



# SPECIAL PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

**BUILDING STRONG®**

**Regional General Permit No. 54**  
Small-Scale Maintenance Dredging, Structural Repairs, and  
In-kind Structural Replacement Activities in Newport Bay

**Corps File No.:** SPL-2013-00020-SME

**Public Notice Date:** March 18, 2016

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

---

The District Engineer of the U.S. Army Corps of Engineers (Corps), Los Angeles District has issued Regional General Permit (RGP) No. 54, which authorizes specific maintenance activities to support small dock systems and navigation within Newport Bay, in the city of Newport Beach, Orange County, California. Specifically, RGP No. 54 covers the following regulated activities in eligible areas of Newport Bay: 1) maintenance dredging under and adjacent to private, public, and commercial docks, floats, and piers; 2) the discharge of dredged material at adjacent beach sites for beach nourishment, the LA-3 Ocean Dredged Material Disposal Site (ODMDS), confined disposal facilities, or at approved upland disposal sites; and 3) the repair and in-kind replacement of docking systems (including docks, piers, gangways, floats, and piles), bulkheads, and piles.

This permit authorizes dredging of up to 75,000 cubic yards (CY) of sediment annually from the program area. Individual projects may receive authorization to dredge up to 8,000 CYs of sediment. Any project proposing to dredge more than 8,000 CYs of sediment would need a separate Corps authorization.

For the purposes of this RGP, areas of Newport Bay have been demarcated according to dredging depths and other requirements under RGP No. 54, as shown on Figures 2 through 3c of the permit:

- (a) For areas designated with a "solid blue line," maintenance dredging shall occur to a maximum depth of -10 feet mean lower low water (MLLW), plus a maximum of 2 feet of overdepth allowance with disposal conditionally approved at the LA-3 ODMDS. Grain size analysis shall be required prior to the discharge of sediment at beach sites to demonstrate suitability;
- (b) For areas designated with a "hatched orange line," maintenance dredging shall occur to a maximum depth of -10 feet MLLW, plus a maximum of 2 feet of overdepth allowance with disposal conditionally approved at the LA-3 ODMDS. Grain size analysis, chemical testing, and suitability concurrence by the Corps Regulatory Division and the U.S. Environmental Protection Agency (EPA) shall be required prior to the discharge of sediment at beach sites;
- (c) For areas designated with a "solid green line," the maximum dredging depth shall be -7 feet MLLW plus 1 foot of overdepth allowance with disposal conditionally approved at the LA-3 ODMDS. Sediment Z-layer testing shall be required to confirm the post-dredge surface contains mercury levels less than one ppm prior to dredging to ensure the newly exposed surface is clean. A grain size analysis shall be required prior to the discharge of sediment at beach sites to demonstrate suitability; and

(d) Areas designated with a “dashed yellow line” are ineligible for coverage under RGP No. 54 at this time.

The Corps Regulatory Division and the EPA may approve sediment dredging or disposal operations under RGP No. 54 at other locations if additional sediment testing is conducted (via a Corps- and EPA-approved Sediment Analysis Plan) and the material is found to be suitable.

Under this permit and to ensure environmental effects are minimal, activities are not authorized in certain areas of Newport Bay, including the Rhine Channel, the shoreline between Castaways Park and Westcliff Park, areas north of North Star Beach and the Back Bay Science Center, in Promontory Bay, and at the Balboa Yacht Basin. However, the Corps Regulatory Division and the EPA may approve sediment dredging, disposal operations, or structural work at these locations in the future after further studies and evaluations.

This permit has been issued under section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403), section 404 of the Clean Water Act (33 U.S.C. §1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. §1413) and only applies to activities located in the authorized areas of Newport Bay conducted in a manner that is consistent with the terms and conditions of the RGP. It is anticipated that special circumstances may arise requiring maintenance activities not described in the RGP. Applicants would be required to submit separate permit applications for activities not covered by RGP No. 54.

The Corps is hereby issuing RGP No. 54 with an expiration date of December 21, 2020. Copies of RGP No. 54 are available upon request and can be found on our website at:

<http://www.spl.usace.army.mil/Missions/Regulatory/RegionalGeneralPermits.aspx>.

### **Public Comment**

A Special Public Notice describing the proposed RGP was issued on December 23, 2014 and sent to all interested parties (Corps mailing list), including applicable Federal and State agencies. Comments received on the Special Public Notice were fully considered in the decision to issue this permit.

In accordance with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared for this RGP. This EA includes responses to all public comments received on the Special Public Notice and concluded that issuance of this RGP would not cause significant adverse impacts to the environment.

For additional information, please contact Stephen Estes at 213-452-3660 or via email at [Stephen.M.Estes@usace.army.mil](mailto:Stephen.M.Estes@usace.army.mil). This Special Public Notice is issued by the Chief, Regulatory Division.



#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

---

### **U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**

915 Wilshire Boulevard, Suite 930

Los Angeles, California 90017

[WWW.SPL.USACE.ARMY.MIL](http://WWW.SPL.USACE.ARMY.MIL)