



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project

Public Notice/Application No.: SPL-2021-00425-GS

Project: Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project

Comment Period: December 16, 2021 through January 15, 2022

Project Manager: Gerry Salas; (213) 452-3417; Gerardo.Salas@usace.army.mil

Applicant

Chris Miller
City of Newport Beach
Public Works Department
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Contact

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Location

The proposed work would take place in the central portion of Lower Newport Bay and nearshore waters in the City of Newport Beach, Orange County, California, at approximately 33.609921°, -117.905348° (Figure 1).

Activity

The City of Newport Beach is requesting to construct a Confined Aquatic Disposal (CAD) facility in the central portion of Lower Newport Bay. The CAD would provide a location to contain dredged sediment that is unsuitable for open ocean disposal. A final cap layer would be placed on the CAD. Clean material suitable for beach nourishment generated from constructing the CAD facility would be transported and placed along the nearshore ocean beaches. The proposed CAD facility and nearshore disposal are shown in Figure 1. Typical dredging plan view and cross section of maintenance dredging are shown in Figures 2 and 3, respectively.

For more information, see the Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached 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 U.S. Army Corps of Engineers (Corps) Regulatory Division,

you will 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 as is, issued with special conditions, or denied under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marina Protection Act.

During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. 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 Gerry Salas directly at (213) 452-3417.

The mission of the Corps Regulatory Program is to protect the nation's aquatic resources while allowing reasonable development through fair, flexible, and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the nation's navigable 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 first to avoid and then to 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 that may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that 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, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and the general 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 Guidelines (40 Code of Federal Regulations [CFR] Part 230) as required by Section 404 (b)(1) of the

Clean Water Act.

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement 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

Environmental Impact Statement Determination: A preliminary determination has been made that 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 prior to permit issuance.

Coastal Zone Management: The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program and Coastal Development Permit (CDP). For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission (CCC) through their CDP that the project is consistent with the State's Coastal Zone Management Plan.

This project is located inside the coastal zone, and preliminary review indicates it would affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the CCC under the CDP, the Corps would make a final determination whether this project affects coastal zone resources after review of the comments received on this Public Notice. An application for a CDP was filed with the CCC in August 2021.

Cultural Resources: The proposed project would include dredging. Dredging activities in the area began in the early 1900s, and the major dredging and filling project that created Newport Harbor was completed in 1936. Various maintenance dredging operations have occurred since that time.

Therefore, proposed dredging for the CAD facility would have no potential to cause effects to historic properties or cultural resources. The Corps' "no potential to cause effects" determination is justified per 33 CFR 325 Appendix C (3b) because impacts would be to areas that have been extensively modified by previous work.

This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

Endangered Species: Several federally listed threatened and endangered species could potentially occur in the Upper and Lower Newport Bay, and the nearshore placement area. Based on the following analysis, the Corps has made a preliminary determination that activities authorized under the proposed Program would have no effect on federally listed species or their critical habitat.

The Green sea turtle (*Chelonia mydas*) and Hawksbill sea turtle (*Eretmochelys imbricata*) occasionally visit the nearshore environment of Orange County, but generally do not use the local marine waters as a permanent breeding or foraging habitat. Both species' occurrences within Newport Bay is expected to be rare, although green sea turtles may utilize the eelgrass beds in Newport Bay as one source of nutrition. Green sea turtles were observed in Newport Harbor in 2017.

Green sea turtles and Hawksbill turtles in the vicinity of the proposed CAD facility site during the construction period could be affected by the noise of the dredging operation, and by contact with the dredging and disposal equipment during construction. Green sea turtles and Hawksbill turtles in the vicinity of the nearshore placement area during disposal operations would potentially be disturbed by the noise and activity of the disposal tugboat and split-hull barge and by the turbidity plume from disposed sediments. The proposed CAD facility site is located in an active recreational and commercial harbor subject to noise from ongoing operations, including the use of large vessels. Underwater noise levels would temporarily increase due to the operation of dredging equipment within the CAD facility site and transport of the material to the nearshore disposal site. Breeding would not be affected because sea turtles do not breed in the Lower Harbor. Disposal operations at the nearshore disposal site are also not expected to affect breeding or nursing of any sea turtle species. Foraging may be temporarily affected in the vicinity of disposal operations due to a decrease in water clarity, and there may be a potential reduction in prey items. 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.

