

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Staff (CDP): John Auyong *John*
Staff (CC): Mark Delaplaine
Staff Report: January 15, 1998
Hearing Date: February 3-6, 1998
Commission Action:



STAFF REPORT AND RECOMMENDATION
ON COMBINED COASTAL DEVELOPMENT PERMIT APPLICATION
AND CONSISTENCY CERTIFICATION

COASTAL DEVELOPMENT PERMIT NO.: 5-97-232

CONSISTENCY CERTIFICATION NO: CC-138-97

APPLICANT: County of Orange

AGENT: Noble Consultants

PROJECT LOCATION: 1) Dredging. Dana Point Harbor at the West Breakwater, Pilgrim ship moorage, West Basin, East Basin, Ramp area, Turning Basin, and Swim Beach (a.k.a Mother's Beach or Baby Beach), City of Dana Point, County of Orange; 2) Beach nourishment. Nearshore waters off Capistrano County Beach Park, City of Dana Point, County of Orange; and 3) Offshore disposal. Offshore disposal site LA-3, an EPA-designated ocean disposal site located five miles southwest of Newport Beach, County of Orange.

PROJECT DESCRIPTION: 1) Dredging. Maintenance dredging of up to 50,500 cubic yards from Dana Point Harbor; 2) Beach Nourishment. Placement of up to 35,500 cubic yards of dredged material at Capistrano County Beach Park for beach nourishment; and 3) Offshore disposal. Offshore disposal of 15,000 cubic yards of dredge spoils.

LOCAL APPROVALS RECEIVED: City of Dana Point approval-in-concept

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

PROCEDURAL STAFF NOTE:

This staff recommendation includes **TWO (2) RECOMMENDED RESOLUTIONS** (see Sections I. and IV.) and findings to support proposed Commission action on both a coastal development

5-97-232 and CC-138-97 (County of Orange)

permit and on a federal consistency certification. **TWO (2) SEPARATE ACTIONS** need to be taken; one for the permit and one for the consistency certification.

A coastal development permit from the Coastal Commission is required because a portion of the proposed beach nourishment is located seaward of the mean high tide line in the Commission's retained permit jurisdiction area. The proposed dredging, were it to be proposed by itself, would be exempt from obtaining a coastal development permit pursuant to Section 13252(a)(2) because it involves less than one hundred thousand cubic yards of dredging during a twelve month period. However, it is being described herein because it is part of a larger overall project. A consistency certification is required for disposal of dredged materials at the LA-3 site, because; (1) it is a federally permitted activity including transportation of material through the coastal zone, and (2) of the potential effects of ocean disposal on natural resources of the coastal zone.

SUMMARY OF STAFF RECOMMENDATION:

1. Coastal development permit application. Staff is recommending approval of the proposed project with special conditions regarding; 1) timing of construction, 2) monitoring, 3) turbidity control, and 4) material suitability; to bring the proposed dredging project in compliance with the wetland fill, water quality, and public access/recreation policies of Chapter 3 of the Coastal Act.
2. Consistency Certification. The project includes a consistency certification for the disposal of approximately 15,000 cubic yards of sediment at LA-3, an EPA-designated ocean disposal site located 5 miles southwest of Newport Beach, Orange County. This consistency certification is needed to authorize the disposal of the dredged material beyond the three mile limit of state waters.

The Commission has authorized other dredge disposal projects at this location. The proposed project is the least environmentally damaging alternative and will have not significant impacts to marine resources. The dredge materials proposed to be disposed offshore are not suitable for beach replenishment, due to the fine grain size of the material. The proposed project will result in temporary impacts to benthic organisms and a temporary increase in water turbidity. However, the site will recolonize quickly. Chemical analysis of the sediments and bioassay tests shows the dredge material is suitable for ocean disposal, and will not generate any impacts to the water quality or marine resources in or around LA-3 or in the coastal zone. The EPA has confirmed that the materials meet the applicable "Green Book" standards and are therefore suitable for disposal at LA-3. Therefore, the project is consistent with the dredging, water quality, marine resources, and sand supply policies of the Coastal Act (Sections 30230, 30231, and 30233).

The proposed project will have no negative effects on commercial or recreational boating or fishing in the area. Therefore, the project is consistent with the recreational and boating policies of the Coastal Act (Sections 30234, 30234.5, 30220, and 30224).

