PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR REGIONAL GENERAL PERMIT (RGP)
Orange County Public Works Ocean Outlets Maintenance Program

Public Notice/Application Number: SPL-2010-00868-SME
Project: Orange County Public Works Ocean Outlets Maintenance Program
Comment Period: April 19, 2018 through May 4, 2018
Project Manager: Eric Sweeney; 760-602-4837; Eric.R.Sweeney@usace.army.mil

Applicant

James Volz
Orange County Public Works
300 N. Flower Street
Santa Ana, California 92703
(714) 647-3904

Location

The proposed Orange County Public Works (OCPW) Ocean Outlets Maintenance Program (Project) would be located at five ocean outlets and their adjacent beaches, within the cities of Huntington Beach, Newport Beach, Dana Point, and San Clemente, Orange County, California (Exhibit 1; Table 1). These outlets include the Talbert Channel (Talbert) Outlet (Exhibit 2), Santa Ana River (SAR) Outlet (Exhibit 3), Salt Creek Outlet (Exhibit 4), Estrella Storm Channel (Estrella) Outlet (Exhibit 5), and Segunda Deshecha (SD) Outlet (Exhibit 6).

Table 1. Ocean outlet locations.

Outlet	Latitude	Longitude
Talbert Outlet	33.631834	-117.961448
SAR Outlet	33.629505	-117.957988
Salt Creek Outlet	33.481586	-117.724475
Estrella Outlet	33.450334	-117.659659
SD Outlet	33.431546	-117.632735

Activity

The Project would consist of semi-annual maintenance at five ocean outlets as listed above (up to five times per year at the Santa Ana River outlet) and, as-needed,

minor maintenance activities primarily for flood risk management. Please see page 7 of this Public Notice for more information.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's Public Notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under section 404 of the Clean Water Act. Comments should be mailed to:

Department of the Army
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, Attn: Eric Sweeney
Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: Eric.R.Sweeney@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 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 the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the

aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem 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 U.S. Environmental Protection Agency (U.S. Environmental Protection Agency (USEPA)) Guidelines (40 C.F.R. part 230) as required by section 404(b)(1) of the Clean Water Act.

The Corps 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 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: Under Section 401 of the Clean Water Act, the applicant is required to obtain a Water Quality Certification (WQC) from the State Water Resources Control Board (SWRCB). 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. The applicant is currently pending issuance of the WQC by the SWRCB.

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 an applicant to obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the State's Coastal Zone Management Plan prior to issuance of a Corps permit. Coastal Development Permit No. 5-02-031-A5 was amended on July 20, 2016, authorizing the Project until July 2021. However, the revised project description, which includes changes to the frequency, volume, and deposition area for maintenance activities at the SAR outlet, has not yet been approved by the CCC. The applicant applied for an amendment authorizing the revised project description in February 2018 and the CCC is currently processing this request.

Essential Fish Habitat: The Magnuson-Stevens Fisheries Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on activities that may adversely affect Essential Fish Habitat (EFH). The objective of the EFH assessment is to describe potential adverse effects to designated EFH for federally managed fisheries species within the proposed action area.

The beach areas adjacent to the five outlets may support California grunion (*Leuresthes tenuis*) spawning from approximately March through September of each year. The proposed project would follow the specific protocols described in the *Grunion Protection Plan for Necessary Outlet Maintenance During the Grunion Spawning Season of March through September* report (Chambers Group, 2006). Prior to any maintenance activities during the grunion spawning season of March through September, trained personnel would assess the beach adjacent to each of the five outlets to determine if conditions are suitable for grunion spawning. If maintenance needs to be conducted during the spawning season at an outlet with conditions suitable for grunion spawning, qualified observers would monitor the grunion run. The predicted grunion run would be monitored for three nights: the night after the full or new moon phase and the following two nights. The monitoring would occur from high tide to two hours following the tide or until the grunion stop running if they are still running two hours following the high tide. If grunion are observed within the vicinity of an outlet, the area where they were observed would be marked physically and/or by Global Positioning System (GPS) locations. Maintenance workers would avoid the spawning area to the maximum extent practicable. If spawning occurred over the entire maintenance area, work would be re-scheduled until the area is clear of eggs (i.e. after the next extreme high tide series). By following these grunion protection procedures, impacts to grunion should be minimized.

The project sites do not support eelgrass (*Zostera marina*) habitat due to insufficient tidal inundation conditions at the outlets.

Due to the potential for adverse impacts to grunion spawning habitat, the Corps has made a determination that the proposed project may adversely affect EFH. The Corps

originally received concurrence from NMFS for this determination via an email received March 29, 2012. However, under the revised project description for the maintenance program, OCPW would now be authorized to place excavated material over a much larger area of beach south of the SAR Outlet (Exhibit 3). Therefore, with this public Notice, the Corps requests re-initiation of consultation with NMFS for the proposed project.

Cultural Resources: The latest version of the National Register of Historic Places has been consulted and none of the project locations are listed. Furthermore, the proposed project would only disturb subtidal substrate that is regularly disturbed by tidal flows.

Application of section 106 Criteria for Identification and Evaluation of Historic Properties (36 CFR 800.4[d]) indicates a finding of "no potential to cause effects" for the undertaking on resources listed on or eligible to be listed on the National Register of Historic Places pursuant to section 106 of the National Historic Preservation Act.

Endangered Species: Based upon information provided in the *Biological Report for the Maintenance of Six Ocean Outlets in Orange County* (Chambers Group, 2010), three federally listed threatened or endangered species may be present in the vicinity of the Project, including the threatened western snowy plover (plover) (*Charadrius alexandrinus nivosus*), endangered California least tern (tern) (*Sterna antillarum browni*), and endangered southern steelhead (steelhead) (*Oncorhynchus mykiss irdeus*).

Plovers typically inhabit sandy beaches, salt pond levees, and shores of large alkali lakes. This species prefers sandy, gravelly, or friable soils for nesting. Plovers have occasionally nested within the fenced tern nesting area between the Talbert Outlet and the SAR Outlet, which is designated critical habitat for plover (Exhibit 2). The Talbert Outlet is also a favored foraging area for plovers. Plovers may occasionally forage at or adjacent to the other four outlets and sand placement sites along Newport Beach, Huntington State Beach, and Salt Creek (Sea and Sage Audubon, 2017); however, no designated critical habitat exists at or adjacent to these outlets and no plovers were observed in their vicinity during recent surveys.

The Project would incorporate minimization measures specified in the Ocean Outlets Maintenance Manual (OCPW, 2018) to minimize potential impacts to plover during maintenance activities at the Talbert, Santa Ana River and Salt Creek Outlets. Undisturbed foraging habitat in the outlet areas would be identified and marked by signs. These signs would be installed on the western, upstream side of the outlet and would be in place from one hour prior to the commencement of work until the end of the work day. These signs would describe the care to be exercised by the general public when entering the designated foraging areas. In addition, two qualified biological monitors would be present during maintenance activities at Talbert, Santa Ana River, and Salt Creek Outlets. These monitors would ensure no plovers or terns are disturbed by maintenance activities. One monitor would observe activities at the excavation site and one would observe activities at the discharge site.