California least tern (*Sterna antillarum browni*) have historically nested and are presumed to still nest in colonies at several areas on the beaches adjacent to Newport Bay, and within Upper Newport Bay. They use open sandy or gravelly shores with light-colored substrates, little vegetation, and nearby fishing waters for nesting. Least terns have nested at several locations around Newport Bay, including 18 breeding pairs observed in 2016 at Least Tern Island in the Upper Bay Ecological Reserve. Migration from wintering areas to southern California coastal areas occurs in late spring and summer. They are present in small numbers from mid-April to mid-September. California least terns feed on small fishes directly under the water surface in coastal waters, primarily foraging within Upper Newport Bay but occasionally entering Lower Newport Bay. Eelgrass beds are critical foraging habitat for California least terns. Preferred nesting habitat includes open beaches free of vegetation such as lagoon entrances and sandy strips on the coast away from human encroachment.

Individuals in the Pacific Coast population of Western snowy plovers (*Charadrius alexandrinus nivosus*) are known to utilize habitat in the vicinity of Newport Bay for nesting. Critical habitat for the Western snowy plover occurs along approximately 25 acres of beach along space the Balboa Peninsula. The site historically supported nesting, but the current potential for nesting is low. Successful nesting has not occurred since 2009, though there have been sightings of Western snowy plover in the vicinity. The critical habitat extends from the mean tide line to the boardwalk, between B Street and G Street on East Balboa Boulevard (approximately 2,000 feet). Western snowy plovers usually forage in intertidal zones, feeding on invertebrates, marine worms, and insects. The nesting season is between March 1 and September 30, with most activity occurring in May. Plovers require barren to sparsely vegetated sand beaches for nesting.

The CAD facility construction and nearshore placement activities would not occur within or adjacent to known California least tern or western snowy plover critical habitat or known nesting locations. While the proposed Project would not directly support California least tern and Western snowy plover nesting, foraging birds may be present in the study area. The California least tern and

Western snowy plover are present from mid-April to mid-September and early March to late September, respectively. Foraging birds feed on small fish directly under the water surface in coastal waters, primarily foraging within the Upper Bay but occasionally entering Lower Newport Bay.

The CAD facility construction activities would cause increases in suspended sediments and turbidity, which would affect foraging species' ability to see food normally visible in the water. Noise and equipment operation could cause birds to avoid using the beach as a resting area. However, no direct mortality of California least tern nor Western snowy plover is reasonably foreseeable because of the lack of nesting habitat in the areas to be affected by the Project. During construction of the CAD facility, there would be a loss of benthic and water column habitat, which could reduce the number of small fishes in the immediate area of construction. This loss would be temporary, as the CAD facility would eventually be filled and capped. Because the areas to be dredged for construction of the CAD facility are a small portion of local habitat (approximately 8 acres), the loss of food for bird populations is judged adverse, but not significant.

The proposed project includes avoidance and minimization measures to address potential adverse impacts to Endangered Species Act listed species. With implementation of these and other measures detailed below, adverse impacts are not anticipated. Therefore, the Corps has made a preliminary determination that activities authorized under the proposed Program would have no effect on federally listed species or their critical habitat. Formal consultation under section 7 of the Endangered Species Act does not appear to be required at this time.

Essential Fish Habitat: The Corps' preliminary determination indicates the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the MSA, the Los Angeles District will be requesting initiation of EFH consultation for the proposed project.

