



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant: City of Newport Beach

Published: **October 31,  
2025**

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2025

**Los Angeles District**

**Permit Application No. SPL-2013-00020-GS**

**Project: Proposed Reauthorization of Regional General Permit  
54 for Maintenance Dredging Activities in Newport Bay,  
Orange County, CA**

TO WHOM IT MAY CONCERN: The Los Angeles District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) and Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C §1401). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Chris Miller

City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

**AGENT:**

Marine Vie  
Anchor QEA  
9700 Research Drive  
Irvine, CA 92618

**WATERWAY AND LOCATION:** The project would affect waters of the United States and/or navigable waters of the United States associated within Newport Bay. The project/review area is located and would take place throughout pre-identified eligible portions of Newport Bay, in the city of Newport Beach, Orange County, California at approximately 33.608795, -117.905268 (Figures 1-2).

**EXISTING CONDITIONS:** The City of Newport Beach is requesting to renew Regional General Permit (RGP) 54 for maintenance dredging projects in Newport Bay. Project work may occur at private, public, and commercial docks, floats, and piers, all of which have varying existing conditions.

## **PROJECT PURPOSE:**

**Basic:** 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). The basic project purpose for the proposed project is to restore and maintain navigation. The project is water dependent.

**Overall:** 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 streamline the permitting process for routine maintenance dredging activities that would restore and maintain the navigable capacity within selected areas of Newport Harbor, while balancing beach sand within the bay.

### **PROPOSED WORK:**

The City of Newport Beach is requesting to renew Regional General Permit (RGP) 54 for maintenance dredging projects in Newport Bay prior to its expiration in December 2020. For approximately 40 years, the City has maintained an RGP that provides a streamlined process for permitting small dredging and dock maintenance projects in eligible areas between the bulkhead and pierhead lines in Newport Harbor. The expiring RGP 54 covers minor maintenance dredging and discharge of dredged material deemed suitable for unconfined placement at adjacent beach sites for beach nourishment, nearshore beach disposal, offshore dredged material disposal sites (ODMDS), confined disposal facilities, or at approved upland disposal sites. The current annual maximum dredge volume authorized under RGP 54 is 75,000 cubic yards (CY), and individual maintenance dredging projects are limited to 8,000 CY.

Baseline Information: RGP 54 was originally issued on August 29, 1989 (Corps File No. 890021100) and has been periodically re-authorized with modifications. The current version of RGP 54 was issued on December 21, 2020, and will expire on December 21, 2025 (Corps File No. SPL-2013-00020-GS).

Project description: Major project elements of the proposed RGP 54 include the following:

- Maintenance dredging under and adjacent to private, public, and commercial docks, floats, and piers. Maintenance dredging would occur to a maximum depth of -10 feet mean lower low water (MLLW), plus 2 feet of overdepth allowance (1 foot paid and 1 foot unpaid), with an annual maximum dredge volume of 75,000 CY within the coverage areas and not to exceed 8,000 CY per individual project.
- Certain areas of Newport Harbor require additional confirmatory sediment sampling based on the 2023 harborwide sediment suitability (Figure 2). Areas determined in Figure 2 authorize maintenance dredging to -15 feet MLLW, plus 2 feet of overdepth allowance (1 foot paid and 1 foot unpaid).
- Discharge of dredged material at adjacent beach sites (for beach nourishment), the LA-3 Ocean Dredged Material Disposal Site (ODMDS), nearshore ocean beaches, or an approved upland disposal site outside the coastal zone.
- In conformance with the "Eelgrass Protection and Mitigation Plan for Shallow Waters in Lower Newport Bay: An Ecosystem Based Management Program, City

of Newport Beach, October 14, 2015” (Eelgrass Plan), the maximum amount of allowable temporary impacts to eelgrass (*Zostera marina*) within the RGP 54 Plan Area is limited to a fixed percentage of each zone per year. The City is not proposing any changes to the approved October 2015 Plan, including all conditions and commitments stipulated in the Eelgrass Plan.

The RGP 54 Plan Area within the harbor is defined as bulkhead to pierhead line plus 20 feet bayward, including only those exceptions for structures that extend beyond this boundary in conformance with harbor development regulations defined by Chapter 17.35 of the Newport Beach Municipal Code.

This reauthorization is not proposing any changes to the RGP 54 Plan Area.