5-97-232 and CC-138-97 (County of Orange)**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolutions and findings for the coastal development permit and the consistency certification:

I. APPROVAL WITH CONDITIONS. (Coastal development permit)

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS. (Coastal development permit)

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS. (Coastal development permit)

1. **Timing of Construction.** Beach replenishment shall not occur; 1) during grunion runs, including those not pre-identified on a grunion calendar, nor 2) during the peak summer season from the Memorial Day holiday weekend through the Labor Day holiday weekend, including said weekends.

2. **Monitoring.** The permittee shall implement and comply with the monitoring plan prepared by Noble Consultants dated December 31, 1997. Should the results of the monitoring program indicate that additional monitoring is required, the permittee shall undertake the monitoring plan for additional one year periods, up to a maximum of five years, depending on the results of each subsequent monitoring period. Should the monitoring program indicate that remedial measures are required, an amendment to this permit shall be required for the remedial measures, unless the Executive Director determines in writing that the remedial measures do not require a permit amendment.

3. **Turbidity Control.** The permittee shall ensure that the project does not result in; 1) increases of water turbidity by more than twenty percent (20%) of the natural turbidity (0-50 NTUs) during non-storm conditions, nor 2) dissolved oxygen in the receiving waters being depressed below 5.0 mg/l.

4. **Material Suitability.** The permittee shall ensure that only dredged material from the West Breakwater of Dana Point Harbor - Site A - shall be used for beach nourishment.

IV. CONCURRENCE MOTION AND RESOLUTION. (Consistency Certification)

The staff recommends that the Commission adopt the following motion:

MOTION. *I move that the Commission concur with the County of Orange's consistency certification.*

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

Concurrence

5-97-232 and CC-138-97 (County of Orange)

The Commission hereby concurs with the consistency certification made by the County of Orange for the proposed project, finding that the project is consistent with the California Coastal Management Program.

V. FINDINGS AND DECLARATIONS. (Coastal development permit and Consistency Certification)**A. *Project Description.***

The applicant is proposing to maintenance dredge 50,500 cubic yards (with overdepth) from Dana Point Harbor to restore navigational channels for recreational boating. The applicant has previously been exempted for maintenance dredging; in 1986 for 17,500 cubic yards (May 7, 1986 exemption).

The applicant is proposing to use 32,500 cubic yards of material dredged from Dana Point Harbor to nourish the beach at Capistrano County Beach Park. The applicant indicates that Capistrano Beach has eroded at rates of up to five feet per year. The proposed beach nourishment project would contain a component landward of the mean high tide line, within the coastal development permitting authority of the City of Dana Point. The proposed nourishment would be about 15 feet in depth and 1,000 feet long (laterally along the shoreline).

The applicant is also proposing to dispose of approximately 15,000 cubic yards of sediment at LA-3, an EPA-designated ocean disposal site located five miles southwest of Newport Beach, Orange County. This consistency certification is needed to authorize the disposal of the dredged material beyond the three mile limit of state waters.

Also proposed is the deposition of 3,500 cubic yards of material entirely landward of the mean high tide line at Swim Beach in Dana Point Harbor. Thus, this component of the overall project would be entirely within the City's permitting jurisdiction and is not a part of the subject permit application nor consistency certification before the Commission.

B. *Marine Resources***1. *Beach Replenishment***

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

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maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states, in relevant part:

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

The proposed project involves the disposal, for beach nourishment purposes, of dredge spoils from Dana Point Harbor maintenance dredging. The Doheny Marine Life Refuge exists near the site of the proposed beach nourishment at Capistrano County Beach Park. The marine life refuge contains sensitive areas such as kelp beds and reefs. Further, Capistrano County Beach Park is an historical grunion spawning area. The proposed project must not adversely impact these marine resources.

a. Turbidity

Turbidity is a condition in which fine material (silts and clays, for example), is suspended in water. Nearshore waters usually have some degree of turbidity because waves wash onshore material into the water. This is especially true during the winter when storm activity results in stronger wave action. Turbid water is usually cloudy as a result of the suspended material. Therefore, excessively turbid water can prevent sight feeding birds from seeing their prey in the water. Fine material can also result in smothering of offshore habitat, such as reefs and kelp beds, if the material drops out of suspension onto the sensitive areas. Therefore, turbidity often results in significant adverse impacts to marine resources.