This notice supplements the EFH consultation requirements of the Act. In order to comply with the MSA, pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: See project description on page 6 of this public notice.
2. On-site inspection information: See baseline information on page 6 of this public notice.
3. Analysis of the potential adverse effects on EFH: The project may have adverse effects (increases in turbidity, noise, benthic disturbance, and vessel and equipment impacts) to Lower Newport Bay and the nearshore ocean beaches. The Corps will be consulting with the National Marine Fisheries Service (NMFS) in reference to the EFH impacts to both Coastal Pelagic and Pacific Coast Groundfish fishery management plans.
4. Proposed minimization, conservation, or mitigation measures: The project will use turbidity monitoring and Section 401 water quality protection measures. The City's Eelgrass Management Plan for Newport Bay will be implemented. Infected system Caulerpa protocols will be followed. Other Best Management Practices (BMPs) will be used, such as potential use of a silt curtain during dredging, using floating booms around the proposed CAD facility construction area to capture floating debris, water quality monitoring during dredging, material placement outside tidal extremes, and employing established construction BMPs. The proposed project would abide by a Coastal Development Permit to avoid and minimize any impacts to the EFH resources.
5. Conclusions regarding effects of the proposed project on EFH: Based on the project description and EFH information provided by the applicant, the proposed project would not

be expected to have a substantial adverse impact on EFH or federally managed fisheries in California waters. Although localized short-term impacts might occur during the activities described above, impacts would be short lived and would not significantly impact existing biotic resources.

Therefore, it is our initial determination that the proposed activity will result in temporary and minimal impacts to EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

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). The basic project purpose for the proposed project is the construction of a CAD for the disposal of dredged sediment unsuitable for disposal at LA-3 Ocean Dredged Material Disposal Site (ODMDS). 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 specifically describes the applicant's goals for the project, and that allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct a facility to dispose of contaminated dredged sediment in a manner that is safe to human and ecological health.

Additional Project Information

Baseline Information: The Lower Harbor is a small craft harbor offering a wide range of recreational boating activities ranging from single-person kayaks to larger sailing and motor vessels capable of transoceanic navigation. Local beachfront and harbor-front communities support water-use recreational services. Lower Newport Bay requires periodic maintenance dredging to remove sediment that accumulates over time and would otherwise impede navigation and full use of the Harbor. While some of the sediment from the Federal Channels maintenance dredging program may be suitable for open ocean disposal, another portion of the sediment may exceed maximum standards for the LA-3 ODMDS and could be placed into the proposed CAD facility.

Project Description: The City is proposing to construct a CAD facility in the central portion of Lower Newport Bay. The CAD would provide a location to contain dredged sediment that is unsuitable for open ocean disposal. A final cap layer would be placed. Clean material suitable for beach nourishment generated from constructing the CAD facility would be transported and placed along the nearshore ocean beaches. The proposed CAD facility and nearshore disposal are shown in Figure 1. Typical dredging plan view and cross section of maintenance dredging are shown in Figures 2 and 3, respectively.

Overview of Project Elements

To manage the unsuitable material that would be dredged as part of the Federal Channels maintenance dredging program (separate project), the City proposes constructing a CAD facility in the central portion of the Lower Harbor, between Bay Island, Lido Isle, and Harbor Island where dredged sediment unsuitable for open ocean disposal can be contained (Figures 1, 2, and 3).

The CAD facility would be constructed to accommodate approximately 106,900 cubic yards (CY) of unsuitable dredged material anticipated to be generated by the Federal Channels maintenance dredging program and, an additional 50,000 CY resulting from maintenance dredging primarily of unsuitable material from outside the Federal Channels (separate project). Clean material excavated during construction of the CAD facility would be transported to, and disposed along, the nearshore ocean beaches.

The CAD facility construction would likely occur using mechanical equipment and bottom-dump barges (also called a dump scow) to excavate the depression and deposit the resulting material within the nearshore zone along the ocean beaches of Newport Beach.

Approximately 2 years following the completion of construction of the CAD facility, there would be a second opportunity during a 6-month period for the City and its residents to place material determined unsuitable for open ocean disposal in the CAD facility. The combined total allowance for the initial and second opportunity would be 50,000 CY of unsuitable material. If there is remaining capacity (within this 50,000 CY allowance) at the end of the 6-month period, the City and its residents would be able to place material from the Regional General Permit (RGP) 54¹ Plan Area determined suitable for open ocean disposal in the CAD facility. This opportunity would provide a more cost-effective and convenient disposal location within the Lower Harbor and would bolster the CAD facility's final cap layer. This activity would be permitted separately through either the City's RGP 54 or through an Individual Permit depending on the scope of work, and not included as part of this permit application.

