



**US Army Corps
of Engineers®**
Los Angeles District

PUBLIC NOTICE

APPLICATION FOR PERMIT

Linda Isle Lagoon Maintenance Dredging, Newport Beach, Orange County, CA

Public Notice/Application No.: SPL-2023-00123-GS

Project: Linda Isle Lagoon Maintenance Dredging

Comment Period: October 16, 2025 through October 31, 2025

Project Manager: Gerardo Salas; (213) 321-0786; Gerardo.Salas@usace.army.mil

Applicant

Morgan Winegar
Linda Isle Community Association
Optimum
230 Commerce, Suite 250
Irvine, California 92602

Contact

Keith Merkel
Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123
(858) 560-5465

Location

Within the Linda Isle Lagoon, Newport Harbor within the City of Newport Beach, Orange County, CA (at: 33.613617, -117.903314).

Activity

To conduct maintenance dredging of Linda Isle Lagoon with ocean disposal of sediment at LA-3 Ocean Dredge Material Disposal Site (ODMDS) in association with Linda Isle Maintenance Dredging (see attached drawings).

Dredging would restore depths to previously existing elevations within the navigational embayment constructed within the interior of this manmade island in Lower Newport Bay. For more information see Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's 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 record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 103 of the Marine Protection, Research and Sanctuaries Act and Section 10 of the Rivers and Harbors Act.

Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to:

Gerardo.Salas@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Gerardo Salas directly at (213) 321-0786.

The mission of the U.S. Army Corps of Engineers 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 water 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 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 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers 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 of Engineers 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 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 an environmental impact statement 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant has certified the proposed activity would comply with and would be conducted in a manner 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 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- The Corps of Engineers determination indicates the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District requested EFH consultation with National Marine Fisheries Service for the proposed project in order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3). Consultation with NMFS was completed on September 18, 2025, with issuance of an expedited concurrence by NMFS with the Corps' determination. This was based on the following information:

1. Description of the proposed action: see project description on page 5 of this public notice.
2. On site inspection information: see baseline information on page 5 of this public notice.
3. An analysis of the potential adverse effects of the proposed action on EFH has been completed by the Corps and a determination has been made that the proposed action would adversely affect EFH. However, the proposed action incorporates measures to offset the adverse effects through implementation of impact avoidance, minimization and mitigation measures, including BMPs that adequately offset the impacts.
4. Proposed minimization, conservation, or mitigation measures are outlined in the project commitments within the project description and are provided in the form of a Comprehensive Management Plan (CMP) developed under the California Eelgrass Mitigation Policy by the applicant working in conjunction with state and federal agencies.
5. Conclusions regarding effects of the proposed project on EFH: The project would adversely affect up to 3.17 acres of eelgrass (*Zostera marina*) habitat. However, these would be offset with the implementation of the project measures provided by the Permittee, including the CMP to offset eelgrass impacts.

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 determined that the proposed activity may affect but is not likely to adversely affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act was not conducted. Section 7 consultation with NMFS for the Federally listed as threatened green sea turtle (*Chelonia Mydas*; GST) and listed cetaceans that may occur in nearshore waters was conducted under an Expedited Informal Consultation. NMFS has also proposed designated critical habitat for GST in July 2023 within coastal waters encompassing the proposed project area, however, to date critical habitat has not been designated. The project applicant has proposed protective measures to avoid impacts to green sea turtle during the proposed dredging activities. Consultation with NOAA Fisheries under the ESA concluded on September 18, 2025 with NOAA Fisheries concurring with the determination made by the Corps.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is to restore navigable depths to an existing boat basin that has been diminished by accretion of sediment. The project is water dependent.

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 complete navigational dredging of a purpose-built marina basin servicing navigation access needs to private docks within an existing marina associated with residential properties fronting on Newport Bay within Linda Isle Lagoon.

