



# PUBLIC NOTICE

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

**BUILDING STRONG®**

**APPLICATION FOR ABBREVIATED  
EMERGENCY PROCEDURES  
Grand Canal Seawall Support  
Augmentation Project**

**Public Notice/Application No.:** SPL-2015-00628-GS

**Project:** Grand Canal Seawall Support Augmentation Project

**Comment Period:** December 15, 2015 through January 14, 2015

**Project Manager:** Gerardo Salas (213-452-3417); [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil)

---

**Applicant**

David Webb  
City of Newport Beach, Public Works  
100 Civic Center Drive  
Newport Beach, California 92660

**Contact**

Chris Miller  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, California 92660

**Location**

In the Grand Canal, Balboa Island, within the City of Newport Beach, Orange County, California (33.606470, -117.888971), as shown on the attached Figure 1.

**Activity**

The Project, which began on October 7, 2015 and was completed on October 30, 2015, consisted of interim measures to reinforce an existing seawall and resulted in the temporary discharge of 1700 cubic yards of sand fill material onto 0.80 acres of non-wetland tidal waters of the United States (see attached drawings). The Corps authorized the project and it was implemented via Emergency Procedures in anticipation of high tidal waters in preparation for the El Niño storm season, per the provisions of 33 C.F.R. Part 325.2(e)(4). For more information, see page 3 of this public notice. A separate notice seeking comments for a proposal to address longer-term maintenance needs at the site will be forthcoming.

---

Interested parties are hereby notified an application was 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 completed 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 was issued with special conditions under Section 10 of the Rivers and Harbors Act and Section 404 of Clean Water Act. Modification of the permit may be made as a result of the comments received. Comments should be mailed to:

Department of the Army  
U.S Army Corps of Engineers, Los Angeles District  
Regulatory Division  
Attn: Gerardo Salas  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017

Alternatively, comments may be sent electronically to [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil).

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 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 system functions and services.

### **Evaluation Factors**

The decision whether to issue a permit is based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision reflects 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 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 (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 activity. Any comments received, including those already received by agencies in response to a pre-construction notification the Corps sent on October 9, 2015, will be considered by the Corps of Engineers to determine whether to modify or condition the permit after the fact. 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 activity.

### **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made an EIS is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board (RWQCB). The applicant submitted an application for a Water Quality Certification on September 11, 2015, which is currently pending approval with the Santa Ana RWQCB

**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 (CCC) 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. The applicant submitted an application for a Coastal Development Permit on October 20, 2015, which is currently pending approval with the CCC.

**Essential Fish Habitat (EFH)-** The Corps has preliminarily determined 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 will request initiation of EFH consultation for the proposed project. The proposed project is located within a general area designated as EFH by the Coastal Pelagic Species and Pacific Coast Groundfish Fishery Management Plans (FMPs). The area is also defined as estuarine habitat, which is considered to be a habitat area of particular concern for EFH. Eelgrass (*Zostera marina*) beds were mapped in the project area. Project-related impacts to EFH were mostly temporary and minimal, localized minor increases in turbidity associated with construction. Use of silt curtains further minimized impacts to EFH.

Therefore, it is the Corps' initial determination the proposed activity may have adversely affected, but would not have resulted in a substantial adverse impact on EFH or federally managed fisheries in California waters. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. Finally, the Permittee intends to adhere to the City's "Eelgrass Protection and Mitigation Plan for Shallow Waters in Newport Bay: An Ecosystem Based Management Plan (City of Newport Beach, November 2013)."

**Cultural Resources-** The Corps has also made a preliminary "no potential to cause effect" determination with regard to historic properties and cultural resources. Furthermore, no cultural resources would be expected to be present within the APE, as the project site is subtidal and subject to sand deposition and erosion. No excavation activities occurred and only suitable sand material was placed against the walls. The proposal did not involve direct repair or replacement of the

seawalls. Finally, a Special Condition was included in the Corps' authorization to help ensure compliance with the National Historic Preservation Act.