At the end of the second 6-month placement period for the public and the City, the final cap layer would be placed in the CAD facility by the City to chemically isolate the underlying sediments from burrowing organisms and biota residing in the overlying water column. This clean sediment final cap layer has been designed to a thickness of 3 feet (or 33,600 CY) of additional sediment sourced by the City. This layer would likely consist of sediment dredged under the City's RGP 54 program, maintenance dredging at the Santa Ana River as a contingency, or other sources available at the time. As the City identifies sources for the final cap layer, material would require testing and confirmation that the sourced material meets the performance criteria of sediment tested and modelled as part of the Basis of Design Report (BODR). Additionally, the City would request final review and approval prior to placement of the final cap layer.

The final elevation of the CAD facility infill would be restricted to an elevation that is at or below the water depths necessary for navigation within the Lower Harbor.

Construction Volumes

¹ RGP 54 authorizes small-scale maintenance dredging in Newport Harbor and covers the following regulated activities in eligible areas of Newport Harbor: 1) maintenance dredging under and adjacent to private, public, and commercial docks, floats, and piers; and 2) discharge of dredged material at adjacent in-bay beach sites for beach nourishment, at LA-3, or at approved upland disposal sites.

To accommodate the required volumes of expected unsuitable material and sediment capping material, the proposed estimated size of the CAD facility is approximately 590 feet by 590 feet at the assumed top of the CAD facility footprint and would require dredging of approximately 282,400 CY of sediment from the existing mudline to the one-foot overdredge limit (-46 feet Mean Lower Low Water) – the underlying sediment within the footprint of the CAD Facility would be disposed along nearshore beaches, as presented in Figure 1.

The CAD Facility has been designed to accommodate 199,500 CY as outlined below:

- 106,900 CY of sediment generated during dredging of the Federal Channels (USACE Federal Channels maintenance dredging program, permitted separately);
- 50,000 CY of sediment generated from the RGP 54 Plan Area and/or other areas outside the Federal Channels (USACE Federal Channels maintenance dredging program, permitted separately);
- 9,000 CY of sediment that would be dredged from the Federal Channels, likely Newport Channel 3, to provide for the interim cover containment layer designed to a thickness of 1 foot (USACE Federal Channels maintenance dredging program, permitted separately); and,
- 33,600 CY of sediment that would be sourced by the City to provide for the final cap layer designed to a thickness of 3 feet (permitted herein).

Construction Schedule

The proposed CAD facility construction is anticipated to take place over an approximately 6-month duration and proposed to begin in late 2022. Placement of dredged material for final containment layer cap is anticipated to take 3 to 4 weeks and proposed to begin in late 2024.

Long-Term Monitoring

An Operations, Management, and Monitoring Plan (OMMP) for the CAD facility has been developed for implementation by the City. The OMMP describes the management and monitoring objectives for the CAD facility, a communications plan covering the entire CAD facility construction and sediment disposal process, construction monitoring and post-disposal monitoring plans, contingency plans, annual monitoring plans, and long-term management plans for the CAD facility once it has been capped.

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.

No mitigation is currently proposed for the proposed project. Based on the results of a harbor-wide eelgrass conducted in 2020, no eelgrass patches were identified within the project area. Eelgrass impacts are not anticipated to occur as a result of the proposed project.

In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Because the proposed project is situated within waters of the United States, avoidance of impacts to waters of the United States is not feasible. The best management practices (BMPs) listed under Best Management Practices, below, would be used to minimize any potential impact to waters of the United States.

Best Management Practices: The applicant has proposed the following BMPs that would be used to minimize any potential impacts to the waters of the United States:

The following BMPs would be required as a condition of the proposed project:

1. Rules and methods set out by the Contaminated Sediments Task Force (CSTF) Long-Term Management Strategy (LTMS) BMP toolbox during CAD facility construction dredging activities would be provided to the dredge contractor to satisfy federal and state water quality requirements.
2. General construction BMPs, including removing floating debris, implementing a water quality monitoring plan, preventing barge overflow, adjusting dredge cycle time and bucket velocity as it is raised and lowered, modifying bucket size or type if necessary, modifying the operation of the dredging equipment to minimize resuspension of sediment, and washing the bucket to remove cohesive sediment, would be implemented as necessary.
3. Prior to construction, the proposed Project area would be surveyed for the invasive alga *Caulerpa* (*Caulerpa* spp.) and eelgrass (*Zostera marina*) in compliance with federal and state protocols.
4. Contractors would be required to have emergency spill response plans and employ general BMPs regarding vessel and equipment maintenance and fueling.
5. Prior to construction, the City would submit a Cap Placement Plan for review and approval by the agencies.