Additional Project Information

Baseline information- Linda Isle Lagoon is located within the interior of a man-made island in lower Newport Bay in Newport Beach, California (Figure 1). The island is horseshoe shaped and wrapped around a small recreational boat basin (Linda Isle Lagoon). The island is bounded by vertical sheet pile bulkhead walls that surrounding the island in all areas except for a small recreational beach at the community clubhouse. There are 107 waterfront private residences on the island with the common areas of the lagoon being owned by the Linda Isle Community Association. The waterways around the island are maintained by public entities including the U.S. Army Corps of Engineers and the City of Newport Beach; however waters within the lagoon are the maintenance obligation of the Linda Isle Community Association. The lagoon is surrounded by private docks built out to the pierhead line and

vessels navigate from these docks to the main lagoon through the lagoon and out a narrow west facing channel that ties into the Upper Bay Channel that connecting upper Newport Bay with Lower Newport Bay. Over time, the Linda Isle Lagoon has silted in, raising the bottom and the lagoon. This has reached a point of becoming less suitable for its purpose as a navigation and vessel berthing basin with vessels regularly dragging bottom or scouring the bottom with propeller wash at low tides. During some period navigation is no longer possible by several vessels berthed within the lagoon basin. The planned dredge area consists of a soft silt bottom channel and basin with an average depth of approximately -5.5 feet mean lower low water (MLLW). The channel and basin support eelgrass with propeller scarring of the bottom being abundant in areas of greatest vessel traffic. The proposed project is expected to impact up to 3.17 acres of eelgrass.

Project description-The Linda Isle Lagoon maintenance dredging would restore most, but not all of the lagoon and lagoon access channel to original design depths of -10 and -8 feet MLLW plus an allowable 2-foot of overdepth dredging. The central core of the lagoon would be left as a subtidal plateau. The dredge volume includes 20,439 cubic yards (cy) to design depth with up to 12,121 cy within the overdepth cut based on bathymetric surveys conducted in May 2023. For this reason, a 20% accretion allowance to address any added sediment accumulation since survey completion has been included in the dredge volume estimate. This raises the dredge volume allocation by 6,512 cy without changing the work footprint. As a result, the total maximum dredge volume would be 39,072 cy.

The suitability of proposed dredged material for ocean disposal at the LA-3 ODMDS was evaluated through physical, chemical, and biological analyses in accordance with the *Evaluation of Dredged Material Proposed for Ocean Disposal: Testing Manual* (OTM; USEPA and USACE 1991) and *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual: Inland Testing Manual* (ITM; USEPA and USACE 1998). Evaluations also intend to meet or exceed the Sampling and Analysis Plan/Results (SAP/R) Guidelines (SAPRG) (USACE LAD and USEPA R9 2021) supplement to the ITM and OTM. Additionally, Z-layer samples from each core have been analyzed for DDTs, as coordinated with the Santa Ana Regional Water Quality Control Board (RWQCB) with the goal of complying with the DDT TMDL for Newport Bay (California Regional Water Quality Control Board, Santa Ana Region 2002). The dredge material has been determined by the Southern California Dredge Material Management Team (SC-DMMT), September 24, 2025 meeting, to be suited to disposal at the LA-3 ODMDS. In addition, residual DDT and degradation compounds were determined to be well below the 18 parts per billion threshold established within the Newport Bay DDT TMDL by the Santa Ana Water Board. Therefore the proposed dredge material disposal and the resultant surface sediment conditions post-dredging, are considered acceptable.

Dredging would be conducted by clamshell dredging using an environmental bucket to minimize turbidity. Sediment would be loaded into scows and transported to the LA-3 ODMDS located approximately 6 miles outside of the entrance to Newport Bay. Work would conform to City of Newport Beach requirements for dredging within its jurisdiction, including working hours and days and noise ordinance limitations.

To offset impacts to eelgrass, the Linda Isle, in conjunction with resource and regulatory agencies, has developed a Comprehensive Management Plan (CMP) under the framework of the California Eelgrass Mitigation Policy (CEMP, NMFS 2014), to ensure effective management and compensation for eelgrass impacts. This includes maintenance of a subtidal eelgrass habitat within Linda Isle Lagoon and contributing to the eradication of *Caulerpa* (*Caulerpa prolifera*) from Newport Bay to avoid significant losses of eelgrass baywide as a result of invasive species displacement. The commitment to the implementation of the Linda Isle CMP has been made an element of the dredging project evaluated under this permit action and within the Essential Fish Habitat consultation undertaken with

NMFS. The Linda Isle Lagoon Eelgrass Comprehensive Management Plan (Merkel & Associates, Nov 2023) includes the following provisions:

1. As an element of the work to offset the unavoidable impacts to up to 3.17 acres of eelgrass, Linda Isle Community Association will fund *Caulerpa* eradication activities within Newport Bay as directed by the Southern California *Caulerpa* Action Team (SCCAT). The following provisions apply to the funding to be provided under the Linda Isle Lagoon Eelgrass Comprehensive Management Plan:
 - (a) Prior to commencement of dredging, evidence shall be provided to the USACE, NMFS, and Executive Director of the California Coastal Commission that an amount of \$749,785 has been deposited by the Linda Isle Community Association into an escrow holding account. This account shall be maintained until the funds are fully used and no withdrawal of funds by the Linda Isle Community Association shall occur. Should eelgrass impacts exceed 3.17 acres, the additional impact shall be offset by additional contribution to the *Caulerpa* eradication funding on a pro rata basis of \$23,653 per 0.10 acre of eelgrass impact beyond 3.17 acres.
 - (b) Withdrawal of funds shall only occur by entities and in amounts approved by the SCCAT Agency Representatives comprised of representatives of the California Coastal Commission (CCC), Santa Ana RWQCB, California Department of Fish and Wildlife (CDFW), California State Lands Commission (CSLC), ACOE U.S. Fish and Wildlife Service, NMFS, and City of Newport Beach. This payment is to offset impacts to up to 3.17 acre of eelgrass impacts through funding of SCCAT-directed *Caulerpa* eradication efforts within Newport Bay.
 - (c) The escrow account shall be invested in FDIC insured low-yield funds to fully cover escrow management costs. This will allow the full principal amount to be expended on *Caulerpa* eradication efforts. Any surplus interest generated beyond fee offsets that accrue to the account shall be expended on *Caulerpa* eradication and shall not be returned to the Linda Isle Community Association.
 - (d) Expenditures from this escrow fund shall be directed by the SCCAT local, state, and federal agency representatives participating in regular or special meetings of the SCCAT and shall exclusively be used for the removal and eradication of marine plants of the *Caulerpa* genus from Newport Bay. Directed expenditures shall be recorded on an open ledger available to all SCCAT agency members, including but not limited to USACE, NMFS, USFWS, CCC, CDFW, CSLC, RWQCB, and City of Newport Beach, as well as agencies with regulatory or consultation roles on the Linda Isle maintenance dredging action, including the USACE, CCC, NMFS, RWQCB, and City of Newport Beach.
2. A permanent conservation core area of 0.71 acre shall be maintained within the lagoon at elevations suited to supporting persistence of eelgrass. This area shall not be dredged as part of the presently authorized activities. However, in accordance with the Linda Isle Lagoon Eelgrass CMP (Merkel & Associates 2023), this area may be subject to future dredging under separate authorization to maintain a subtidal eelgrass habitat within the lagoon rather than allowing the core to rise to intertidal elevations, impacting water quality and recreational uses of the lagoon. Suitability for future dredging may be triggered by a rise in elevation to shall be triggered to maintain area suitability to support subtidal eelgrass beds. Future dredging shall not be authorized in a manner that lowers the elevation of the conservation core below elevations suitable to support persistent subtidal eelgrass habitat.
 - (a) Conservation area dredging may occur if more than 50% of the area rises above -3 ft MLLW elevation, or more than 20% rises above -2 ft MLLW elevation;
 - (b) Dredging may only occur to a depth of not deeper than -6 ft MLLW when dredging is conducted to ensure the site remains suited to supporting eelgrass;

- (c) The conservation area must be smoothed suitably to support eelgrass and must be replanted with eelgrass following the dredging.
- (d) The dredging will be considered a habitat maintenance action when it occurs and subject to a 1.2:1 replacement ratio.
- (e) With maintenance of a deeper navigational perimeter, it is expected that this conservation maintenance may occur on a recurrent cycle of 15-30 years, provided the navigation areas are maintained around the lagoon perimeter allowing for the majority of the sediment to be deposited in deeper waters.

Under the CEMP, eelgrass impact levels would be documented by conducting pre- and post-dredging surveys. Two annual post-dredging surveys would be used to assess potential for continued post-dredging damage to the retained eelgrass conservation core in order to evaluate the potential need for navigational aids. Such navigational aids, if determined necessary, are not a part of the present permit action.