**Endangered Species-** The California least tern (*Sternula antillarum browni*), a federally listed endangered species, uses open sandy or gravelly shores with light-colored substrates, little vegetation, and nearby fishing waters for nesting. The California least tern does not breed or nest near the project site, but the birds forage in Upper Newport Bay and nearshore coastal waters during their April to September breeding season. During this period, adults forage on juvenile baitfish and take their prey back to their fledglings. California least tern forage within several miles of their nesting sites at Bolsa Chica Marsh and Upper Newport Bay. The nearest least tern nesting sites are located approximately 2.5 miles west (upcoast) at the mouth of the Santa Ana River and 4.2 miles northeast in Upper Newport Bay near the Jamboree Road Bridge. Adults are known to forage throughout upper Newport Bay. Limited foraging habitat may be present in the vicinity of the project site in lower Newport Bay; however, it is unknown whether terns forage in this heavily disturbed area.

The Project began on October 7, 2015 and was completed on October 30, 2015, well outside of the April to September breeding season.

Due to the distance between the project site and the known nesting sites, the limited foraging habitat available in the vicinity of the project site, and the limited amount of turbidity and noise expected as a result of the proposed project, the Corps has preliminarily made a "no effect" determination for federally listed species.

**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 emergency repairs and critical preventative maintenance to Balboa Island's Grand Canal Seawall.

### **Additional Project Information**

**Baseline information-** The seawall is supported by concrete "T" soldier piles at 11-foot centers with 6-inch-thick reinforced concrete planks that span from soldier pile to soldier pile. The bottom of the concrete plank is approximately 8 feet below the top of the concrete wall cap or about 6 feet below the bottom of the waterside cap. The original design, based on the City's records, assumed that the channel-side mudline would be at approximately the midpoint of the concrete panels (i.e., the mudline being 3 feet above the bottom of the concrete panel). For the most part, the sand level ranges 1 foot

above or below the original intent of a 3-foot embedment along the 1,500-foot length of canal. In some cases, there is only 1 foot of concrete panel embedded below the mudline. This condition exists on either side of the Park Avenue Bridge, which connects the Big and Little Island on the Little Island side. This condition represents a dangerous stability case and required immediate correction.

The seawalls are nearing the end of their useful life and are showing many signs of age and distress, such as the high probability that the original tie rods are not able to provide their intended level of support due to corrosive deterioration. It may also not be feasible for the City to replace or reinforce these seawalls in the near future. The City has proposed under a separate application other measures to increase stability and decrease stress on these seawalls to the extent possible to reduce the risk of further distress. A public notice for that proposal will be released separately.

Project description- The Project consisted of the temporary discharge of 1700 cubic yards of sand fill material onto 0.80 acres of non-wetland tidal waters of the United States. By placing dredged sandy material bayward of the seawalls, the City established a new mud line at about 2 feet below the bottom of the concrete cap (Figure 2), which is approximately 2 feet above the existing scoured mudline. Work included placing approximately 1,700 cubic yards of suitable beach sand material from the Lower Santa Ana River maintenance dredging project, which was previously slated for beach replenishment. Sand was placed from the land side by mechanical means to the required elevations. Methods of placement were determined by the contractor and included small tractor work and hand placement along the bulkhead.

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:** Based on the data collected by the City from 2013 to 2014, there are approximately 46,600 square feet (1.07 acres) of eelgrass (*Zostera marina*) within the canal. However, this Project did not directly impact eelgrass.

**Minimization:** Best Management Practices (BMPs) were incorporated into the Project design in order to minimize environmental effects and the exposure of eelgrass to potential effects of sand placement. The following BMPs were implemented to minimize environmental impacts during the Project:

- Use of silt curtains minimized direct and indirect impacts to eelgrass within the Canal;
- Sand placement was conducted at low tide and in the dry where practical to minimize turbidity in the water and avoid direct impacts to eelgrass;
- Construction stakes or other similar marking were installed within the Grand Canal to demarcate the extent the work area; and,
- Stockpiling of imported dredged material occurred in the upland area at street ends adjacent to the Grand Canal.

While a more permanent solution will be required in the future, this emergency work entailed only the minimum work necessary to improve the structural integrity and safety of the seawalls.