Additionally, the City would implement the following minimization measures:

1. **Pre- and Post-Construction Survey:** Consistent with the California Eelgrass Mitigation Policy and Implementing Guidelines (CEMP) and *Caulerpa* Control Protocol (or as amended), a pre-construction eelgrass and *Caulerpa* survey would be performed by the City in the proposed Project area 30 to 60 days prior to commencement of proposed construction activities in the Harbor.
 - a. If eelgrass is located during the pre-construction survey, a post-construction survey would also be performed by the City within 30 days following completion of construction to evaluate any immediate effects to eelgrass habitat.
 - b. If *Caulerpa* is found, the City would implement the *Caulerpa* Control Protocol, immediately notify the National Oceanic and Atmospheric Administration, and would assist with coordinating a response.
2. **Eelgrass Mitigation:** If a post-construction survey is required and indicates loss of eelgrass habitat within the proposed Project area, any impacts to eelgrass that have not previously been mitigated for will be mitigated in accordance with the CEMP. In-kind compensatory mitigation is the creation, restoration, or enhancement of habitat to mitigate for adverse impacts to the same type of habitat. Per the CEMP guidelines for southern California, for each square meter of vegetated eelgrass cover adversely impacted, 1.38 square meters of new habitat with suitable conditions to support eelgrass should be planted with a comparable bottom coverage and eelgrass density as impacted habitat. The 1.38:1 ratio assumes the following: 1) there is no eelgrass function at the mitigation site prior to mitigation efforts; 2) eelgrass function at the mitigation site is achieved within 3 years; 3) mitigation efforts are successful; and 4) there are no landscape differences (e.g., degree of urban influence, proximity to freshwater source) between the impact site and the mitigation site.
3. **Periodic Monitoring of the CAD Facility:** An OMMP has been developed for the proposed Project to conduct periodic monitoring of the CAD facility, including bathymetric surveys and cap coring. In the event of a large earthquake, these techniques could be used to monitor the integrity of the CAD facility final cap layer. As noted, if any changes in environmental conditions or design assumptions become apparent, then management actions would be considered for the CAD facility. Initial management actions would likely include increasing the

level or frequency of monitoring. If indicated, the CAD facility cap design would be augmented in one or more of the following ways:

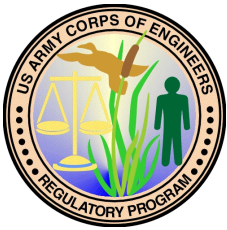
- a. Adding more sediment to form a thicker cap;
- b. Changing the cap material to a coarser, more erosion-resistant material type (coarse sand or gravel); and/or,
- c. Adding enhanced materials to the cap, such as less porous or chemically absorbent materials

4. **Conduct water quality monitoring during all construction activities:** Water quality monitoring would be implemented to comply with numeric receiving water limitations and other permit requirements during construction activities to minimize potential water quality impacts to Lower Newport Bay.

Proposed Special Conditions

No special conditions are proposed at this time.