The project plan includes incorporation of Best Management Practices (BMPs) to avoid or minimize potential for adverse effects of dredging implementation. This includes completion of *Caulerpa* surveys for an infested system under the *Caulerpa* Control Protocol (CCP, SCCAT 2021). It includes use of water quality management actions including use of an environmental dredge bucket and a turbidity curtain to reduce spread of turbidity outside of the dredging area. Measures also include speed restrictions and monitoring to reduce potential risk to marine mammals and sea turtles.

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: The project has adopted a design to avoid impacting eelgrass within the conservation core area. This includes stable shallow slopes from the core and limiting dredging to essential area for vessel navigation within the lagoon.

Minimization: The project incorporates use of an environmental dredge bucket to limit turbidity, restrictions on dredge vessel speeds during operations, and spill control BMPs to protect water quality and marine organisms. Measures taken to minimize impacts to eelgrass during and following dredging include retaining a central core submerged plateau supporting eelgrass within the interior of the lagoon while dredging the perimeter of the lagoon to allow navigation by vessels into and out of slips. This retention of the subtidal eelgrass conservation core would not disrupt shallow draft recreational vessel use of the lagoon, while still accommodating necessary transit by larger vessels around the lagoon perimeter.

Compensation: The unavoidable impacts to eelgrass are addressed through a Comprehensive Management Plan under the California Eelgrass Mitigation Policy (CEMP, NMFS 2014), as incorporated into the Essential Fish Habitat consultation. This includes both the conservation of the core eelgrass and in lieu funding contribution to the eradication of *Caulerpa*. The Permittee has committed to the implementation of these conservation measures. As a result, the Corps is not separately proposing any compensatory mitigation measures beyond those committed to by the Permittee under the EFH consultation and to satisfy Coastal Zone Management Act (CZMA) consistency requirements.

Proposed Special Conditions

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

1. DREDGING QUALITY MANAGEMENT PROGRAM COMPLIANCE: Dredging and dredged material disposal and monitoring of dredging projects using the National Dredging Quality Management (DQM) system shall be implemented for this permit. The permittee's DQM system must have been certified by the DQM Support Center within one calendar year prior to the initiation of the dredging/disposal. Questions regarding certification should be addressed to the DQM Support Center at 1-877- 840-8024. Additional information about the DQM System can be found at <https://dqm.usace.army.mil>. The permittee is responsible for ensuring that the DQM system is operational throughout the dredging and disposal project and that project data are submitted to the DQM Support Center in accordance with the specifications provided at the aforementioned website. The data collected by the DQM system shall, upon request, be made available to the U.S. Army Corps of Engineers Los Angeles District Regulatory Division project manager Gerry Salas at Gerardo.Salas@usace.army.mil.
2. OPERATIONS PLAN: At least 10 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall submit a dredging and disposal Operations Plan to the Corps Regulatory Division and EPA, with the following information:
 - A) 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 tugboat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.
 - B) A list of all vessels, dredging equipment and electronic positioning systems or navigation equipment to 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.
 - C) A schedule describing when the dredging project is planned to begin and end.
 - D) A pre-construction dredging bathymetric 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:
 - i) The entire dredging area, including 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.
 - ii) 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.

- iii) 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 thirty (30) days before the proposed dredging start date.

E) A debris management plan to prevent unauthorized disposal of large debris or other unsuitable materials. The debris management plan shall include the following: sources and expected types of debris if known; debris separation and retrieval methods and equipment to be used; debris disposal location(s); and debris disposal methods (e.g., recycling, landfill, hazardous/toxic/radioactive materials/munitions disposal sites, etc.).

3. NOTICE TO PROCEED: The Permittee shall not commence dredging or disposal operations unless and until the Permittee receives a Notice to Proceed, in writing (letter or email), from the Corps Regulatory Division.
 4. MAINTAIN PRINTED COPY OF PERMIT ON-BOARD: The Permittee and its contractors and subcontractors shall maintain a copy of this permit at the work site, and on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.
 5. CAPTAIN LICENSING: 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 (mast head signals which indicate vessel operational status), operating marine band radio, and other appropriate navigational aids.
 6. RADIO CHANNEL MONITORING: The Permittee's contractor(s) and the captain of any vessel covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.
7. INSPECTIONS:

- A) Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division (may include other Corps Divisions), EPA, and/or the U.S. Coast Guard to inspect all phases of the dredging and disposal operations.
- B) 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 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.