**Compensation:** Compensatory mitigation was not required as project impacts were temporary in nature. Furthermore, there were no impacts to eelgrass as a result of this project.

## **Special Conditions Included in the Permit**

1. 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 CFR part 329.
2. No other modifications or work shall occur to the structure permitted herein.
3. The Permittee shall adhere to the proposed "Eelgrass Protection and Mitigation Plan for Shallow Waters in Newport Bay: An Ecosystem Based Management Plan (City of Newport Beach, November 2013)."
4. A silt curtain shall be deployed around the project site throughout the duration of project-related activities.
5. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure 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 waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.
6. To ensure navigational safety, the Permittee shall provide appropriate notifications to the U.S. Coast Guard (USCG) as described below:

Commander, 11th Coast Guard District (dpw)  
Telephone: 510-437-2980  
E-mail: d11LNM@uscg.mil  
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

USCG, Sector LA-LB (COTP)  
Telephone: 310-521-3860  
E-mail: john.p.hennigan@uscg.mil

- a) The Permittee shall notify the USCG, Commander, 11th Coast Guard District (dpw) and the USCG, Sector LA-LB (COTP) (contact information shown above) not less than 15 calendar days prior to commencing work and as project information changes. The notification shall be provided by e-mail 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 USCG needs to be notified if these dates change;
  - iv. Vessels involved in the operation (name, size and type); VHF-FM radio frequencies monitored by vessels on scene;
  - v. Point of contact and 24-hour phone number;
  - vi. Potential hazards to navigation;
  - vii. Chart number for the area of operation; and

- viii. The Corps Regulatory Division recommends the following language be used in the LNM: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."
- b) The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 CFR chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps Regulatory Division, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that requires relocation or removal. Should any Federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps Regulatory Division as well as the USCG, Aids to Navigation office (contact information provided above). The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the USCG.
- c) 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 as well as the USCG, Aids to Navigation office (see contact information above). 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 USCG.
- d) 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 COTP.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, 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 Regulatory Division, 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.
8. Pursuant to 36 CFR 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). 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 CFR section 800.13.

For additional information, please contact Gerardo Salas at 213-452-3417 or via e-mail at [Gerardo.Salas@usace.army.mil](mailto: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.