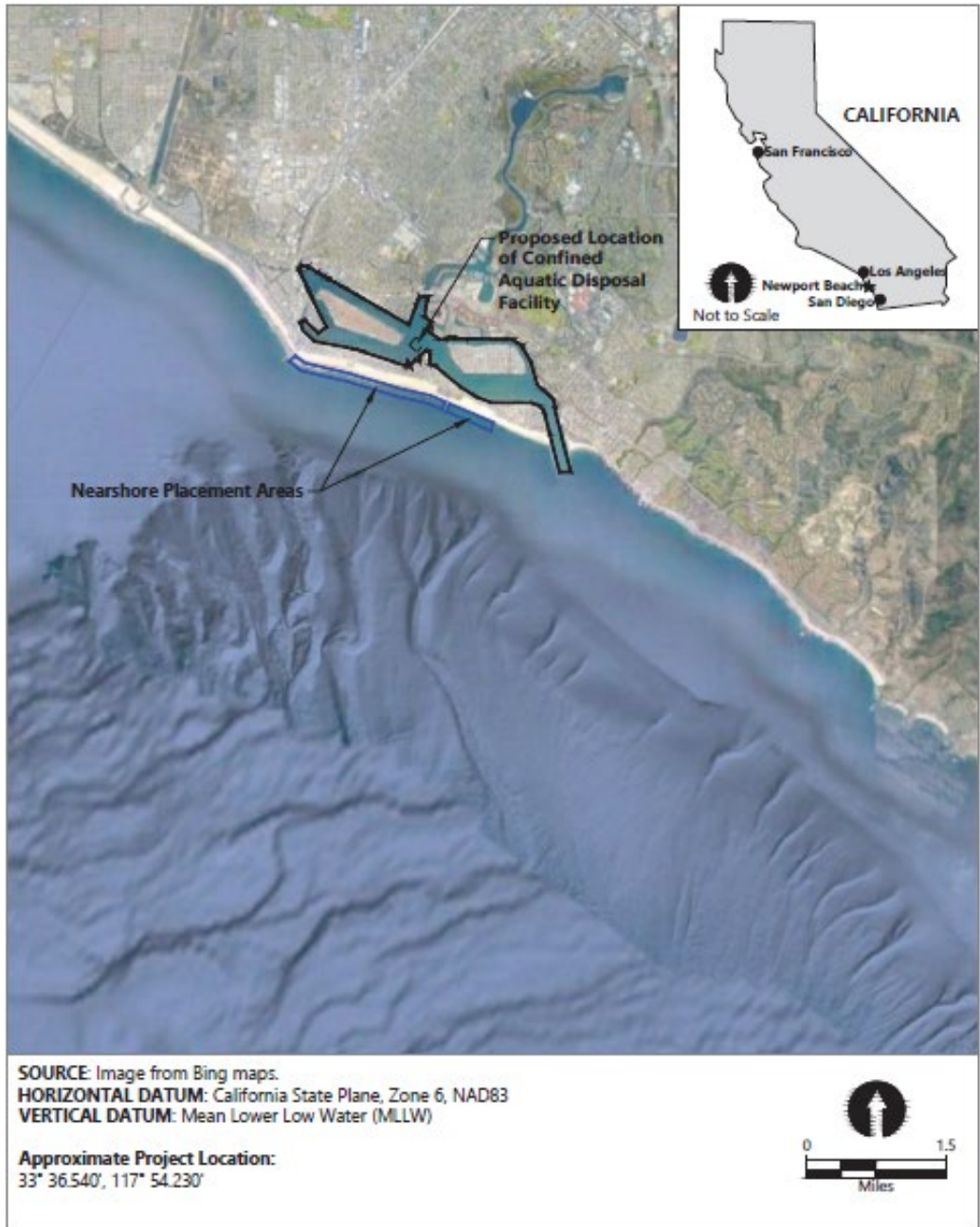
For additional information, please call Gerry Salas at (213) 452-3417 or via e-mail at Gerardo.Salas@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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.