8. **INTERFERENCE WITH NAVIGATION:** During dredging and disposal operations the permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
9. **NON-COMPLIANCE NOTIFICATION:** If non-compliance of the permit occurs, the Permittee shall report the details of the permit non-compliance to the Corps Regulatory Division within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that any permit non-compliance of any permit condition must be reported to the Permittee immediately who must then report to the Corps Regulatory Division.
10. **BARGE OR SCOW OPERATIONS:** When using a disposal barge or scow, no water shall be allowed to flow over the sides throughout the dredging and disposal operations. The fill level of the disposal barge or scow shall not exceed the load line to prevent any dredged material or water from spilling over the sides during all operations. No disposal barge or scow shall be filled above this predetermined level or load line (vessel frame/plating). Before each disposal barge or scow is transported to the disposal site, the Permittees dredging site inspector shall certify that it is filled correctly.
11. **ELECTRONIC POSITIONING SYSTEM NAVIGATION:** The Permittee shall use an electronic positioning system to navigate throughout all dredging, hauling, disposal, and discharge operations. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (or 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.
12. **POST-CONSTRUCTION REPORTING:** The Permittee shall submit a post-construction/project completion report to the Corps Regulatory Division within 30 calendar days after completion of each dredging event to document compliance with all general and special conditions 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. One post-construction report (instead of separate reports) should be submitted for all activities conducted under the permit. The report must describe whether or not all general and special conditions were met. The report shall include:
 - A) Project Name and Corps file number: Linda Isle Lagoon Maintenance Dredging (SPL-2023-00123).
 - B) Start date (month/day/year) and completion date of dredging and disposal operations.
 - C) The disposition and total cubic yards of all material disposed or discharged at each site or location.
 - D) Dredging method(s) used (e.g., clamshell).

- E) Mode(s) of transportation.
 - \
- F) Frequency of disposal and plots of all trips to the disposal or discharge site(s).
- G) Tugboat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the disposal or discharge site(s).
- H) A detailed post-dredging bathymetry survey drawing of the dredging area. The survey drawing shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredge 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 record the post-construction dredging survey drawing shall be the same methods used in the pre-construction dredging survey drawing. The survey drawing shall be signed by the Permittee certifying that the data are accurate.
- I) A description of any navigation problems and corrective measures implemented.
- J) Copies of all completed Scow Certification Checklists for ocean disposal.

13. ENDANGERED SPECIES ACT:

- A) This permit does not authorize you to take any threatened or endangered species or adversely modify 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). Your authorization under this permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit and the ESA consultation concurrence issued by NMFS for the proposed work. Failure to comply with the required avoidance and minimization measures would constitute non-compliance with this permit.
- B) Pursuant to the NMFS correspondence dated September 18, 2025, the NMFS under provided recommendations for minimizing adverse effects to listed species under NMFS jurisdiction, which are in addition to the Permittee's general project design criteria (PDC). Your authorization under this permit is conditional upon your compliance with all of the required general PDCs and minimization measures listed below. Failure to comply with the required measures would constitute non-compliance with your permit. The NMFS is the appropriate authority to determine

compliance with the ESA.

General PDCs

- 1) Vessel speeds will be limited to a 10-knot maximum outside of the harbor for tugs towing scows to and from LA-3. In the bay, Contractor vessels shall be limited to a 5-knot maximum. Speeds will be further reduced as needed for safety and upon encountering marine mammals or turtles in the area.
- 2) A protected-species watchman will be provided by the Contractor for offshore towing and LA-3 disposal. This will be qualified Contractor staff that have received protected species awareness training. If any sea turtle or marine mammal is observed within the immediate dredging zone (20-m radius), the operations will be paused until the animal has voluntarily cleared the area or has submerged and not been sighted for a 15-minute period (turtles) or 5 minutes (marine mammals).
- 3) During night transits to and from LA-3, the protected species watchman shall be equipped with night vision equipment such as goggles, binoculars, or a monocular to allow for viewing the waters around the towing vessel and scow.
- 4) The Contractor shall maintain continuous visual watch and slow vessel speeds to 3 knots or slower during towing disposal/transit if marine mammals or sea turtles enter the immediate work area until clear (100-m radius).
- 5) The Contractor will document all observations and responses for marine mammals and turtles entering dredging or transiting safety zones. Documented passes of marine mammals or turtles within 100-m of transit/disposal operations, or any occurrence of turtles or marine mammals within 20-m of dredging, shall be logged and reported in the post-dredge report. Should any instances of harm be identified, the Corps, NMFS, CCC, and the West Coast regional stranding network (562-980-3264) shall be notified as soon as feasible.
- 6) Lighting on the vessel is restricted to navigation lights, tow lights, and low intensity safety lights. Deck lights can be turned on for needed work light but are generally not on during active towing. These are scaled to the vessel size and operations pursuant to USCG regulations. A spotlight will be available but will only be used for object inspection or docking and close quarter illumination as needed.
- 7) Implement fueling controls, deck housekeeping, and debris capture to avoid discharges.
- 8) Dispose of any recovered non-sediment debris at an authorized upland landfill.