Terns are a colonial breeder on bare or sparsely vegetated, flat substrates, sand beaches, alkali flats, landfills, or paved areas. This species is only present in California during breeding season (April through September of each year) and there are five tern nesting sites in Orange County. These include the Seal Beach National Wildlife Refuge, Bolsa Chica Ecological Reserve, Huntington State Beach, Burris Sand Pit, and Upper Newport Bay Ecological Reserve. The Huntington State Beach nesting site is the fenced area between the Talbert Outlet and the SAR Outlet described above. In 2009, 413 breeding pairs were observed here, establishing 434 nests and producing 132 fledglings. As described above, two qualified biological monitors would be present during maintenance activities. The monitors would ensure no plovers or terns are disturbed by maintenance activities. No tern breeding areas are known within the vicinity of the other four outlets; however, terns may occasionally forage in nearshore waters in the vicinity of the outlets during the summer.

Steelhead spend the majority of their adult lives in the ocean before migrating upstream in cool, well-oxygenated, freshwater rivers and streams to spawn. None of the five outlets have been designated as critical habitat for steelhead. In addition, these outlets do not provide suitable habitat and the species would not be expected to occur. Steelhead may be present in ocean waters offshore of the outlets.

Due to the possibility of nesting or foraging plovers and terns within the vicinity of the Project and in consideration of the minimization efforts outlined in the Ocean Outlets Maintenance Manual, the Corps has made a “may affect, not likely to adversely affect” determination for the western snowy plover and California least tern. In addition, work at Talbert Outlet would occur outside of designated critical habitat for plover (Exhibit 2). Therefore, the Corps has made a “no effect” determination for designated critical habitat. With this Public Notice, the Corps requests initiation of informal consultation with the USFWS.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). **There are no special aquatic sites within the proposed project area. Therefore, establishment of a basic project purpose is not necessary.**

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 recurring maintenance activities at the five ocean outlets, and provide flood risk management and water quality improvements and conditions amenable to recreational use adjacent to these outlets.**

Additional Project Information

Baseline Information: The Project would occur at five ocean outlets located within the cities of Huntington Beach, Newport Beach, Dana Point, and San Clemente, Orange County, California (Exhibits 1-6). Talbert Outlet is the terminus of Talbert Marsh. The outlet is soft-bottomed and has rock levees extending to the end of the outlet. The outlet is approximately 1,000 feet long (downstream of Pacific Coast Highway) and 150 feet wide.). Shoals within the outlet periodically restrict tidal flow and runoff between Talbert Marsh and the Pacific Ocean (Exhibit 2).

The SAR Outlet is the terminus of the Santa Ana River, the largest river in Southern California. The outlet is soft-bottomed and has three rock levees (jetties) extending to the end of the outlet. The outlet is approximately 1,000 feet long (downstream of Pacific Coast Highway) and 450 feet wide. Shoals within the outlet periodically restrict tidal flow and runoff between the Santa Ana River and Pacific Ocean. In addition, rock material from the outlet's jetties occasionally becomes displaced due to heavy flows (Exhibit 3).

Salt Creek Outlet is the terminus of Salt Creek, which is conveyed through a reinforced concrete box culvert upstream from the outlet. The outlet consists of a concrete apron and rock revetment on Monarch Beach and is approximately 100 feet long and 20 feet wide. Rock material from the outlet's revetment and apron occasionally becomes displaced and sediment accumulates within the outlet's apron (Exhibit 4).

Estrella Outlet is the terminus of Estrella Storm Channel, which is conveyed through a reinforced concrete box culvert. The outlet is approximately ten feet wide with a flap gate at the end of the storm drain structure. Shoals within the outlet periodically restrict tidal flow and runoff between Estrella Storm Channel and the Pacific Ocean (Exhibit 5).

The SD Outlet is the terminus of the Segunda Deshecha Cañada, which is conveyed through a reinforced concrete box culvert. The outlet is concrete with concrete wings and rock revetment. Sediment within the outlet periodically restricts tidal flow and runoff between Segunda Deshecha Cañada and the Pacific Ocean. In addition, rock material from the outlet's revetment occasionally becomes displaced due to heavy flows (Exhibit 6).

Project Description: Maintenance work proposed for each outlet is described below:

Talbert Outlet: Semi-annual maintenance at the Talbert Outlet would occur once in the spring or summer and once in the fall. Each maintenance event would occur over an approximately two to three week period, dependent upon the amount of sediment removed. During the spring/summer maintenance event, OCPW would maintain or restore tidal flow by excavating the shoal within the outlet to an approximately 5-foot cut depth. In the fall, OCPW would maintain or restore hydraulic capacity by excavating excess, accumulated sediment to the 5-foot cut depth before October 15th. Sediment would be excavated over an approximately 3.51-acre area and would be discharged over an approximately 3.12-acre area of the adjacent beach above the high tide line (Exhibit 2). Approximately 15,000 CYs of sediment would be excavated during each maintenance event. As required for California least tern habitat management, minor maintenance activities may occur during the summer months and would include removal of any shoal blocking tidal flow into Talbert Marsh within seven days of observation. Work would be conducted using a bulldozer, excavator, and articulating dump truck.

Outlet	**Maximum Excavation area (acres)**	**Maximum Excavation volume per Event (cubic yards)**	**Maximum Discharge area (acres)**	**Discharge volume per Event (cubic yards)**
Talbert Outlet	3.51	15,000	3.12	15,000
SAR Outlet	6.36	70,000	11.22	70,000
Salt Creek Outlet	0.23	1,000	0.2	1,000
Estrella Outlet	0.06	500	0.12	500
SD Outlet	0.08	1,000	0.2	1,000

SAR Outlet: Under the reissued RGP, maintenance of the SAR Outlet would be authorized to occur at a maximum frequency of five events annually. This represents an increase in the authorized maintenance frequency at the SAR Outlet, which was limited to semiannual maintenance in the previously issued RGP. Additionally, compared with the previously issued RGP, the area of sand excavation would increase from 1.72 acres to 6.36 acres per maintenance event while areas of sand placement would increase from 4.53 acres to 11.22 acres per maintenance event. Under the revised project description, the area in which sand could be placed would now extend much farther south to include beach areas in Newport Beach (Exhibit 3). The total volume of material excavated would increase from 4,525 CYs to 70,000 CYs per maintenance event.

Each maintenance event would occur over an approximately one to nine week period, dependent upon the amount of sediment removed and distance to placement site. During the spring/summer maintenance event, OCPW would re-establish tidal flow by excavating the existing shoal. In the fall, OCPW would maintain or restore hydraulic capacity by excavating excess, accumulated sediment to an approximately 7-foot cut

depth. Sediment would be excavated over an approximately 6.36-acre area and would be discharged over an approximately 11.22-acre area of the adjacent beach above the high tide line (Exhibit 3). Approximately 70,000 CYs of sediment would be excavated during each maintenance event. Minor maintenance activities may occur during the summer months and would include the retrieval and reestablishment of displaced rock materials used for the outlet's revetment and the excavation of accumulated sediment to re-establish the outlet's shape and alignment. Work would be conducted using a bulldozer, excavator, and articulating dump trucks.

Salt Creek Outlet: Under the reissued RGP, maintenance of the Salt Creek Outlet would be authorized semiannually, which represents an increase in the maximum frequency of maintenance over the previous RGP, which authorized maintenance once per year. Each maintenance event would occur over an approximately three day to two week period, dependent upon the amount of sediment removed. During the spring maintenance events, OCPW restores rock protection where scour holes are observed, in order to protect the outlet structure. During the fall maintenance events, OCPW would remove accumulated sediment in the outlet as needed. Sediment would be excavated over an approximately 0.23-acre area and would be discharged over an approximately 0.2-acre area of the adjacent beach (Exhibit 4). Approximately 1,000 CYs of sediment would be excavated during each maintenance event. Work would be conducted using an excavator and bulldozer.