i. Material Suitability

The United States Environmental Protection Agency ("EPA") has indicated that the material to be dredged from the West Breakwater of Dana Point Harbor - Site A - consists of 96% sand. Thus, the percentage of fine material would be only 4%, less than the 10% difference generally accepted by the U.S. Army Corps of Engineers as the maximum allowed for beach nourishment. The low

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percentage of fine material means that relatively small amounts of material are likely to be washed offshore and become suspended in the water. Thus, turbidity should not be a significant factor. The EPA also indicates that the material from this site would be suitable for beach nourishment. Therefore, the Commission finds that it is necessary to require that only material dredged from the West Breakwater of Dana Point Harbor - Site A- be used for beach nourishment.

ii. Turbidity Standards

The California Regional Water Quality Control Board, San Diego Region ("RWQCB"), is a state agency responsible for regulating discharges into coastal waters. The RWQCB determines whether a discharge into surface waters may be permitted, based on the requirements of the State Porter-Cologne Act (commencing with State Water Code Section 13000). On August 25, 1997, the RWQCB gave the applicant written permission to maintenance dredge and dispose of up to 50,500 cubic yards from Dana Point Harbor. RWQCB staff has indicated that the authorization includes the disposal both at LA-3 and for beach nourishment purposes.

The RWQCB standards for acceptable levels of turbidity include a maximum increase of 20% of naturally occurring turbidity (0-50 NTUs during non-storm events) and dissolved oxygen levels of not less than five milligrams per liter. The Commission accepted these turbidity standards in its December 1997 approval of coastal development permit 5-97-231 for the County of Orange's dredging of Sunset Harbor. The Commission finds that it is necessary ensure that these turbidity standards are not exceeded. Therefore, the permit is being conditioned for adherence to these standards.

iii. Monitoring

The applicant is proposing a monitoring program. Monitoring is beneficial because it can help determine whether a beach nourishment project is functioning as planned. No adverse impacts are expected to the offshore. It can also help determine whether unforeseen adverse impacts to shoreline processes or marine resources are occurring. Therefore, the Commission finds that it is necessary to require the applicant to implement the proposed monitoring program.

However, since the monitoring is only proposed for one year, the Commission finds that it is necessary to require the possibility for further monitoring if the proposed year-end monitoring report indicates that remedial measures must be taken, or the monitoring results are inconclusive and thus additional monitoring is needed. The permit is also being conditioned for a permit amendment for the remedial measures, or written concurrence from the Executive Director that a permit amendment is not needed, to allow the Commission to review the remedial measures for consistency with the Chapter 3 policies of the Coastal Act.

b. Grunions

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In order to prevent the proposed project from smothering grunions during their spawning periods on the beach, the Commission finds that it is necessary to prohibit the proposed project from occurring during grunion runs, whether pre-identified on a grunion run calendar or not.

c. Conclusion (Beach Nourishment at Capistrano Beach)

The beach nourishment project has been conditioned to avoid significant disruption to marine and wildlife habitats and water circulation, by; 1) prohibiting construction from occurring during grunion runs, 2) allowing only sand from the West Breakwater to be used, 3) ensuring that natural turbidity would not be increased more than 20%, nor oxygen levels be depressed below 5.0 mg/l, and 4) requiring compliance with the proposed monitoring plan to evaluate possible adverse effects. Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

2. Off-shore Disposal

With respect to the proposed disposal at LA-3, the Commission's main concern over effects on marine resources and commercial and recreational fishing has been over the need to assure that material to be disposed of at LA-3 is uncontaminated and suitable for ocean disposal. The quality of the sediments proposed for dredging and disposal have been evaluated by the applicant pursuant to the procedures described in the 1991 EPA/Corps testing manual, Evaluation of Dredged Material Proposed for Ocean Disposal -- Testing Manual (i.e., the "Green Book"). The testing procedures described in the Green Book allow for a tiered approach to analysis of dredged sediments. This hierarchical approach allows for optimal use of resources by focusing the least effort on dredging operations where the potential for unacceptable adverse impact is clear, and expending the most effort on operations requiring more extensive investigation to determine the potential for impact. It is necessary to proceed through the tiers only until information sufficient to determine compliance or noncompliance with EPA's regulations has been obtained. Only if there is not enough information to determine suitability or unsuitability for ocean disposal after the completion of a tier, will the applicant be required to complete the next tier testing.

