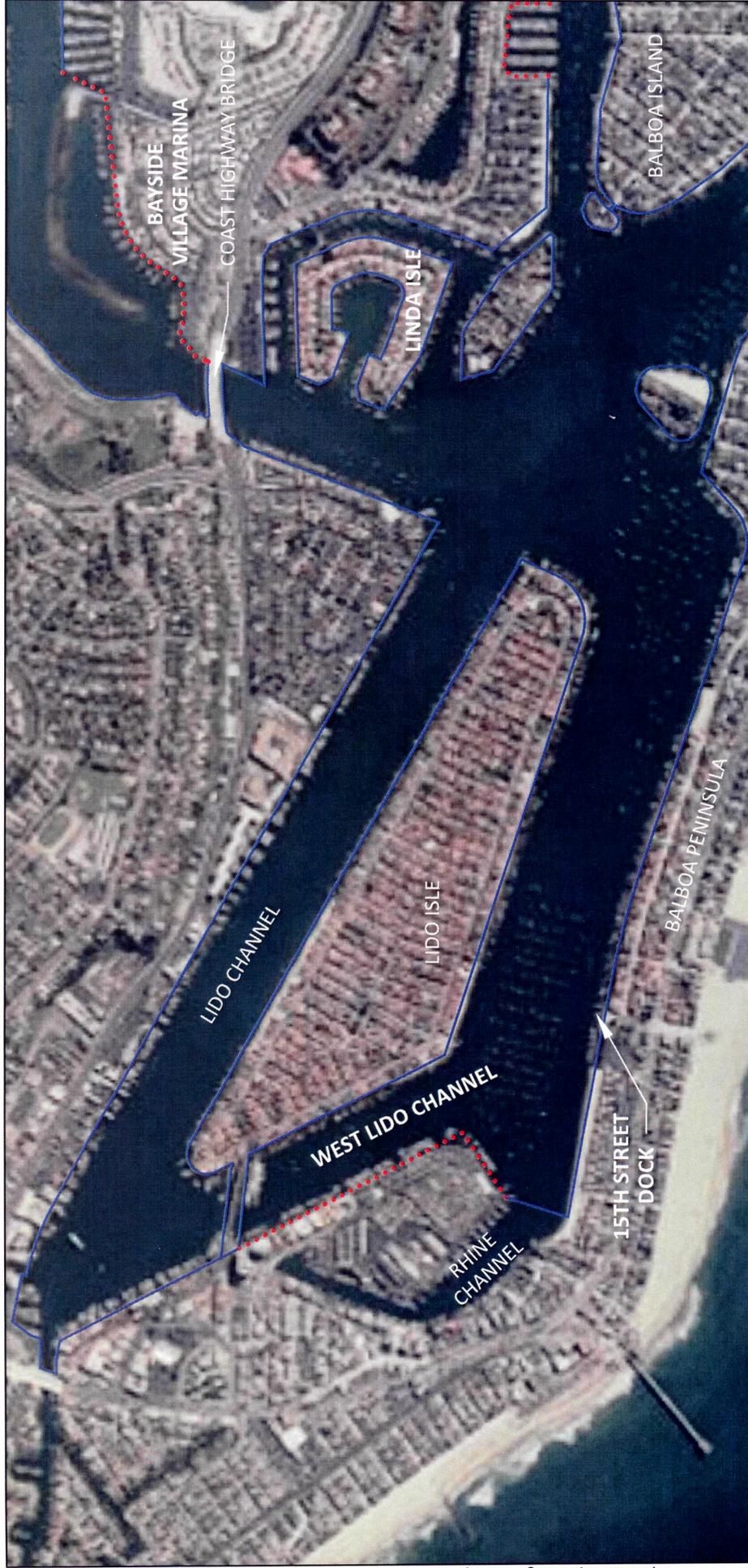


Figure 2
RGP 54 Boundary
Reauthorization of Regional General Permit 54





SOURCE: Image from Bing map. Coast line extents from City of Newport Beach GIS Department.

HORIZONTAL DATUM: California State Plane, Zone 6, NAD83.

VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:



Area approved for disposal at the LA-3 ODMDS and beach nourishment under RGP 54 (area between bulkhead and pierhead lines)



Area not approved for dredging under RGP 54



Figure 3
RGP 54 Boundary - West Portion of Lower Newport Bay
Reauthorization of Regional General Permit 54



LEGEND:

-  Coast line extents from City of Newport Beach GIS Department.
- HORIZONTAL DATUM:** California State Plane, Zone 6, NAD83.
- VERTICAL DATUM:** Mean Lower Low Water (MLLW).