Estrella Outlet: Semi-annual maintenance at the Estrella Outlet would occur once in the spring and once in the fall. Each maintenance event would occur over an approximately one to two week period, dependent upon the amount of sediment removed. During the spring and fall maintenance events, OCPW would re-establish tidal flow by excavating excess, accumulated sediment from the outlet to re-establish the four foot design depth. Sediment would be excavated over an approximately 0.06-acre area and would be discharged over an approximately 0.12-acre area of the adjacent beach above the high tide line (Exhibit 5). Approximately 500 CYs of sediment would be excavated during each maintenance event. Work would be conducted using a bulldozer, excavator, and articulating dump truck.

SD Outlet: Semi-annual maintenance at the SD Outlet would occur once in the spring and once in the fall. Each maintenance event would occur over an approximately four day to two week period, dependent upon the amount of sediment removed. During the spring and fall maintenance events, OCPW would excavate excess, accumulated sediment from the outlet to reestablish the four-foot design depth. Sediment would be excavated over an approximately 0.08-acre area and would be discharged over an approximately 0.2-acre area of the adjacent beach (Exhibit 6). Approximately 1,000 CYs of sediment would be excavated during each maintenance event. Work would be conducted using a bulldozer, backhoe, excavator and dump truck.

As noted above, nesting surveys for plover and tern shall be conducted prior to the commencement of maintenance activities during the breeding season of March 1st to September 30th. A Pre-Construction Notification (PCN) to the Corps Regulatory

Division would be required prior to commencement of maintenance activities if nesting tern or plover are found within 500 feet of the project sites during these surveys (excluding the fenced tern nesting area located between the Talbert Outlet and the SAR Outlet). If nesting tern or plover are found, the Corps Regulatory Division would coordinate with the USFWS prior to making a final determination regarding the proposed activity. In this instance, a Notice to Proceed from the Corps Regulatory Division would be required prior to commencement of project-related activities.

Portions of the maintenance activities would occur within WoUS while other portions would occur outside of WoUS. Maximum impacts of each maintenance event within WoUS are listed in Table 3. Overall impacts are listed in Table 4. These impacts are considered temporary.

Table 2 Maximum impacts within WoUS per maintenance event.

Outlet	**Excavation area (acres)**	**Excavation volume (cubic yards)**	**Discharge area (acres)**	**Discharge volume (cubic yards)**
Talbert Outlet	3.51	15,000	0	0.00
SAR Outlet	6.36	70,000	6.7	40,000
Salt Creek Outlet	0.23	1,000	0.05	200
Estrella Outlet	0	0	0	0
SD Outlet	0	0	0	0

Table 3 Overall impacts per maintenance event.

Outlet	**Maximum Excavation area (acres)**	**Maximum Excavation volume (cubic yards)**	**Maximum Discharge area (acres)**	**Maximum Discharge volume (cubic yards)**
Talbert Outlet	3.51	15,000	3.12	15,000
SAR Outlet	6.36	70,000	11.22	70,000
Salt Creek Outlet	0.23	1,000	0.2	1,000
Estrella Outlet	0.06	500	0.12	500
SD Outlet	0.08	1000	0.2	1000

Note that maintenance of the North Doheny Creek outlet is no longer covered in the updated maintenance program because maintenance of this outlet does not fall within the applicant's responsibility.

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: Excavated sediment would be placed outside of WoUS to the maximum extent practicable. As described above, nesting bird surveys would be conducted during nesting season to avoid potential disturbance during construction. In addition, pre-project surveys for grunion activity would be conducted during grunion spawning season and areas of spawning would be avoided until the next spawning period.

Minimization: Maintenance activities would include only the minimum amount of work necessary to alleviate the maintenance need (e.g. flood control) and would not exceed the design specifications of the ocean outlets. As described above, California grunion monitoring would be conducted during spawning season to minimize potential impacts to eggs and breeding habitat. OCPW would also implement Best Management Practices, including vehicle speed limits on the beach and proper cleansing and maintenance of vehicles.

Compensation: No compensatory mitigation has been proposed by the applicant. All impacts to WoUS would be temporary in nature. No vegetation would be impacted by the proposed activities.

Proposed Special Conditions

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

1. **Authorized Work:** Any work authorized by this permit must be the minimum necessary to alleviate the maintenance need and should not exceed the design specifications of the ocean outlets. Minor, as-needed maintenance would be limited to one maintenance event every two weeks at each outlet for the duration of the permit. In the event that additional maintenance or emergency response activities at the outlet are required, the Permittee would notify the Corps before performing the work. If the work requested under the permit were denied, the Permittee shall apply for a separate permit.

2. **Seasonal Restrictions:** Seasonal restrictions shall be imposed to avoid and minimize impacts to sensitive species, including any federally listed endangered or threatened species. Nesting bird surveys shall be conducted prior to any maintenance activities which occur from March 1st to September 30th of each year. A Pre-Construction Notification (PCN) to the Corps Regulatory Division would be required prior to commencement of maintenance activities if nesting terns or plover are found within 500 feet of the project sites (excluding the fenced tern nesting area located between the Talbert Outlet and the SAR Outlet). If nesting birds are found, the Corps Regulatory Division would coordinate with the USFWS prior to making a final determination regarding the proposed activity. In this instance, a Notice to Proceed from the Corps Regulatory Division would be required prior to commencement of project-related activities.

3. **Endangered Species:** This Corps permit does not authorize you to take any threatened or endangered species, in particular the California least tern (*Sterna antillarum browni*) and western snowy plover (*Charadrius alexandrinus nivosus*) or adversely modify any designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA section 10 permit, or a Biological Opinion (BO) under ESA section 7, with "incidental take" provisions with which you must comply). Pursuant to the USFWS correspondence dated [X], including the required avoidance and minimization measures, the Corps Regulatory Division has determined and the USFWS has concurred that the proposed activity is not likely to adversely affect the above species. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit. Your authorization under this Corps permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.

4. **Historic Properties:** Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Danielle Storey at 213-452-3855 or Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

5. **Access to the Site:** You must allow representatives from this office and other state and Federal resource agencies to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.

6. **Best Management Practices:** No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into WoUS. Therefore, the Permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction.

7. **Erosion and Siltation Controls:** When performing any excavation activity in or near the outlets, all excavated material shall be distributed on an adjacent beach above the mean high water mark to the maximum extent practicable. Every effort must be made to ensure any material excavated from WoUS is not likely to be washed back into any WoUS.

8. **Equipment:** Vehicles shall not be driven or equipment operated in WoUS on-site, except as necessary to complete the proposed project. The Permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occur in designated upland areas, located in such a manner as to prevent any runoff from entering WoUS. Vehicles will be limited to 10 mph whilst driving on the beach to minimize the chances of causing harm to Snowy Plover

9. **Suitable Material:** The Permittee shall discharge only clean materials suitable for use in the oceanic environment. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

10. **Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.

11. **Spawning Areas:** Discharges into spawning areas during spawning season must be avoided to the maximum extent practicable. Seasonal restrictions are discussed above in Special Condition 2.

12. **Waterfowl Breeding Areas**: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

13. **Navigation:** The permitted activity shall not interfere with the right of the public to free navigation on all navigable WoUS. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, cessation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

14. **Reports:** The Permittee shall submit an annual written report to this office by February 1st of each year this RGP is valid. The report shall summarize all maintenance activities conducted at the ocean outlets throughout the year under this RGP. The reports will include written documentation and photographs of all work performed under this RGP during the prior year. Any data collected, including water quality samples and terrestrial or aquatic sensitive species surveys, shall be included in the annual report. Providing this report is mandatory. These reports enable us to track the use of this RGP to verify that the minimal effects determination is being met, as required by section 404(e) of the Clean Water Act. Failure to provide timely annual reports would constitute non-compliance with this Special Condition and would be considered a violation (33 CFR Part 326.4(d)).

