



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

**DEPARTMENT OF THE ARMY PERMIT**

**Permittee:** City of San Clemente

**Permit Number:** Regional General Permit No. 66 (File No. 200400838-JPL)

**Issuing Office:** Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899, and to discharge fill onto up to 11.1 acres of waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972, as a part of a 5-year opportunistic beach nourishment program (as shown on the attached drawings).

Specifically, you are authorized to conduct the following activities affecting waters of the U.S.:

1. Place up to approximately 200,000 cubic yards per year (cy/yr) of material on or in the near-shore environment at two designated beach sites.
2. Placement would occur at the "North Beach" site over an area of up to 10.3 acres.
3. Placement at the "Linda Lane" site would occur over an area of up to 7.6 acres.
4. Transport beach nourishment materials to the beach site via truck or train, and then place the materials on the beach.
5. Utilize conventional earth moving equipment to spread the nourishment material.

**Project Location:** The authorized beach nourishment activities would occur in the Pacific Ocean within the coastal zone of the City of San Clemente, in Orange County, California. Beach nourishment (placement of suitable fill material) will occur at as many as two sites, located at

North Beach and Linda Lane. In addition, a stockpile site will be located near the intersection of Avenida Pico and El Camino Road.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the authorized activity ends on **February 18, 2018**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

**Special Conditions:**

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 C.F.R. Part 329.
2. 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 of Engineers 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.

3. Discharges of fill material into waters of the U.S. authorized in this permit shall be limited to the volume and grain size distribution specified on a case-by-case basis. Non-traditional materials, such as materials derived from upland sources or materials deviating from Corps general practice (requiring beach nourishment material be at least 75% sand with no more than a 10% difference in sand content between material at the source and discharge sites), are likely to require additional, unique, site-specific testing, to be determined on a case-by-case basis, beyond traditional testing methods in order to ensure compliance with the 404(b)(1) guidelines. No discharge of fill material into waters of the U.S. is authorized for any single proposed project until the Corps Regulatory Division has provided a Final signed notification to proceed (NTP) according to the requirements below.
  - A) The applicant is required to concurrently submit to the Corps Regulatory Division and EPA and receive written approval (by letter or e-mail) from the Corps for a sampling and analysis plan (SAP) for each proposed use of this permit. The SAP will be in accordance with standard tiered testing procedures and will include testing at the source and proposed discharge site (one of the sites approved under this permit). The SAP would also address sieve (grain size) analysis, as well as the potential for adverse impacts involving aesthetics and compaction directly related to characteristics of the proposed source material and the receiving beach material.
  - B) The results of the approved SAP will be submitted to the Corps Regulatory Division, EPA, and appropriate Regional Water Board for review and approval.
4. If source material is to be dredged, separate authorization under Sections 10 and/or 404 will be required.
5. Non-traditional materials (defined above) must be discharged in the surf-zone, subject to other applicable restrictions (location, timing).
6. A detailed, pre- and post-project monitoring plan will be submitted for Corps Regulatory Division review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps Regulatory Division. The plan shall identify monitoring protocol, reporting protocol, and contingency operations to evaluate potential changes in turbidity/sedimentation, water quality, and biology within the proposed discharge site and the adjacent offshore area. The survey would be required to identify and delineate habitat types, including eelgrass beds, high-relief reef and low-relief vegetated reefs (with indicator species

including giant and feather boa kelp, large sea fans, sea palms, and surf-grass), immediately adjacent and downcoast of the proposed discharge, with potential to be impacted by the proposed discharge. In addition, pre-project monitoring shall include surveys to evaluate beach suitability for California grunion (*Leuresthes tenuis*) activity. In the event that beach nourishment operations would extend beyond March 1 through August (the grunion spawning season), and if surveys indicate that beach conditions are found to be suitable for grunion activity or grunion activity is detected at any time, the permittee shall refrain from work and immediately notify the Corps Regulatory Division (within 24 hours). After coordination with NOAA Fisheries, to ensure that impacts to California grunion are minimized to the greatest extent possible, then the Corps Regulatory Division may authorize the permittee to proceed.

7. A detailed sediment budget analysis will be submitted for Corps Regulatory Division review and approval at least 30 calendar days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval (by letter or e-mail) of the plan from the Corps Regulatory Division. The plan will be based on (1) pre-project sediment budget analysis or (2) known sediment budget data for the receiving beach from a reasonably recent study. The permittee should be able to demonstrate a net loss of sediment deposition over the project area, and thus that local beach profiles reflect these conditions and show the effects of erosion.
8. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps Regulatory Division at least 30 calendar days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:
  - A) Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.
  - B) A schedule showing when the beach nourishment project is planned to begin and end.
  - C) A debris management plan to prevent disposal of large debris at all beach discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.
  - D) The plan shall include the volume of material to be excavated and discharged.
  - E) The plan shall list previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this Regional General Permit.
9. The Permittee shall not commence beach nourishment operations unless and until the Permittee has received the information required in Special Conditions 3 through 8 above and receives a signed Notice to Proceed from the Corps Regulatory Division.

10. If a violation of any permit condition occurs during discharge operations, the Permittee shall report such violations to the Corps Regulatory Division within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the Permittee shall instruct all such contractors that notice of any permit violations must be provided to the Permittee immediately so the Permittee can report the violation as required.
11. The permittee shall maintain a copy of this permit on all vehicles used to transport and discharge of fill material authorized under this permit.
12. The permittee shall send one (1) copy of the post-discharge report to the Los Angeles District's Regulatory Division documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall include:
  - A) All information collected by the permittee as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
  - B) The post-discharge report shall include the following information:
    - i) Corps permit number.
    - ii) Identify source of material.
    - iii) Total cubic yards disposed at each discharge site.
    - iv) Modes of transportation and discharge.
    - v) Form of discharged material and percent sand, silt and clay in the dredged material.
    - vi) Actual start date and completion date of transport and discharge operations.
    - vii) Monitoring results.
13. The applicant will submit the results of post-project monitoring, as required, within 30 calendar days of the discharge. Based on pre- and post-project monitoring results, the Corps Regulatory Division will determine the level of impact and if additional resource monitoring is warranted. If additional monitoring is required, the Corps Regulatory Division will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps review and approval within 30 calendar days of notification by the Corps and shall conduct the additional monitoring as approved. If the Corps Regulatory Division determines there have been no impacts, the monitoring program may be terminated at that time. If additional monitoring is required, the conditions of the original monitoring plan remain in effect until the supplemental plan is completed and approved by the Corps Regulatory Division.
14. This permit does not authorize significant impacts to aquatic resources. Based on pre- and post-project monitoring results, the Corps Regulatory Division will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings.

15. The Permittee shall implement all appropriate, standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter waters of the U.S. due to beach nourishment operations.
16. The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.
17. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the U.S.
18. This Corps permit does not authorize you to take any threatened or endangered species, or adversely modify its 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).
19. Pursuant to 36 C.F.R. 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 (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). 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 C.F.R. section 800.13.

**Further Information:**

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.

- c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.



Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
PERMITTEE

\_\_\_\_\_  
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
Corice J. Farrar  
Chief, Orange and Riverside Section  
South Coast Branch  
Regulatory Division

\_\_\_\_\_  
DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
TRANSFEREE

\_\_\_\_\_  
DATE