### ***Disposal Methods***

Under the existing RGP 54, there are three disposal areas currently approved by all agencies: beach nourishment, open-ocean disposal, and upland disposal. The Corps also approves the use of confined disposal facilities and nearshore ocean beach disposal, but this method is currently not authorized by the other agencies. The four disposal areas are described in the following sections.

#### **Beach Nourishment**

Beach nourishment is currently the preferred area of disposal, used only if the content of the dredged material is suitable for disposal at this location. To be suitable, the content of the dredged material must be at least 80% sand, or at least 75% sand and within 10% of the receiver beach. For dredged material that is greater than 80% sand, applicants will not need to demonstrate compatibility with the receiver beach.

#### **Nearshore Ocean Beach Disposal**

The USACE currently approves nearshore ocean beaches as a disposal option. The nearshore placement area spans from just south of the Balboa Pier and north to the Newport Pier. Surface sediment grab samples were collected from 36 stations along four transects from Newport Pier to the Newport Beach entrance channel (Figure 3). Individual grabs from the nearshore receiver site consisted of 0.2% to 21.3% fines. Based on the results, a grain size envelope will be used prior to individual dredging projects to determine compatibility for nearshore placement following guidance provided in the *Final Sand Compatibility and Opportunistic Use Program Plan and Requirements for Sampling, Testing and Data Analysis of Dredged Material* (Figure 4). Because percent fines from the dredge site cannot exceed those of the receiver site (finest limit is 21.3%) by more than 10%, any dredge site sample greater than 68.7% sand would be compatible for nearshore placement. Grain size testing would be required to verify compatibility for all project areas prior to nearshore placement (along ocean beaches).

To the extent possible, nearshore disposal would not be permitted during the predicted California grunion (*Leuresthes tenuis*) run. If disposal outside a predicted grunion run is not possible, then monitoring would be conducted to confirm that no spawning activity had occurred.

### Open-Ocean Disposal (LA-3)

Within the RGP 54 boundary, material deemed unsuitable for beach replenishment is suitable for disposal at the LA-3 ODMDS. If confirmatory sampling is required, the results must be below the thresholds stipulated in Figure 2.

### Upland

Finally, a last alternative location for disposal of dredged material is an approved upland landfill if the material is unsuitable for beach nourishment, nearshore ocean beach nourishment, open-ocean disposal, or a confined aquatic disposal (CAD) site. A specific disposal facility has not been identified because no specific project is being proposed. Individual applicants would be required to obtain approval for disposal of sediment or debris at an approved upland facility outside the coastal zone, including completion of any facility-required testing program, if applicable.

The applicant requests reauthorization of the existing RGP 54 with no proposed modifications.

### **Application Review and Processing**

The City of Newport Beach's Public Works Department is the primary point of contact for applicants seeking authorization under RGP 54. Applications were designed to confirm that each project is consistent with the terms and conditions of the existing RGP 54 and that the application is complete and includes the required information stipulated by each agency. Applications are then submitted monthly in batches to each agency for consideration.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

#### **Avoidance:**

The proposed project consists of small maintenance dredging. Dredging of no more than 75,000 CY of sediment would be authorized annually within the project area. Any individual project proposing to dredge more than 8,000 CY of sediment would need a separate Corps authorization. The ecosystem-based Eelgrass Plan is proposed for adoption as a part of the reauthorized RGP 54 program. The applicant has also proposed BMPs to be used to avoid and minimize any temporary construction-related potential effects to water quality, EFH, and federal listed species.

**Minimization:** The applicant is proposing the following BMPs that would be used to minimize any potential impacts to the waters of the United States:

1. Applicants would comply with all conditions stipulated in the Eelgrass Plan.
2. Disposal of construction and trash debris into the intertidal zone or the nearshore waters would be prohibited.