Furthermore, failure to provide these annual reports will jeopardize the possibility of reauthorizing this permit when it expires. At a minimum, the report shall include the following information:

a. The name, address, and telephone number of:
    i. The Permittee's Point of Contact
    ii. The Permittee's agent (if appropriate)

b. Full description of the activities conducted during the previous year, including:
    i. Description of each maintenance event for each ocean outlet, including any deviations from the project description
    ii. Size and description of the project area (include maps, drawings, and photographs)
    iii. Information on the receiving waterbody impacted including:
        a) Name of waterbody
        b) Type of receiving waterbody
        c) Temporary/permanent adverse impact(s) in acres/cubic yards/linear feet
        d) Other mitigation steps (to avoid, minimize)
        e) Compensatory mitigation in acres/cubic yards/linear feet
    iv. Information on federally listed or proposed endangered species, designated or proposed critical habitat, EFH, and federally managed fish species including:
        a) Temporary/permanent adverse impacts
        b) Mitigation steps (to avoid, minimize)
        c) Compensatory mitigation

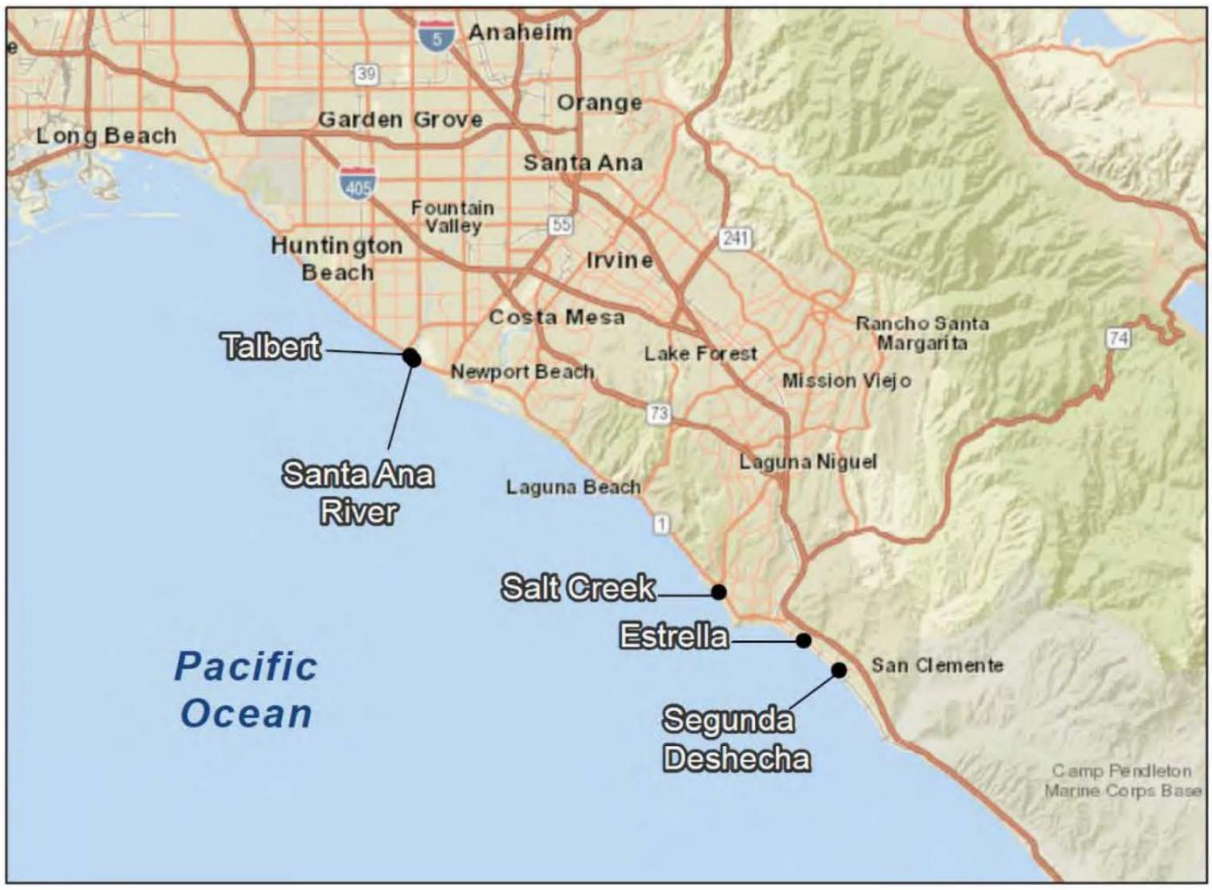
For additional information, please contact Eric Sweeney at 760-602-4837 or via email at Eric.R.Sweeney@usace.army.mil. This Public Notice is issued by the Chief, Regulatory Division.

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.

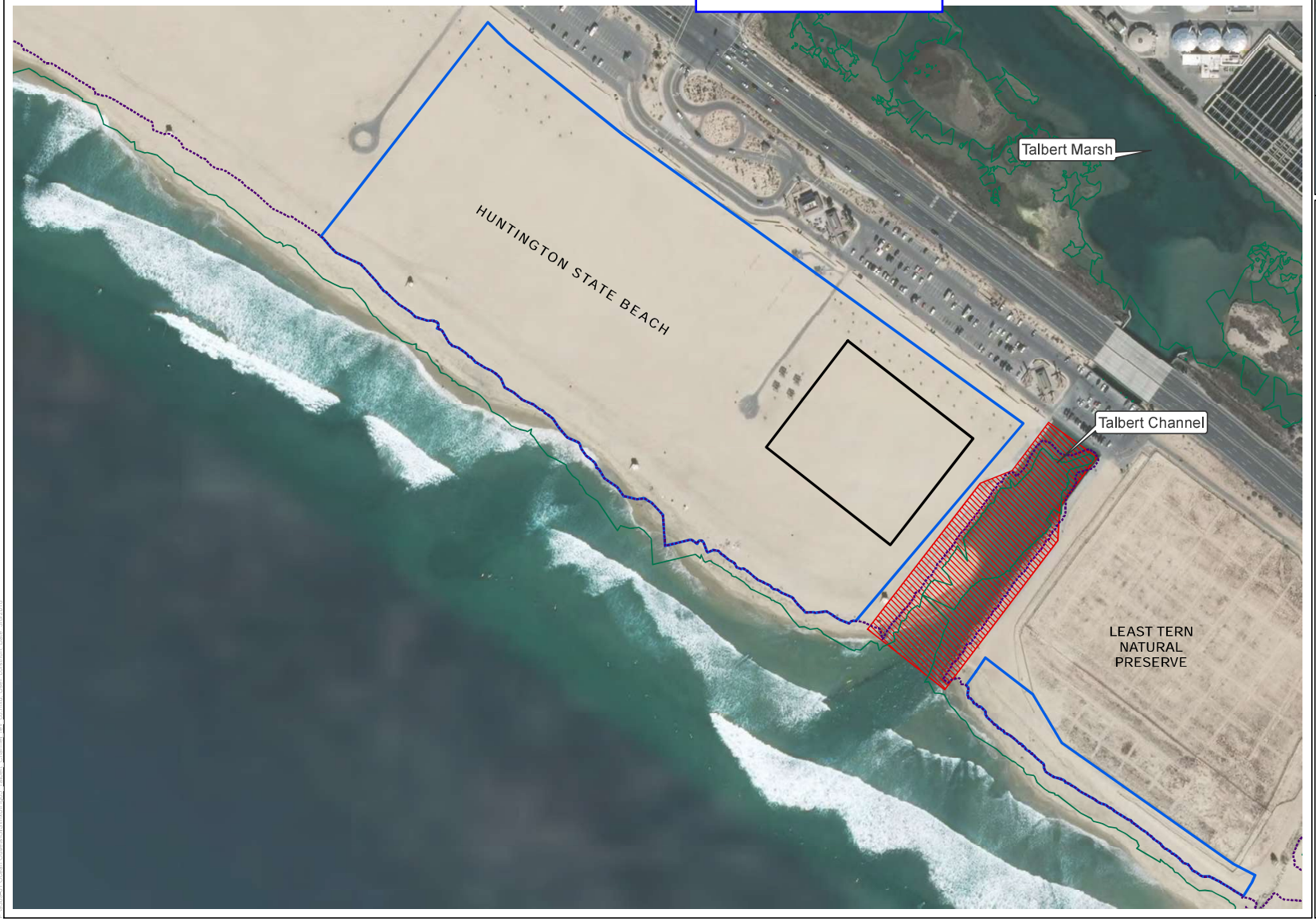
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, California 92008
http://www.spl.usace.army.mil/missions/regulatory