Area approved for disposal at the LA-3 ODMDS and beach nourishment under RGP 54 (area between bulkhead and pierhead lines)



Area not approved for dredging under RGP 54



Figure 4
 RGP 54 Boundary - East Portion of Lower Newport Bay
 Reauthorization of Regional General Permit 54



SOURCE: Image from Bing map. Coast line extents from City of Newport Beach GIS Department.
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:



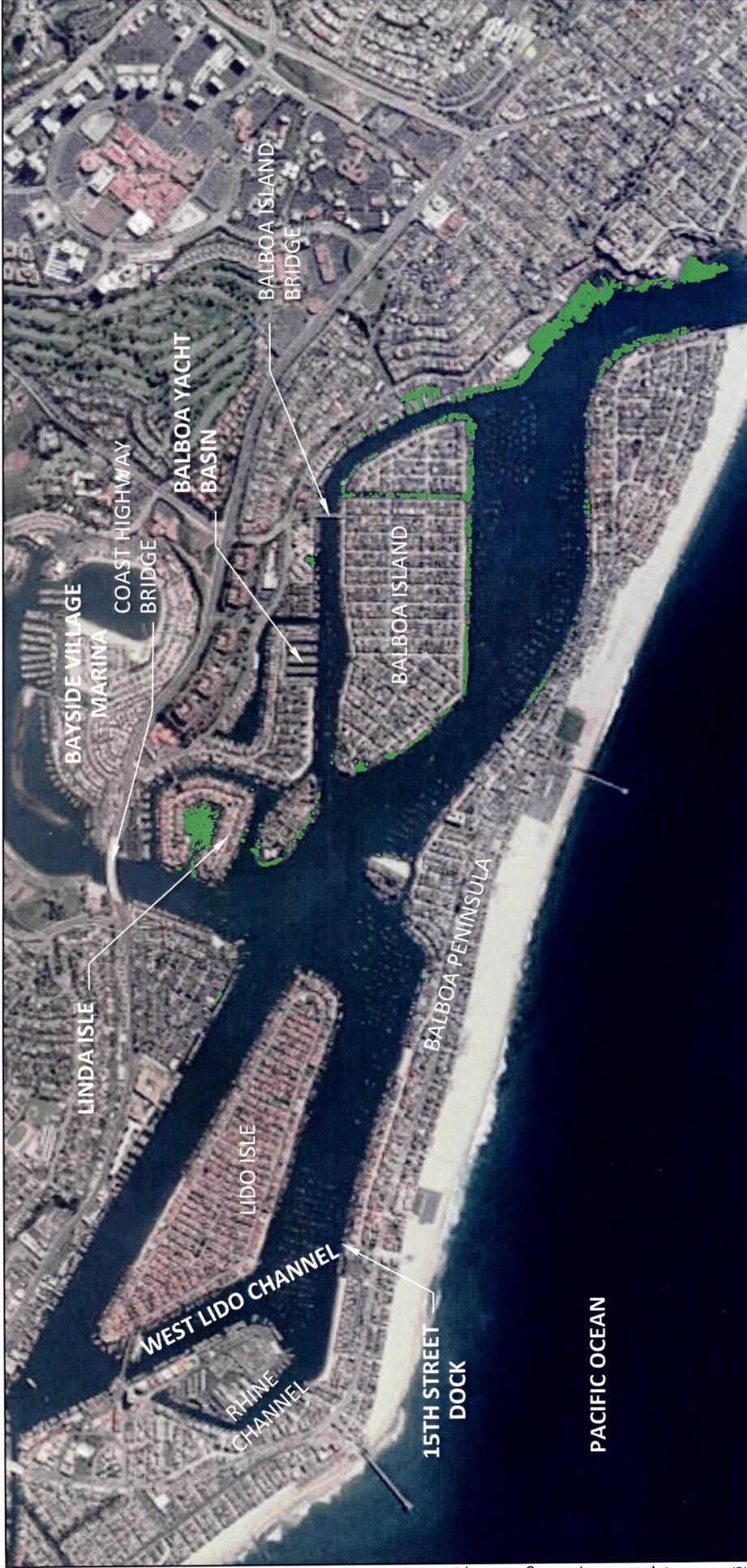
Area approved for disposal at the LA-3 ODMDS and beach nourishment under RGP 54 (area between bulkhead and pierhead lines)



Area not approved for dredging under RGP 54



Figure 5
 RGP 54 Boundary - Developed Portion of Upper Newport Bay
 Reauthorization of Regional General Permit 54



SOURCE: Image from Bing map. Results of the Third Newport Bay Eelgrass (*Zostera marina*) Bay-Wide Habitat Mapping Survey (CRM 2012).
HORIZONTAL DATUM: California State Plane, Zone 6, NAD83.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:



Eelgrass



Figure 6
 Eelgrass Survey
 Reauthorization of Regional General Permit 54