- 9) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources associated with the project and incorporating all necessary pollution prevention BMPs for each potential pollution source identified.
- 10) Work will be conducted in strict adherence to the final Oil Spill Prevention and Response Plan prepared by Pacific Dredge and Construction dated 9/2/25.

14. U.S. COAST GUARD NOTIFICATION: To ensure navigational safety, the Permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Local Notice to Mariners, 11th Coast Guard District TEL: (510) 437-2980
 Email: d11LNM@uscg.mil
 Website: <https://www.pacificarea.uscg.mil/Our-Organization/District-11/Prevention-Division/LnmRequest/>

U.S. Coast Guard, District 11, LA-LB Sector
 Captain of the Port (COTP)
 Email: d11-SMB-SectorLALB-WWM@uscg.mil

C) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by email with at least the following information, transmitted as an attached Word or PDF file:

- 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. The U.S. Coast Guard needs to be notified if these dates change.
- 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.
- viii) Chart number for the area of operation.
- ix) Recommend the following language be used in the Local Notice to Mariners: "Mariners are urged to transit at their slowest safe speed to minimize wake and proceed with caution after passing arrangements have been made."

D) 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 C.F.R. chapter I, subchapter C, part 66. Not less than 30

calendar days in advance of operating any equipment adjacent to any aids to navigation that require relocation or removal, the Permittee shall notify, in writing, the Eleventh U.S. Coast Guard District and the Corps Regulatory Division. 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.

E) 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. Should the Permittee determine the work requires the temporary 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 and the U.S. Coast Guard.

F) The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

15. COMMENCEMENT AND COMPLETION NOTIFICATION: The Permittee shall notify the Corps Regulatory Division of the date of commencement of work in navigable waters of the United States (within 10 calendar days prior to the start of construction) and completion of the activity (within 10 calendar days following the end of construction) using the enclosed forms.

16. CAULERPA PRE-CONSTRUCTION SURVEY: Pre-dredging *Caulerpa* surveys will be conducted in accordance with the Caulerpa Control Protocol (CCP, NMFS Version 5 – October 20, 2021). Surveys shall follow requirements for work in Infested systems. If invasive algae (*Caulerpa* spp.) are found within the project area the occurrence shall be reported to the USACE, NMFS, the Regional Water Quality Control Board RWQCB, the Executive Director of the California Coastal Commission (CCC), California Department of Fish & Wildlife (CDFW), the City of Newport Beach, and the Southern California Caulerpa Action Team (SCCAT) Steering Committee. Dredging or dispose of dredged material shall not proceed until a determination has been made by the USACE, in consultation with the other agencies and SCCAT, that dredging may proceed without risk of spread. No dredging within 200 feet of any detected *Caulerpa* shall take place without prior authorization by the Corps, in consultation with SCCAT agencies.

17. EELGRASS SURVEY: Eelgrass surveys for impact assessment shall be undertaken in accordance with the provisions of the California Eelgrass Mitigation Policy and Implementing Guidelines (National Marine Fisheries Service, 2014, https://media.fisheries.noaa.gov/dam-migration/cemp_oct_2014_final.pdf) for spatial and density changes and results shall be submitted to the Corps, NMFS, and Coastal Commission within 60 days of each survey completion. Surveys shall include: 1) a pre-dredge eelgrass survey; 2) a post-dredge eelgrass survey, including change analysis to quantify direct losses of eelgrass associated with the dredging; and 3) two subsequent annual surveys conducted during the high growth period to determine if indirect impacts occur as a result of dredging. Monitoring activities shall be carried out by independent third-party entities.