Exhibit 1



Locations of OCPW Ocean Outlets

Exhibit 2



Legend

- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 3.51 acres
- Discharge Area: 3.12 acres
- Excavated Material: 15,000 CY

General Notes

- All sediment shall be spread on adjacent beach above high tide line.
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

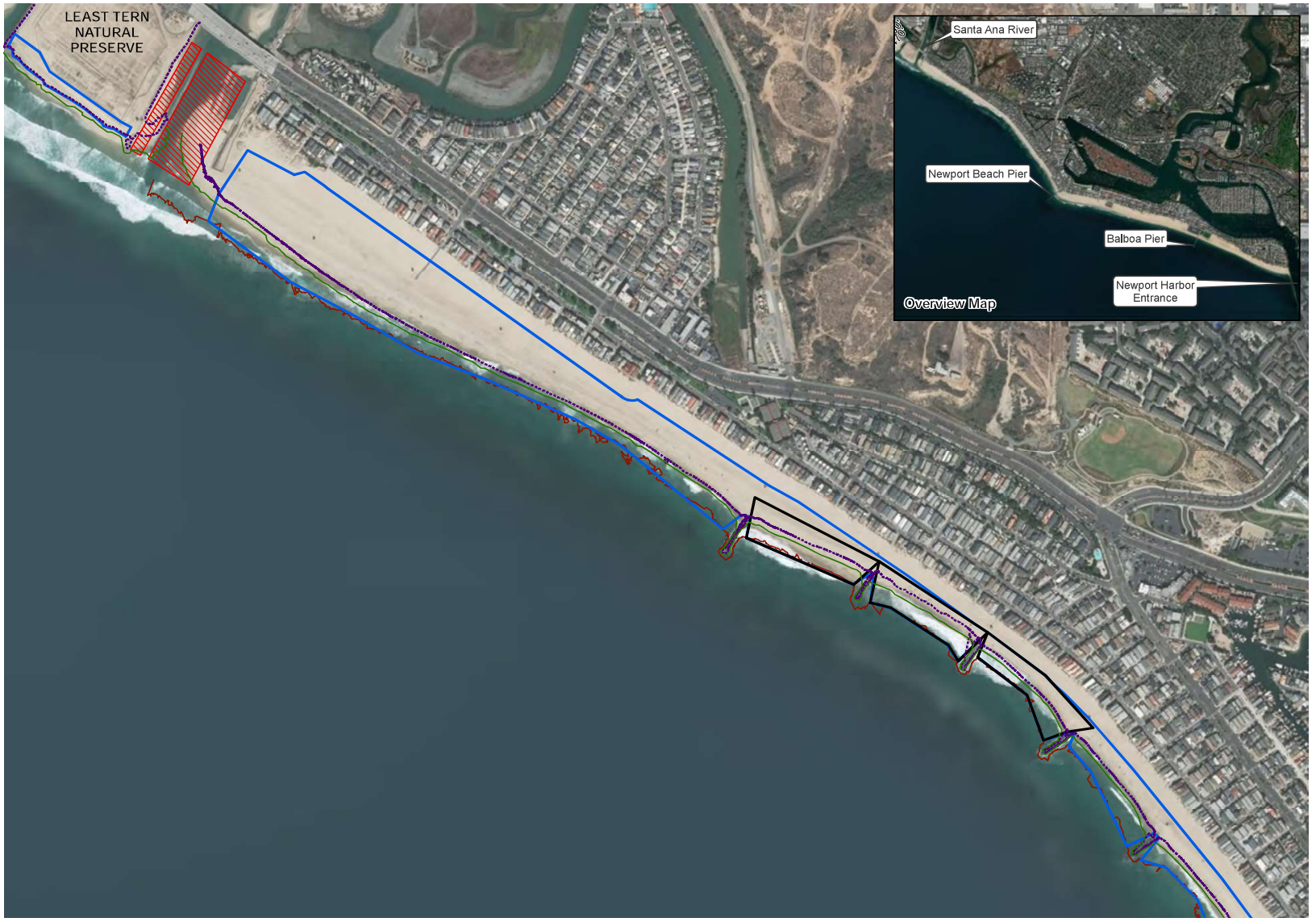
N

0 200 400 Feet

1:3,000

Talbert Channel Outlet (D02)
Ocean Outlets Maintenance Manual

Exhibit 3



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

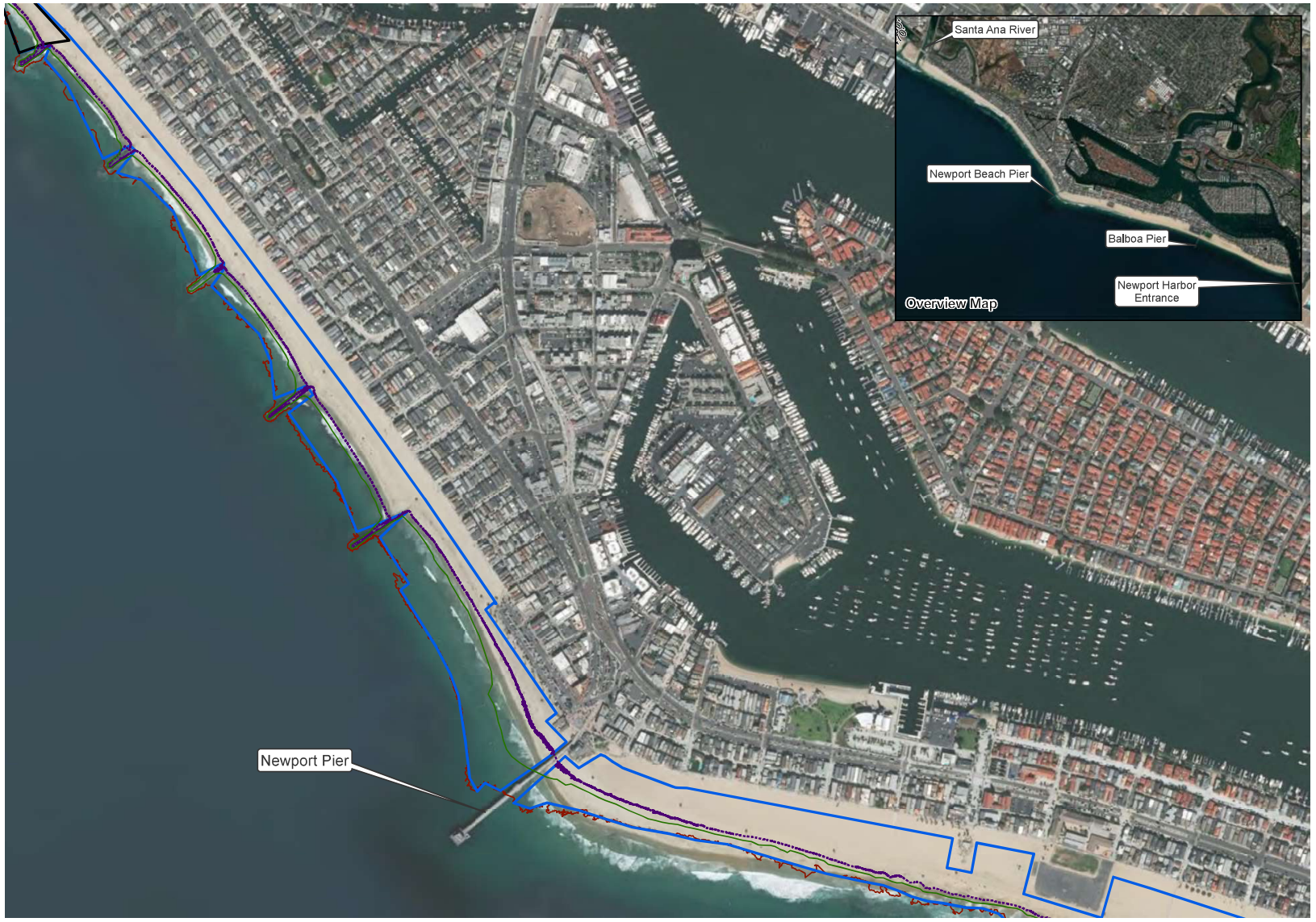
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