In order to dispose of its sediments at LA-3, the applicant evaluated its material according to the current Green Book procedures. The sediment chemistry results showed that contaminant levels in the sediments are low. In addition, short and long term toxicity assays on several different organisms suggested that no significant potential exists for toxicity in the water column during test sediment disposal. Overall, the disposal of sediments from this site is not expected to have any significant short or long term effect on the sediment quality at the LA-3 disposal site.

In conclusion, the Commission staff, EPA, and the Corps of Engineers have reviewed the County's test results, which establish that the dredged sediments proposed for disposal at LA-3 are uncontaminated and suitable for ocean disposal. Therefore, the Commission

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finds that the ocean disposal of this material will not affect the biological productivity of marine resources, commercial and recreational fishing, or water quality of the coastal zone, and that the project is consistent with Sections 30230, 30231, 30234, 30234.5, and 30240 of the Coastal Act.

C. Public Access - Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The proposed project would enhance public access and recreation by widening the public beach at Capistrano County Beach Park. However, placement of the dredge spoils during the peak beachgoing summer season would interfere with use of the offshore waters. Therefore, the permit is being conditioned to prohibit beach nourishment from taking place during the peak summer beachgoing season between and including the Memorial Day and Labor Day Holiday weekends. Thus, as conditioned, the Commission finds that the proposed project would be consistent with Section 30210 of the Coastal Act.

D. Local Coastal Program

The City of Dana Point has a certified local coastal program ("LCP") which was effectively certified on September 13, 1989. The Dana Point Specific Plan/Local Coastal Program covers the area of the proposed dredging, while Capistrano Beach Specific Plan/Local Coastal Program covers the area of the proposed beach nourishment at Capistrano County Beach Park. However, since the portions of the proposed development covered by this permit application are within the Commission's original permit jurisdiction, the LCP does not apply.

E. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the marine resources, water quality, beach nourishment, and public access/recreation policies of Chapter Three of the Coastal Act. Mitigation measures requiring; 1) prohibiting construction from occurring