3. All construction-related equipment would be maintained in good working order to minimize the potential for hazardous waste spills. Current hazardous material spill prevention and cleanup plans would be maintained on site.
4. All waste material removed from the project site would be relocated to an approved disposal point.
5. Operators of construction equipment and all other project workers would not harass any marine mammals, waterfowl, or fish in the project area.
6. All dredged material would be handled and transported such that it does not re-enter surface waters of the state outside the protected immediate work area.
7. Water quality monitoring would not be required if the total dredging duration would be 2 days or less. If dredging will extend beyond 2 consecutive days, then monitoring would be required every other day, beginning with the third day (monitoring will be required on days 3, 5, 7, etc.). If required, water quality monitoring would be conducted consistent with the Water Quality and Sediment Monitoring Plan approved by the RWQCB for the Lower Newport Bay Dredging Program and Lower Newport Bay Water Quality Monitoring Suspended Sediment Special Study.
8. A silt curtain would be used for maintenance dredging projects exceeding 1,000 CY or where dredging would extend beyond 2 consecutive days.
9. If dredged material is disposed of in the nearshore marine environment between March 1 and August 31, adequate monitoring of grunion spawning would be conducted to avoid any impacts to grunion. If grunion are present at a receiving beach, placement activities that would affect grunion spawning shall cease until the next predicted run period in which no grunion are observed at the receiving beach.

#### **COMPENSATORY MITIGATION:**

This RGP 54 reauthorization does not authorize significant impacts to aquatic resources. Based on any relevant information, the Corps would 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 or accounted for according to the Eelgrass Plan.

#### **CULTURAL RESOURCES:**

The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources

investigations by the District Engineer, who is otherwise unaware of the presence of such resources.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect the listed species and critical habitat listed below. No other species or critical habitat listed under the Endangered Species Act (ESA) would be affected by the proposed action.

Several federally listed threatened and endangered species could potentially occur in the Upper and Lower Newport Bay, and the nearshore placement area.

California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina*) are known to occur within Newport Bay and may frequent waters within and adjacent to the RGP 54 Plan Area. California sea lions and harbor seals often come into the nearshore zone, while common dolphin (*Delphinus delphis*), Pacific-white-sided dolphins (*Lagenorhynchus obliquidens*), and gray whales (*Eshrichtius robustus*) occasionally visit the nearshore zone. Water quality impacts from construction would be avoided or minimized through implementation of best management practices (BMPs). Temporary impacts from water quality effects would be minimal, as marine mammals and green sea turtles (*Chelonia mydas*) are highly mobile and able to move to other suitable habitats throughout Newport Bay and the adjacent nearshore area. The project site is currently an active recreational and commercial port subject to noise from ongoing operations including the use of both large and small vessels. Underwater noise levels will temporarily increase due to operation of dredging equipment within Newport Bay. However, noise attenuates with increasing distance from the source. Startle reactions from marine mammals or green sea turtles that are in close proximity to barges or other equipment could occur as the result of start-up operations in the morning, or from loud noises resulting from construction activities. These responses are temporary, however, and individuals in the vicinity are prone to habituation. Considering the source sound level, sound attenuation over distance, and the ambient noise from boats and land-based sources, such dredging noise levels would likely be within ambient noise levels and would likely only result in minimal, short-term adverse effects to these species.

Sea turtles are large, long-lived marine animals that play an important role in the shaping and regulation of coastal marine communities. As large herbivores, sea turtles feed on seagrass and algae, and nesting populations can be found along the Pacific Coast of Mexico. The green turtle (*Chelonia mydas*) and hawksbill turtle (*Eretmochelys imbricata*) occasionally visit the nearshore environment of Orange County, but they generally do not use the local marine waters as a permanent breeding or foraging habitat. According to The Orange County Register, “sea turtles are now being found in the Port of Los Angeles, in the harbor at Marina Del Rey, in Alamitos Bay,” in the warm

discharge waters of the nearby power-generating facilities in “the San Gabriel River in Long Beach, and off of Carlsbad in San Diego County” (Ritchie 2019). Although their occurrence within Newport Bay is expected to be rare, a few green sea turtles were spotted in Newport Harbor in 2017, where they may have used the eelgrass beds in Newport Bay as a source of nutrition (Ritchie 2019). The RGP 54 Plan Area includes beaches or private residences with high levels of human activity and recreation. Therefore, sea turtles are unlikely to be found in the project area or to be affected by the proposed project.