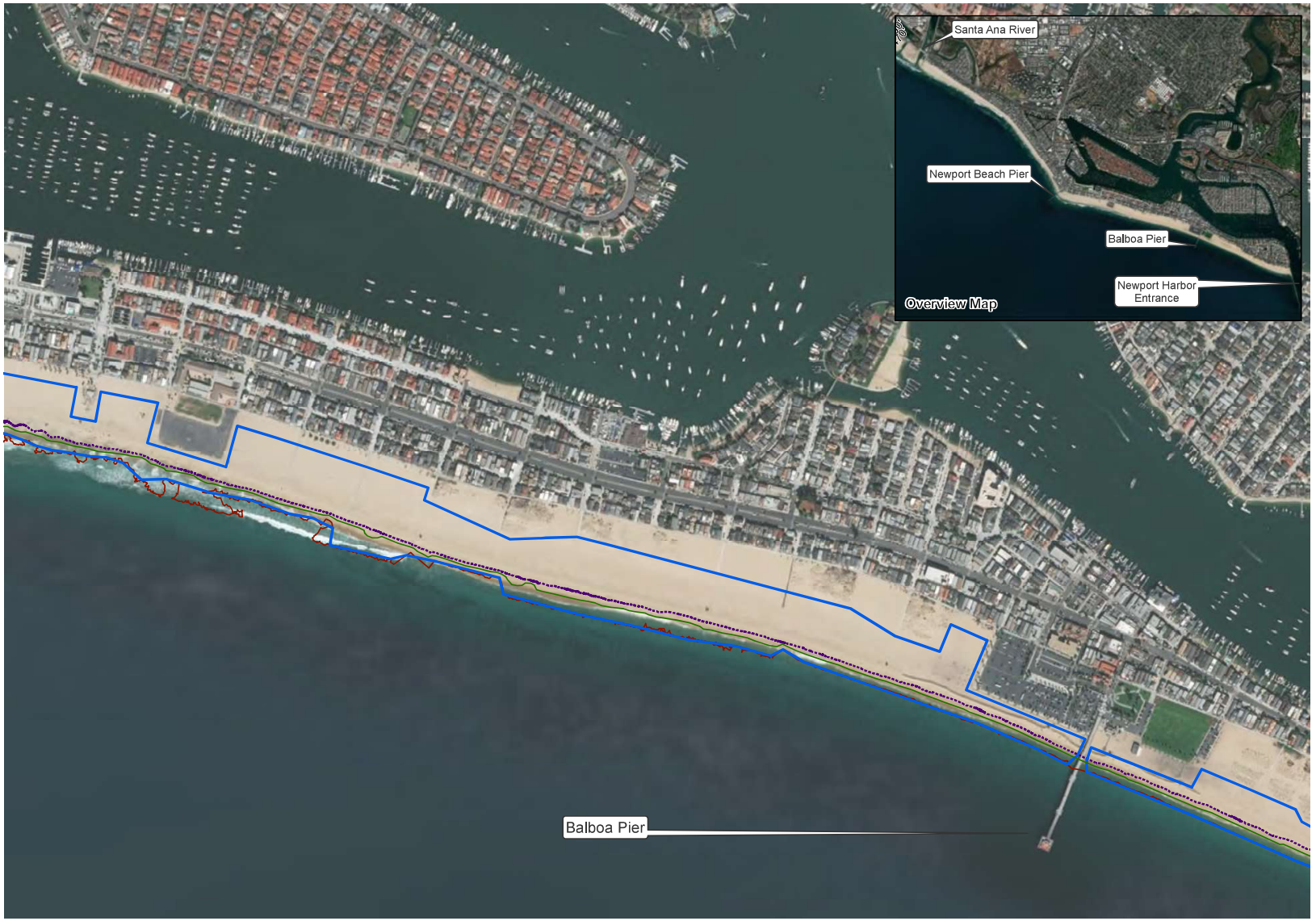
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Figure 4b
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