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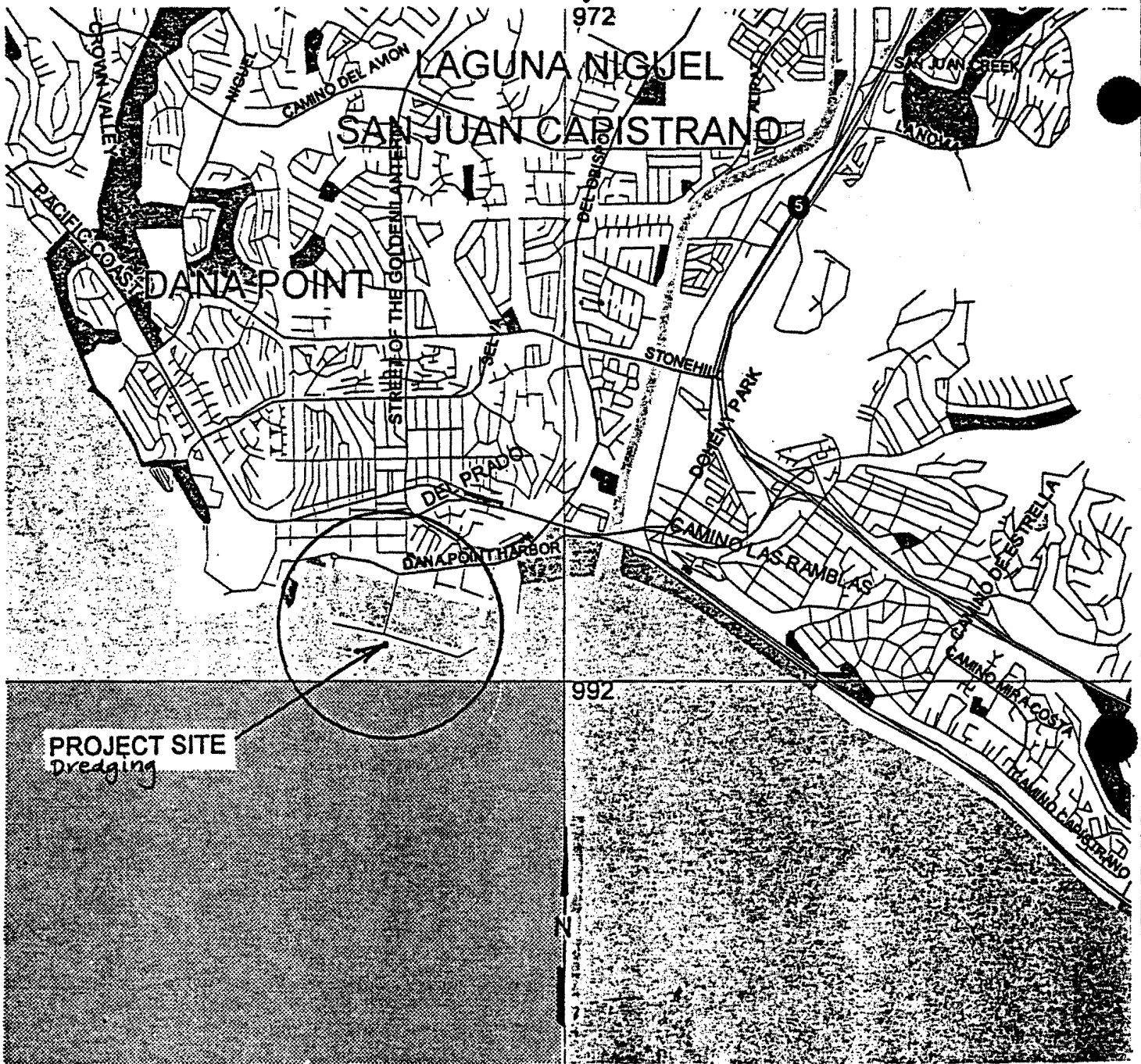
during grunion runs and during the peak summer beachgoing season, 2) allowing only sand from the West Breakwater to be used, 3) ensuring that natural turbidity would not be increased more than 20%, nor oxygen levels be depressed below 5.0 mg/l, and 4) requiring compliance with the proposed monitoring plan to evaluate possible adverse effects; will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

9597F:jta
(2/98 mtg.)

5-97-232 and CC-138-97 (County of Orange)**Appendix A****Substantive File Documents**

1. October 14, 1997 E-mail from the U.S. Environmental Protection Agency to the U.S. Army Corps of Engineers. (see Exhibit C)
2. August 25, 1997 letter from the California Regional Water Quality Control - San Diego Region to the County of Orange. (see Exhibit D)
3. Response to comments prepared by Rick Ware to Coastal Commission staff received on September 18, 1997.