18. **EELGRASS COMPREHENSIVE MANAGEMENT PLAN:** The Permittee shall fully implement the Linda Isle Lagoon Eelgrass Comprehensive Management Plan (Merkel & Associates, Nov 2023) measures of the eelgrass CMP in satisfaction of commitments made under the EFH Consultation.
19. **NOAA FISHERIES MANDATORY CONDITION:** In the unlikely event that any individuals of green sea turtle (*Chelonia mydas*), or general category of species (e.g., fish, whale, abalone, sea turtle, coral, or marine plant species) listed by NOAA Fisheries under the Endangered Species Act appear to be entangled, injured, or killed as a result of the structures or work in navigable waters of the United States authorized by this permit, the permittee or designated representative shall immediately report the event to the Regulatory Office of the Los Angeles District of the U.S. Army Corps of Engineers at 213-321-0786 or 213-452-3425 AND NOAA's Entanglement hotline 1- 877-767-9425 or NOAA's West Coast Region Stranding hotline 1-866-767-6114. If you have any trouble contacting these hotlines, please immediately NOAA's Regional Stranding Coordinator, Justin Viezbicke, at 562-506-4315 or NOAA's Assistant Stranding Network Coordinator, Justin Greenman, at 707-496-7230. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
20. **SECTION 103 OCEAN DISPOSAL:** The Permittee shall adhere to the EPA's LA-3 ODMDS site conditions.
21. **SECTION 401 WATER QUALITY CERTIFICATION:** The Permittee shall comply with the terms and conditions of the Clean Water Act Section 401 Water Quality Certification (WQC) issued for Linda Isle Lagoon Maintenance Dredging.
22. **HUMAN REMAINS, CULTURAL RESOURCES:** Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction within the APE of either human remains, archaeological deposits, or any other type of historic property, the Permittee shall notify the Corps Regulatory Project Manager (Gerardo Salas, 213-321- 0786) and the Corps' Regulatory Archaeology Staff (Daniel Grijalva (213) 215-3228) within 24 hours. 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 Permittee complies with 36 C.F.R. Section 800.13.
22. **MIGRATORY BIRD TREATY ACT (MBTA).** The Permittee shall ensure that work avoids impacting birds protected under the MBTA. To avoid impacts, and when possible, all activities shall occur outside of the general avian breeding season (16 September to 15 February). Prior to the start of construction, a survey will be performed to identify any bird nests located on the equipment including cranes or vicinity of the project site.
 - A) If work is to be conducted during nesting season staged equipment (cranes) should be moved frequently so that seabirds do not establish nests on work

equipment.

- B) Lighting. Outdoor lighting selected for the area shall be at the lowest illumination possible to allow for safety and should be dark sky compliant if night-time lighting is required. Lighting shall also be shielded so that light illuminates only those areas needing illumination for safety.
 - C) All trash generated from construction and operation of the Proposed Action will be contained within covered, secured trash bins that are inaccessible to wildlife and emptied on a regular basis and prevented from overflowing. All exposed food waste or trash generated from food products (e.g., wrappers, food containers) will be removed from the site on a daily basis to prevent attraction of predators (e.g., American crows (*Corvus brachyrhynchos*) or common ravens (*Corvus corax*).
 - D) Feeding wildlife is prohibited and pets are not allowed on the work site.
23. EFH. The proposed project is located within an area designated under the Magnuson- Stevens Fishery Conservation and Management Act as EFH. All applicable general project design criteria (PDCs) listed in the Project Description and Best Management Practices listed in Special Condition 24 shall be implemented to address adverse impacts to EFH.
24. BEST MANAGEMENT PRACTICES (BMPs). The Permittee shall implement the following BMPs to avoid, minimize, and mitigate project impacts:
- A) Spill kits and cleanup materials shall be present during construction should there be a leak into the surrounding water.
 - B) The discharge of oil, fuel or chemicals to waters of the state is prohibited; therefore, less hazardous materials (e.g., vegetable oil) will be used when practicable.
 - C) All debris will be transported to, and disposed of at, an appropriate upland disposal site, or recycled, if appropriate. The release of debris into the water will be controlled by use of surface booms or other methods, as appropriate.