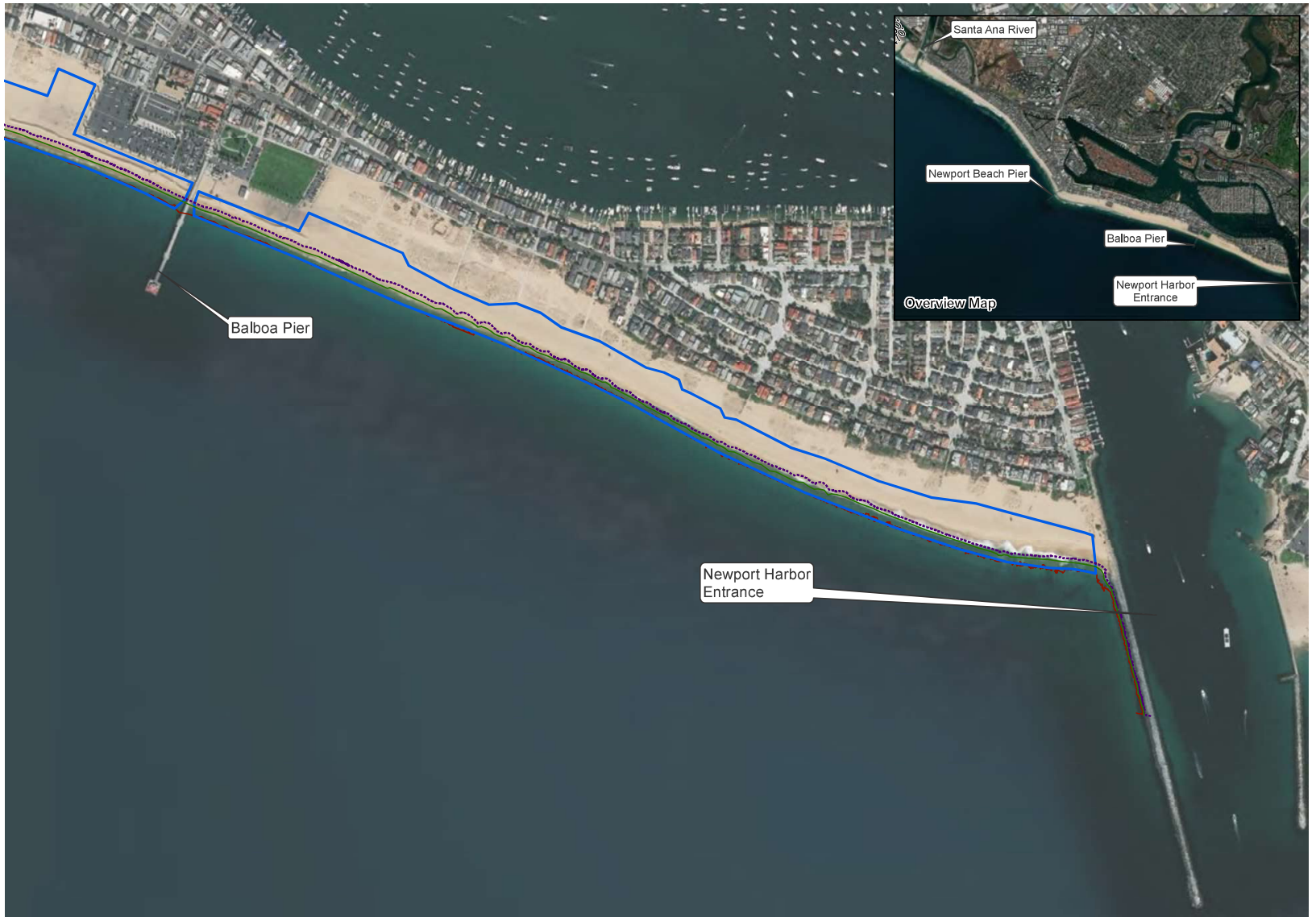
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Figure 4c
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