PROJECT SITE
Dredging

COASTAL COMMISSION
VICINITY MAP


5-97-232

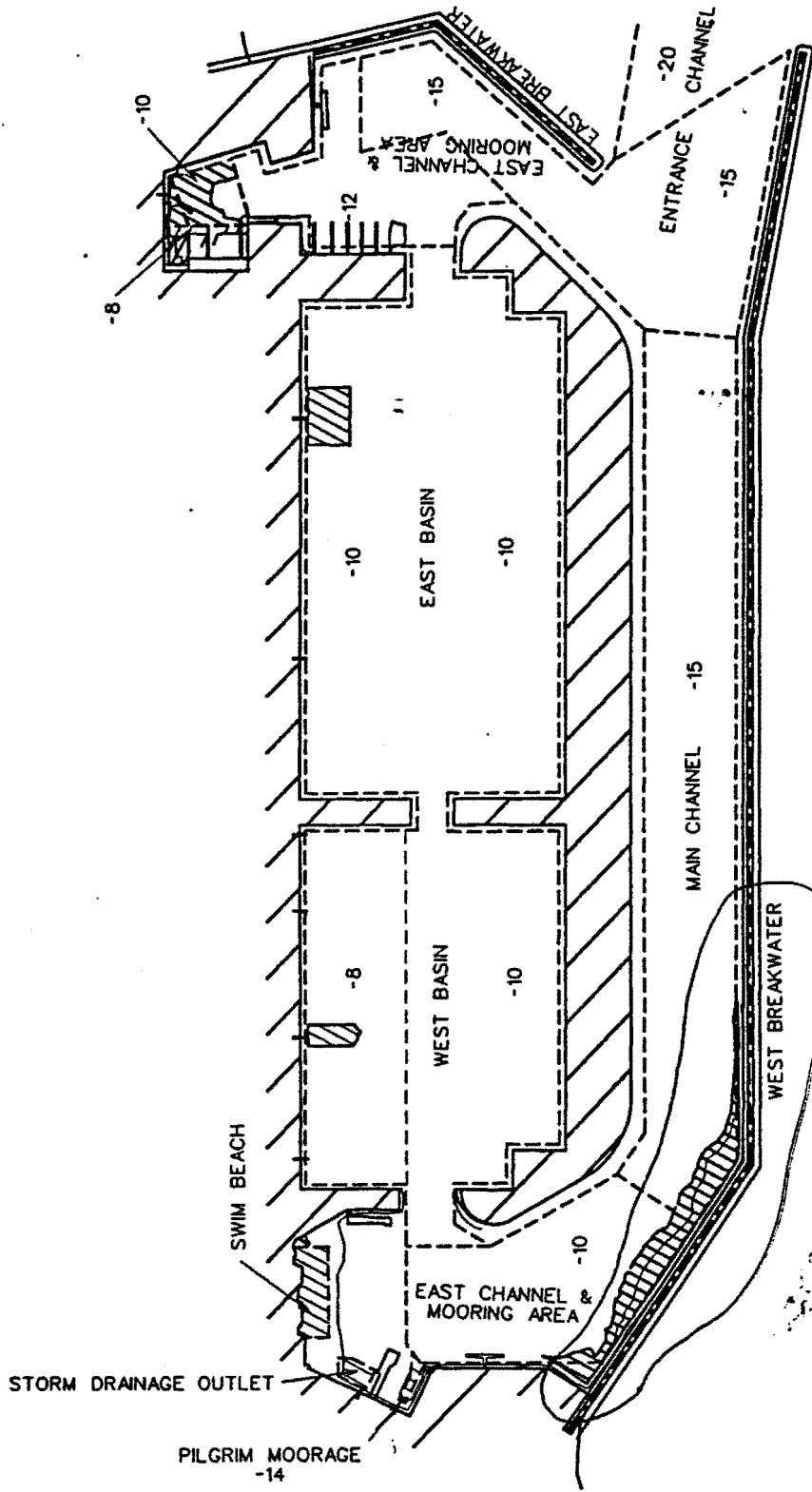
CC-138-97

N. T. S.

EXHIBIT # A

PAGE 1 OF 5

<p>PURPOSE: MAINTENANCE DREDGING DATUM: MLLW</p>	<p>COUNTY OF ORANGE</p> <div style="text-align: center;">  2201 DUPONT DRIVE, SUITE 620 IRVINE, CA 92715 (714) 752-1530 </div>	<p>DANA POINT HARBOR MAINTENANCE DREDGING</p> <p>IN: PACIFIC OCEAN AT: DANA POINT COUNTY OF: ORANGE STATE: APPLICATION BY: COUNTY OF ORANGE</p> <p>SHEET <u>1</u> OF <u>13</u> DATE: 4/97</p>
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← Site A dredging



5-97-232

COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
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5-97-232 and CC-138-97