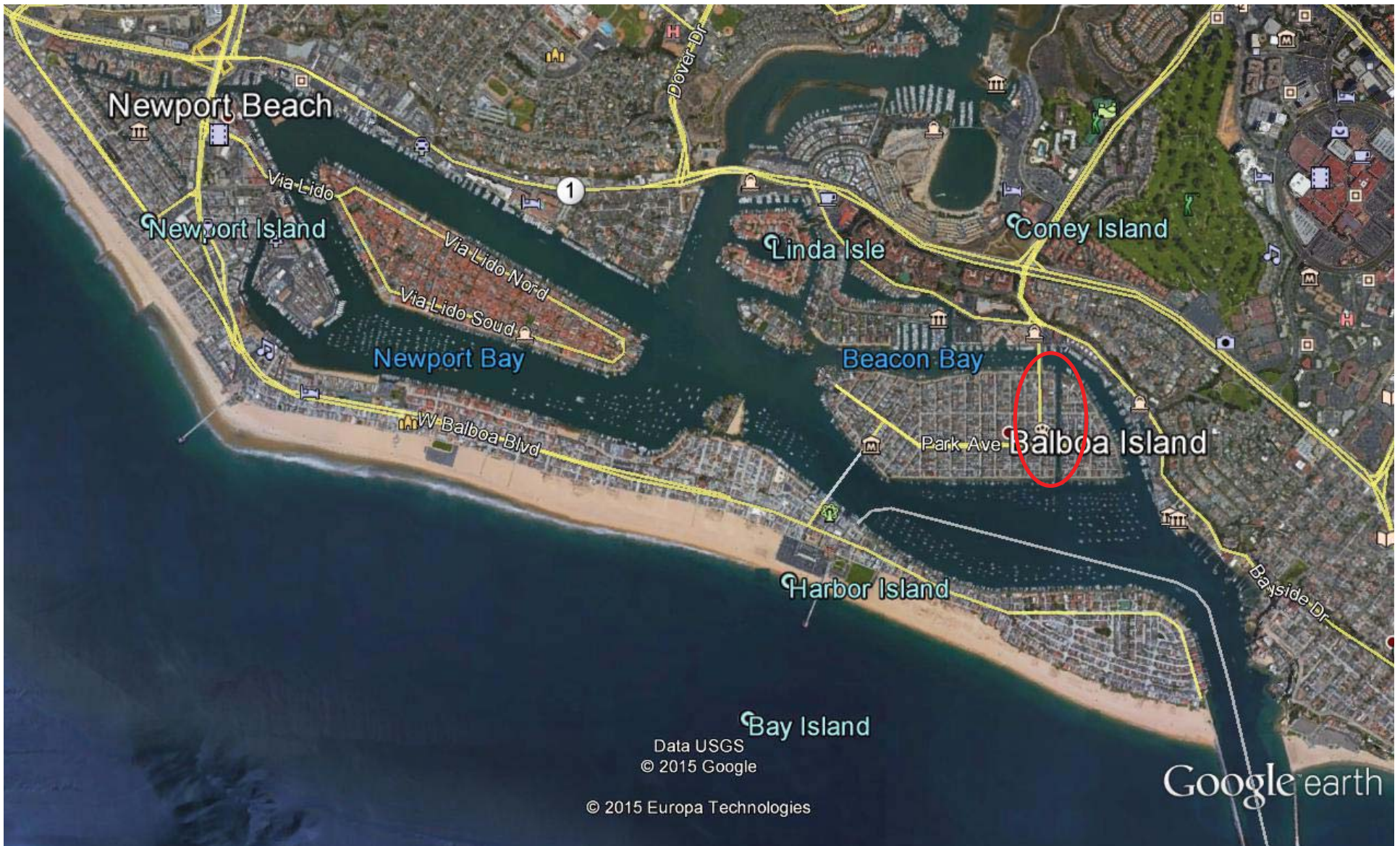
---

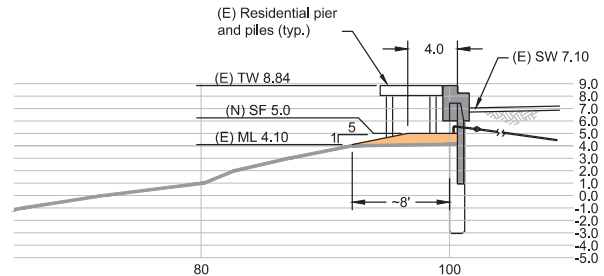
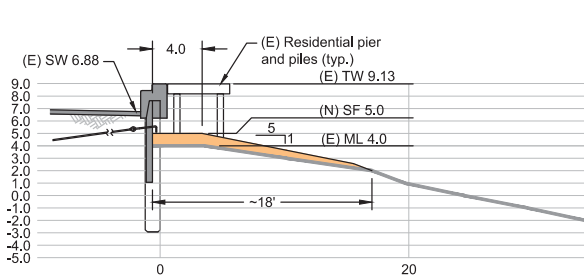
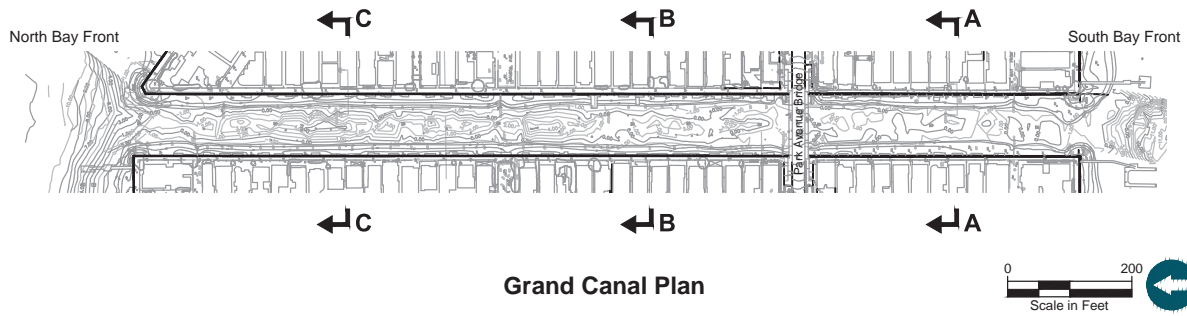
**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CALIFORNIA 90017