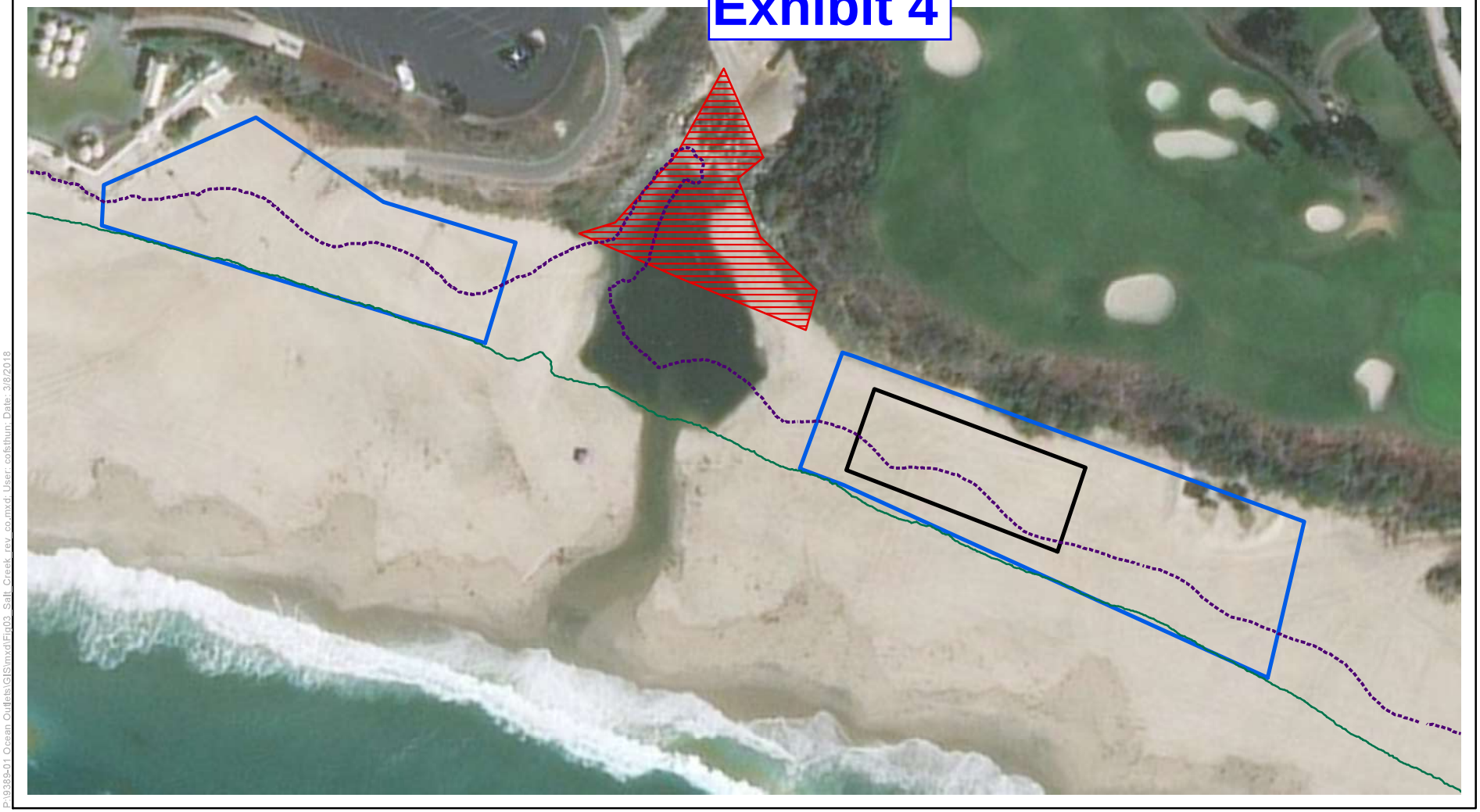
N

0 250 500 Feet

1:7,500

Figure 4d
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual

Exhibit 4



Legend

- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area and Rock Repair

General Notes

- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

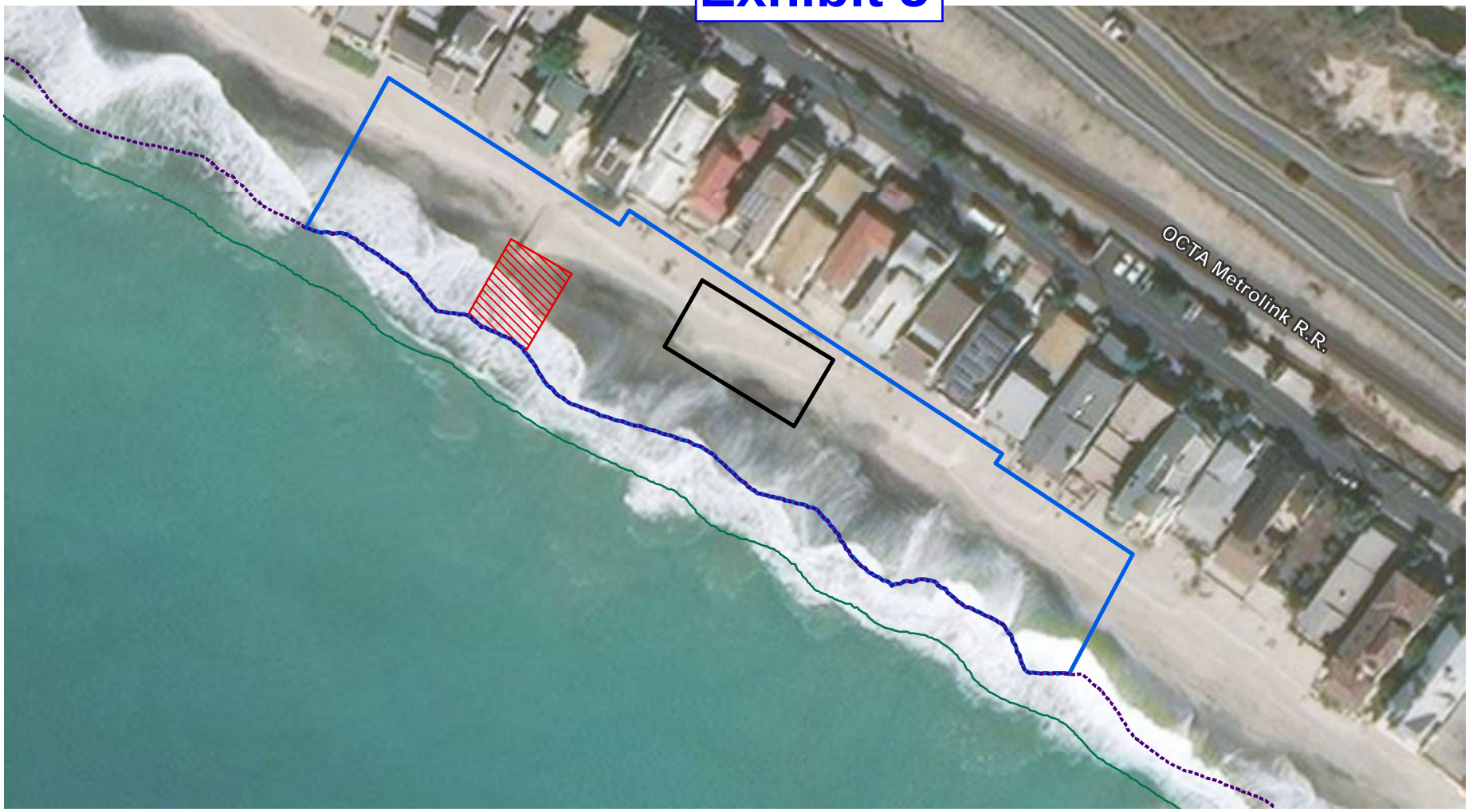
Excavation Area: 0.23 acres
Fill/Discharge Area: 0.20 acres
Excavated Material: 1,000 CY

N

0 50 100 Feet
1:1,200

Salt Creek Outlet (K01)
Ocean Outlets Maintenance Manual

Exhibit 5



P:\9389-01 Ocean Outlets\GIS\mxd\Fig02_Estrella_Storm_Channel_rev_co.mxd; User: cofsthun; Date: 3/8/2018

Legend

- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

N

0 50 100 Feet

1:1,200

General Notes

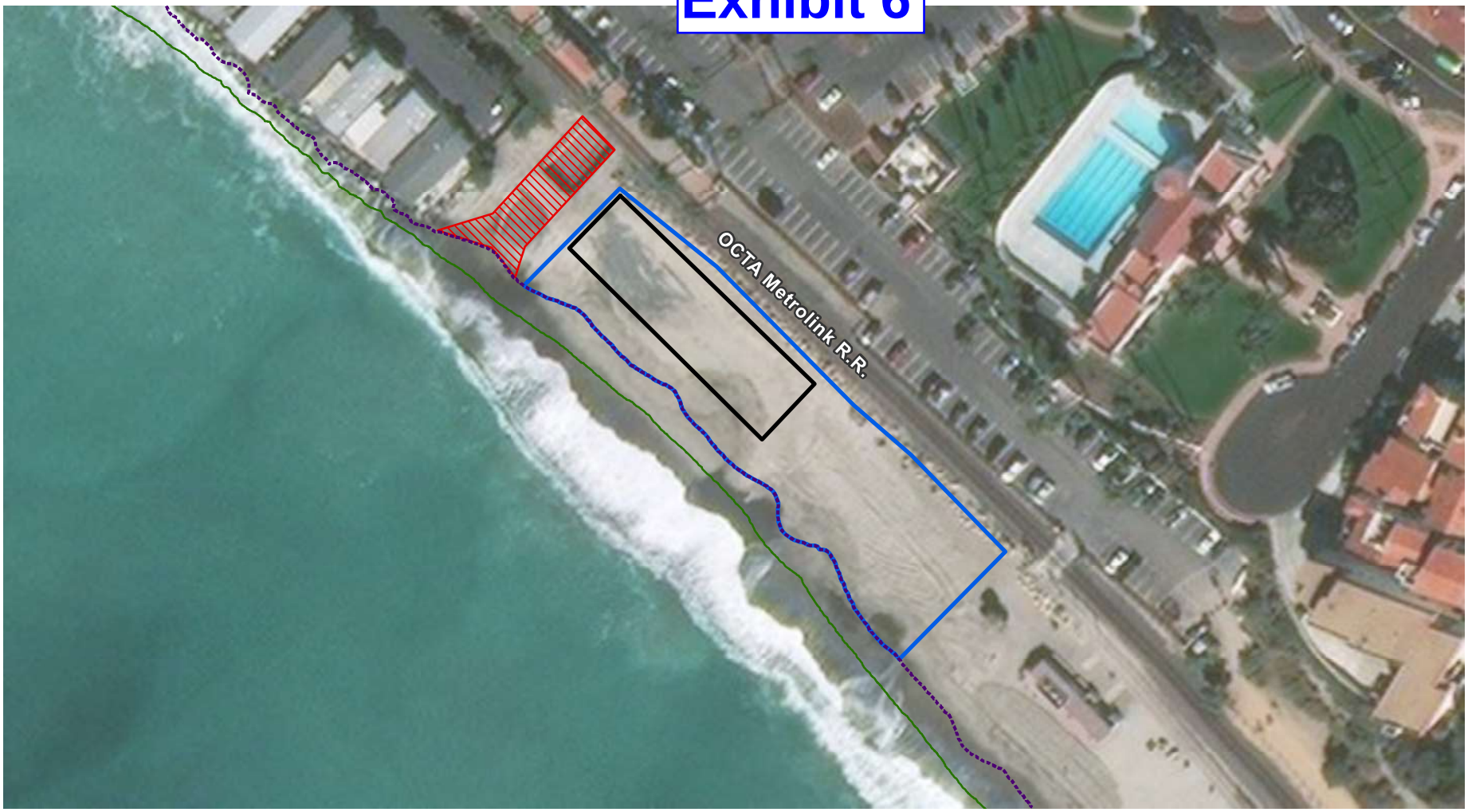
- All sediment shall be spread on adjacent beach above high tide line.
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

- Excavation Area: 0.06 acres
- Fill/Discharge Area: 0.12 acres
- Excavated Material: 500 CY

Estrella Storm Channel Outlet (M00S01)
Ocean Outlets Maintenance Manual

Exhibit 6



P:\9389-01 Ocean Outlets\GIS\mxd\Fig01_Segunda_Deshecha_rev_co.mxd User: cofis\thun Date: 3/8/2018

Legend

- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

0 50 100 Feet

1:1,200

N

General Notes

- All sediment shall be spread on adjacent beach above high tide line.
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

- Excavation Area: 0.08 acres
- Fill/Discharge Area: 0.20 acres
- Excavated Material: 1,000 CY

Segunda Deshecha Cañada Outlet (M02)
Ocean Outlets Maintenance Manual