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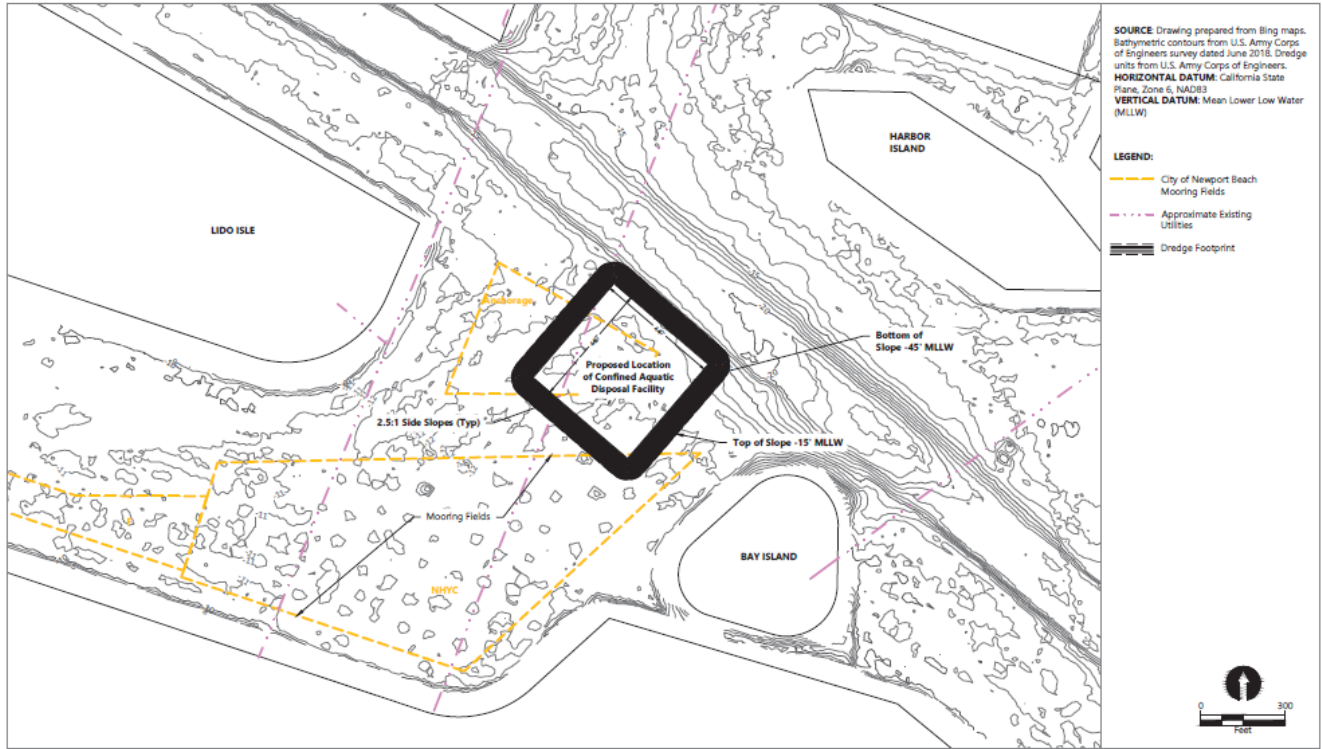


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Figure 1
Project Site and Vicinity

Supplement
 Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project



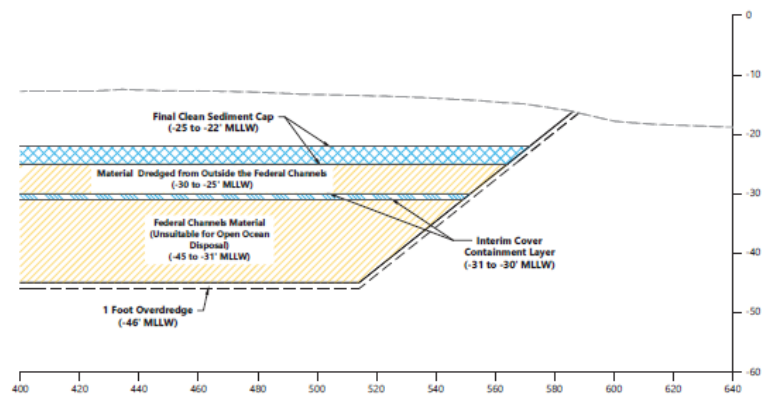
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Figure 2
Plan View of CAD Facility
 Supplement
 Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project

SOURCE: Ariel from Bing Maps, 2018.
 HORIZONTAL DATUM: California State Plane, Zone 6, North American Datum of 1983 (NAD83), U.S. Survey Feet
 VERTICAL DATUM: Mean Lower Low Water (MLLW)

LEGEND:
 ——— Required Dredge Elevation
 - - - Allowable Overdepth Elevation
 - - - Existing Mudline



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Figure 3
 Cross Section of CAD Facility
 Supplement
 Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project