East Pacific green sea turtle critical habitat has been proposed along nearshore areas from the mean high water (MHW) line to 20 meters depth, as well as nearshore areas from the MHW line to 10 kilometers offshore in California, which includes Newport Bay (NMFS and NOAA 2023). There are no documented nesting sites within United States jurisdiction, so critical habitat features support migration and benthic foraging and resting habitat. Benthic foraging and resting essential features extend from the MHW line to 20 meters depth and include underwater refugia and food resources (e.g., seagrasses, macroalgae, or invertebrates). Additionally, as discussed previously, though there are rare occurrences of green sea turtles in Newport Bay, the RGP 54 Plan Area includes beaches or private residences with high levels of human activity and recreation private moorings with high levels of human activity and recreation. Although the critical habitat within the project area is only proposed at this time, it is possible that the proposed rule may be finalized prior to completion of the proposed project, at which time there will be green sea turtle critical habitat within the project area. Because of implemented conservation measures, the lack of documented nesting sites in the project areas, and the temporary duration of impacts from mooring retrieval and installation, the proposed action may affect, but is not likely to adversely modify, proposed critical habitat for green sea turtles.

The RGP 54 Plan Area and surrounding areas in Lower Newport Bay lack habitat conditions suitable for the California least tern (*Sterna antillarum browni*) or western snowy plover (*Charadrius alexandrinus nivosus*); however, the nearshore ocean disposal area includes potential foraging habitat for the California least tern and western snowy plover. With nearshore placement not currently authorized by other agencies, RGP 54 reauthorization would only result in minimal, short-term adverse effects to these species. If nearshore disposal is approved in the future, the effects to these species would remain minimal due to most disposal options being outside the zone of impact for these species. The California least tern nests on barren to sparsely vegetated sites near water, usually on sandy or gravelly substrate, in areas relatively free of human or predatory disturbance, and the western snowy plover typically nests in flat, open areas with sandy or saline substrates.

The RGP 54 Plan Area includes beaches or private residences with high levels of human activity and recreation. These areas are not suitable nesting habitat for either bird species. While nesting/roosting birds are not currently anticipated to be in the nearshore disposal areas, the nearshore ocean disposal area is adjacent to predicted habitat for the California least tern and designated critical habitat for the western snowy

plover immediately south of Peninsula Park. The nearest known nesting sites for the California least tern and western snowy plover are at Least Tern Island in the northeast portion of Upper Newport Bay and at Balboa Peninsula, respectively. The developed recreational waters at the project area lack the foraging conditions required for the California least tern or the western snowy plover. The California least tern feeds primarily in shallow estuaries, lagoons, near shore in the open, or at mouths of lagoons where small fish are abundant. The western snowy plover forages on invertebrates in the wet sand and among the surf cast kelp within the intertidal zone; in the dry, sandy areas above the high tide; on salt pans; and along the edges of salt marshes and salt ponds. The snowy plover typically forages in areas with little or no human activity and generally avoids areas of high activity, especially where human use is relatively high. Placement of dredge material along proposed nearshore ocean beaches may cause minor increases in suspended sediments and turbidity, which could affect foraging species' ability to see food normally visible just under the surface of the water. These effects would be extremely minor and, given the size of continuous nearshore habitat comprising the proposed placement area, it is unlikely that any significant foraging would be impacted by discrete disposal locations and activities. In the unlikely event that either species forages in the RGP 54 Plan Area or the proposed nearshore placement area, project effects would be limited to temporary displacement of fish or other prey species away from the immediate turbidity plume. The tidewater goby (*Eucyclogobius newberryi*) occurs in tidal streams associated with coastal wetlands in California. These habitats are not present at or near the RGP 54 Plan Area, and the project would result in no impact to this species.

California grunion (*Leuresthes tenuis*) are known to spawn on sandy beaches along the Pacific Coast from Southern California to Northern Baja California, including Newport Beach from Balboa Pier Beach to West Newport Park. Limited wave action within the harbor does not facilitate beach access for grunion spawning or returning to the water after hatching. Therefore, grunion spawning is not known to occur in the harbor and dredging activities within the RGP Plan Area would result in no impact to this species. However, disturbance of nearshore ocean beaches as a result of sediment placement has the potential to reduce grunion egg survival if eggs are present on the beach.