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

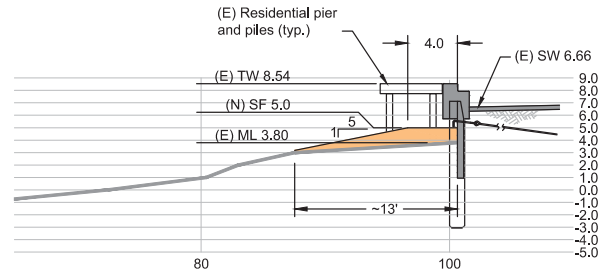
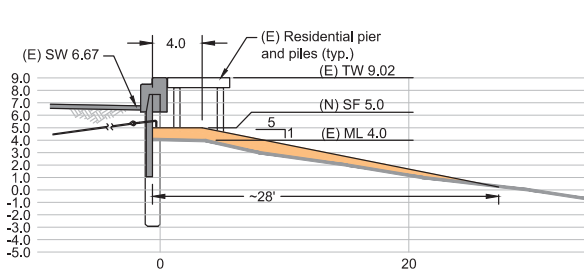


Figure 1

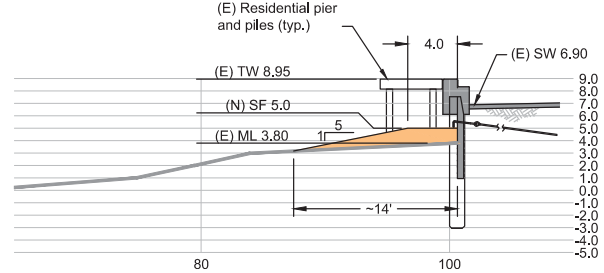
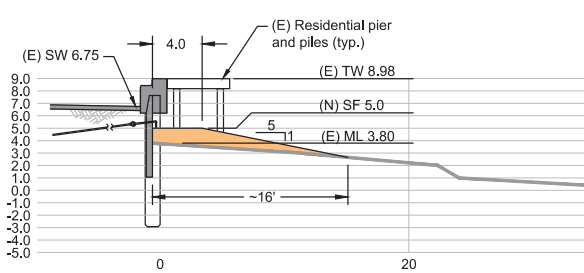




**Section C-C**



**Section B-B**



**Section A-A**

H:\AutoCAD Project Files\Projects\0243-City of NBI\Grand Canal\0243-RP-008 Sand Placement Sections.dwg AQ-B-Portal

**SOURCE:** Bathymetric contours from Bill Carr Surveys, Inc., dated June 10, 2013. 2013 Eelgrass Survey Data from City of Newport Beach.  
**HORIZONTAL DATUM:** California State Plane, Zone 6, NAD83.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).