PACIFIC OCEAN

CHANNEL/DREDGING LIMITS -----
DESIGN DEPTH, FT MLLW -8 to -15
DREDGING AREAS 
0'  700'
DATUM: MLLW

COUNTY OF ORANGE



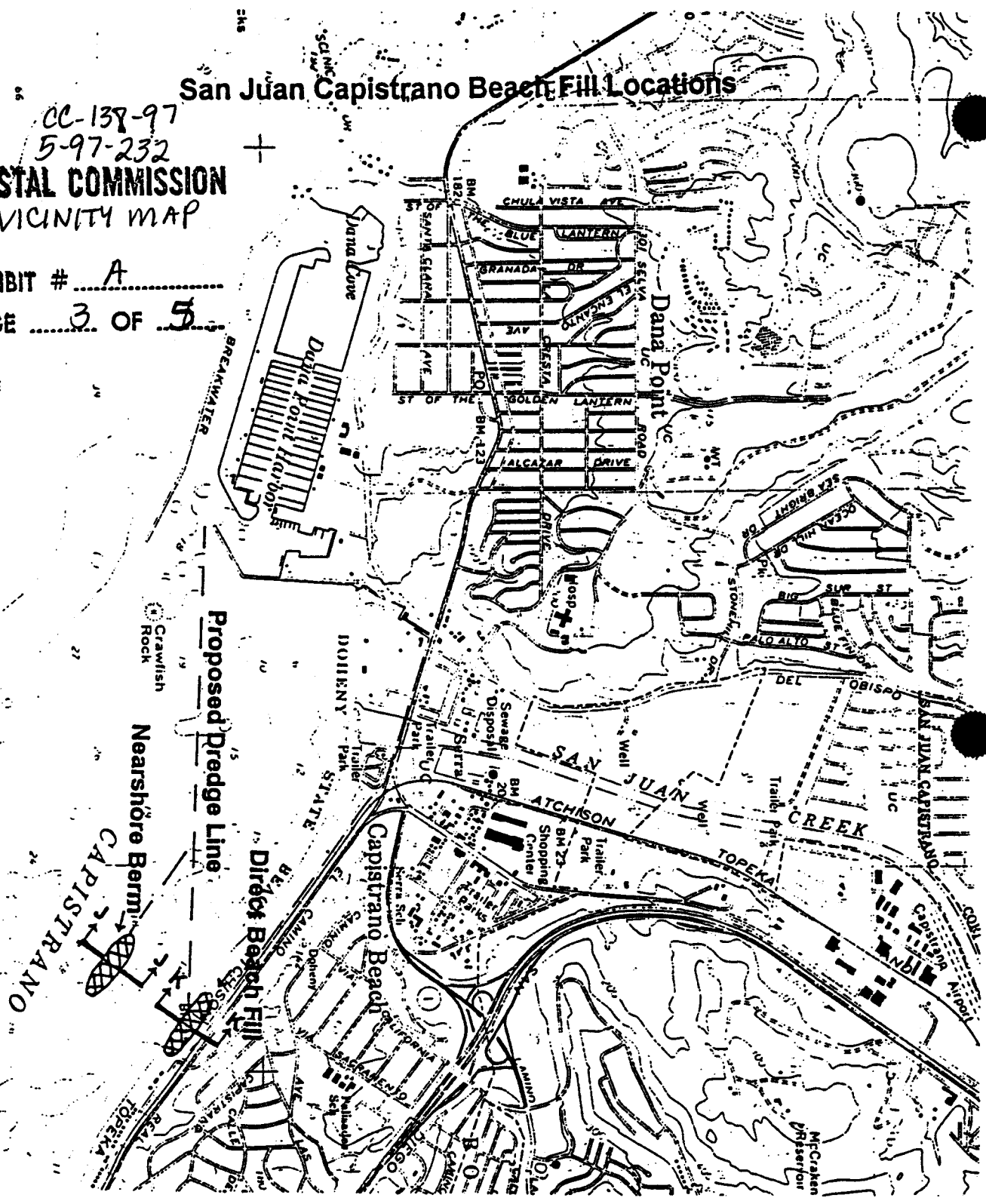
2201 DUPONT DRIVE, SUITE 620
IRVINE, CA 92715
(714) 752-1530

DANA POINT HARBOR MAINTENANCE DREDGING
IN: PACIFIC OCEAN
AT: DANA POINT
COUNTY OF: ORANGE STATE: CA
APPLICATION BY: COUNTY OF ORANGE
SHEET 2 OF 13 DATE: 5/97

San Juan Capistrano Beach Fill Locations

CC-139-97
5-97-232
COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
PAGE 3 OF 5



N.T.S.