Grunion beach themselves at night to spawn on beaches during the spring and summer months (March through August). Spawning occurs for 4 consecutive nights after the highest tide associated with each full or new moon. If grunion are present at a beach adjacent to the nearshore disposal area, placement activities that would affect grunion spawning will cease until the next predicted run period in which no grunion are observed at the receiving beach. A Grunion Monitoring Plan was developed for the Marina Park Project in 2014, which included disposal of dredged material on coastal beaches south of Newport Pier. Under the proposed RGP 54, the City proposes adhering to all conditions outlined in the Marina Park Project Grunion Monitoring Plan for nearshore ocean disposal. Prior to initiating nearshore ocean beach disposal along Newport Beach, the beach fronting the disposal area would be surveyed to determine whether California grunion are present and spawning during predicted run and egg incubation periods identified by the California Department of Fish and Wildlife (CDFW). Impacts to

the grunion spawning run from nearshore ocean disposal would be avoided or minimized through implementation of BMPs.

The proposed project includes avoidance and minimization measures to address potential adverse impacts to Endangered Species Act listed species. This includes water quality monitoring and adequate monitoring of grunion spawning, if applicable. With implementation of these and other measures detailed below, adverse impacts are not anticipated. 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.

This notice serves as request to the USFWS and the NMFS for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

**NAVIGATION:** Based on the California State Plane coordinates provided by the applicant, the waterward edge of the proposed activity borders the Newport federal channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification will be required from the Santa Ana Regional Water Quality Control Board. The request to renew the existing project Water Quality Certification (WDID No. 302025-09) was filed on July 10, 2025.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

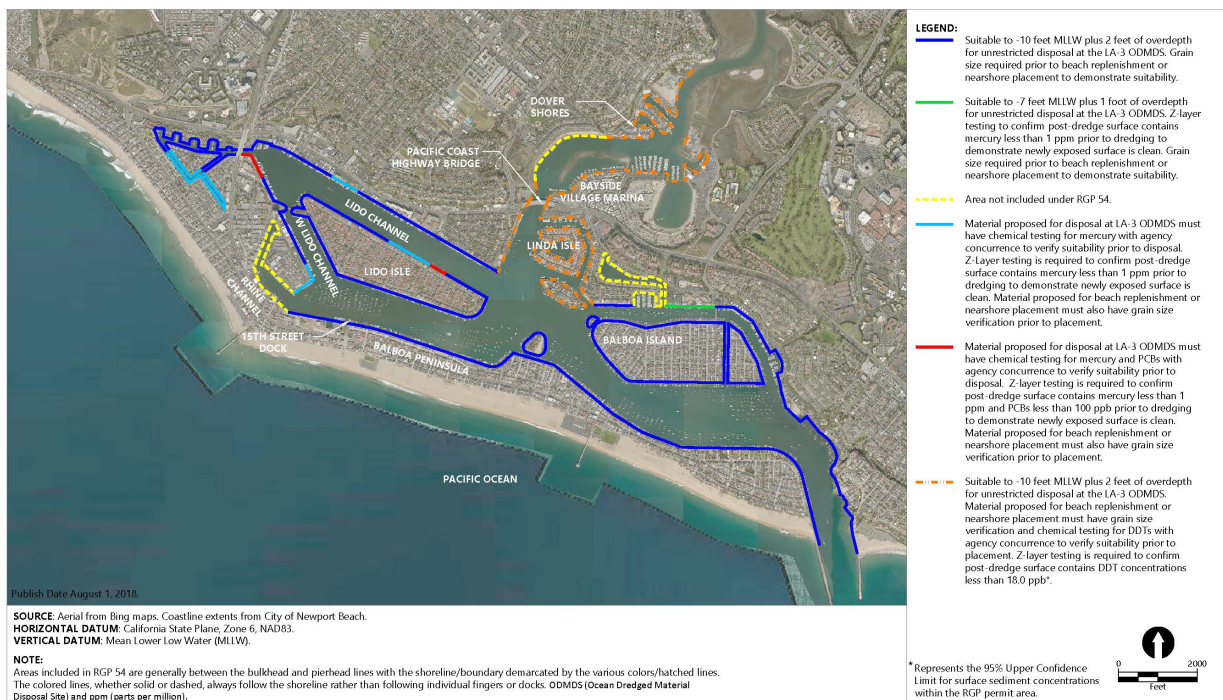
**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Los Angeles District will receive written comments on the proposed work, as outlined above, until **November 30, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Gerardo Salas at [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil).

Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.







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**Figure 3**  
**Newport Beach Transects with Actual Sampling Locations**  
 RGP 54 Reauthorization