For additional information please call Gerardo Salas of my staff at (213) 321-0786 or via e-mail at Gerardo.Salas@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
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY



Figure 1 – Location Map

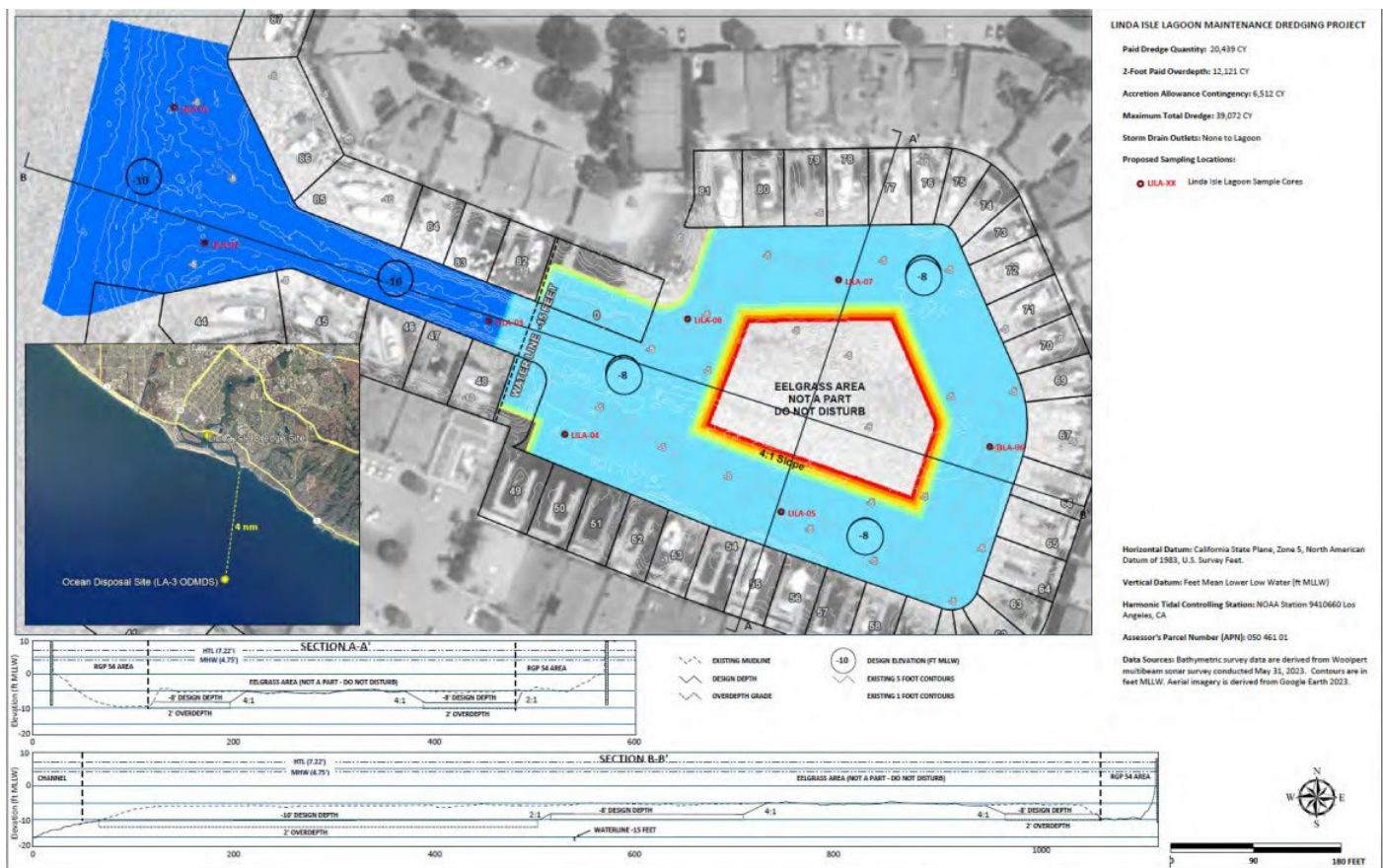


Figure 2 – Dredge Plan