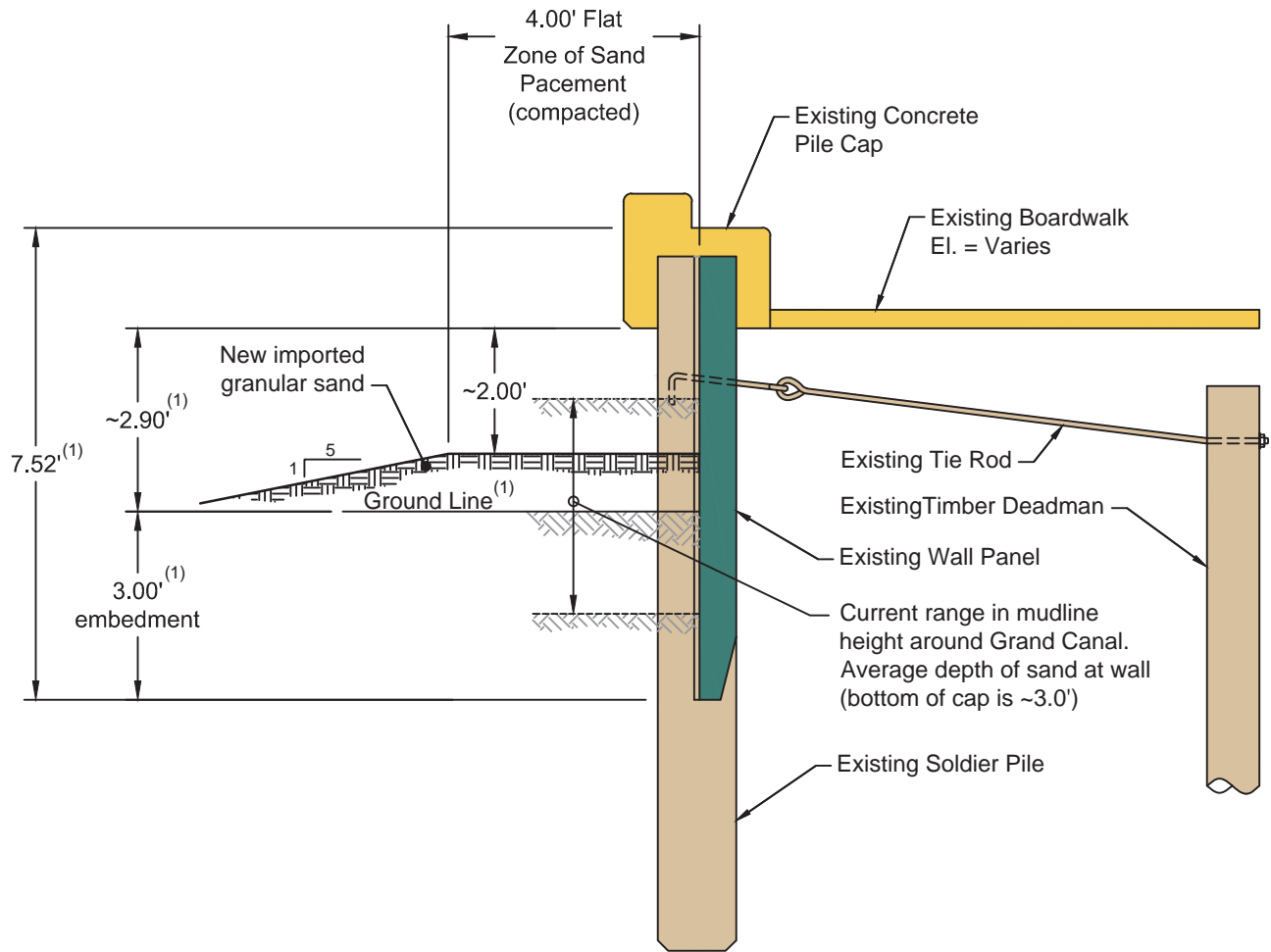
- NOTES:**
1. Mudline condition varies over wall length.
  2. Imported sand must be graded to ensure no less than a 1:5 slope in a submerged condition.
  3. Condition of tie rods: Most tie rods along wall are assumed or known to have advanced corrosion or are missing altogether.

**LEGEND:**

(E)	Existing
(N)	New
TW	Top of Wall Elevation
ML	Mudline Elevation
SF	Sand Fill Elevation
SW	Sidewalk Elevation



**Figure 2**  
 Grand Canal Rehabilitation  
 Balboa Island  
 City of Newport Beach



**SECTION**

(1) Original design

**SOURCE:** Drawing prepared from City of Newport Beach Plan No. 400.  
**HORIZONTAL DATUM:** California State Plane, Zone 6, NAD83, U.S. Feet.  
**VERTICAL DATUM:** NAVD88.

**NOTES:**

1. No calculations prepared - Opinion
2. Existing wall is not designed to accommodate seismic load cases.
3. Assumed wall distress hidden by shotcrete (~85 yrs old)
4. Compact the placed sand (4'-0" section)
5. Original dimension of wall have been altered over the years (shotcrete and rework of sidewalks) to accommodate drainage and concrete repair.