PURPOSE: MAINTENANCE DREDGING
DATUM: MLLW

COUNTY OF ORANGE

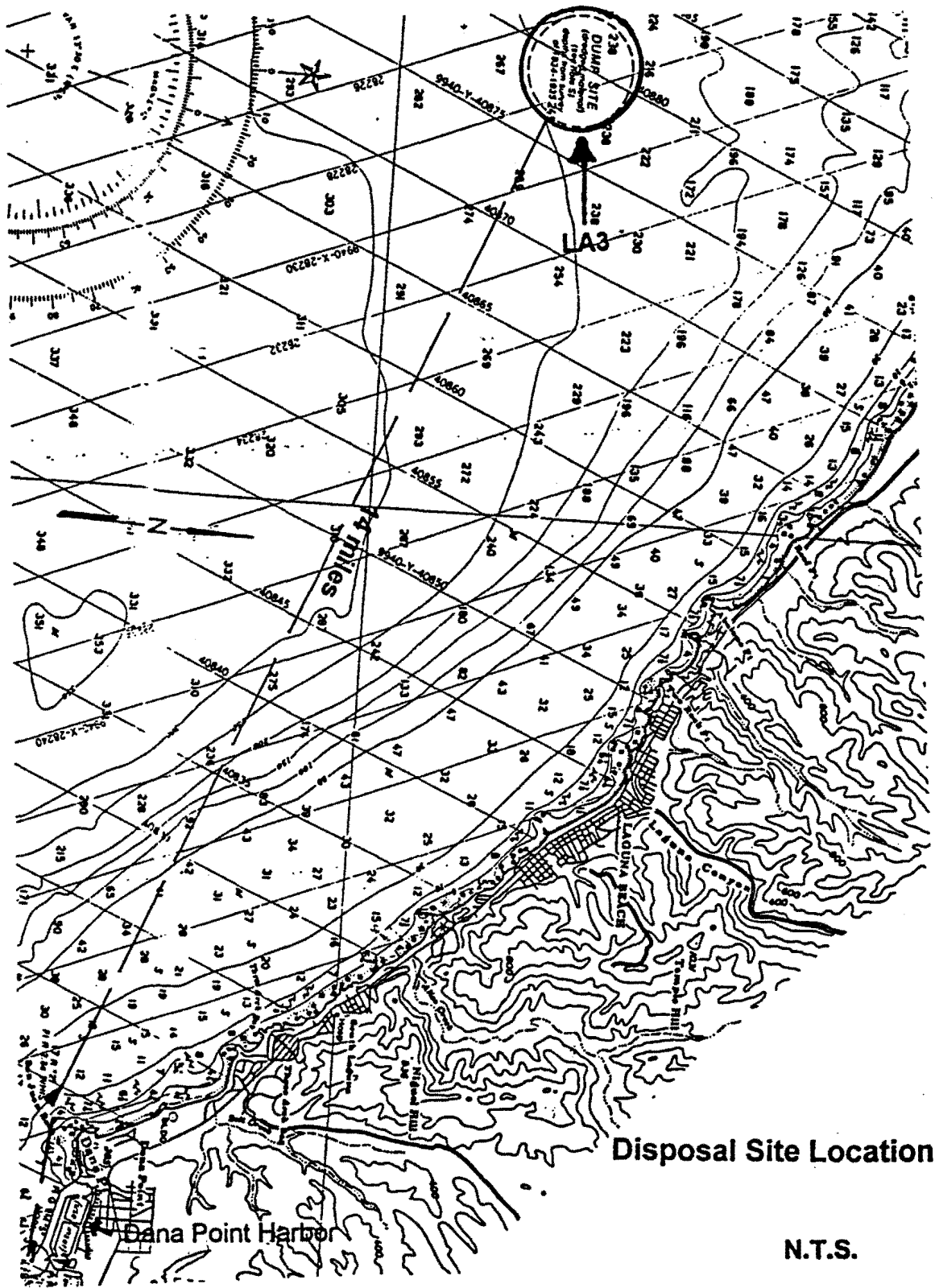


2201 DUPONT DRIVE, SUITE 620
IRVINE, CA 92715
(714) 752-1530

DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
AT: DANA POINT
COUNTY OF: ORANGE STATE: CALIFORNIA
APPLICATION BY: COUNTY OF ORANGE

SHEET 12 OF 13 DATE: 4/97



Disposal Site Location Map

N.T.S.

5-97-232 and CC-138-97

PURPOSE: MAINTENANCE DREDGING
 DATUM: MLLW

*Exhibit A p. 4 of 5
 off-shore disposal*

COUNTY OF ORANGE

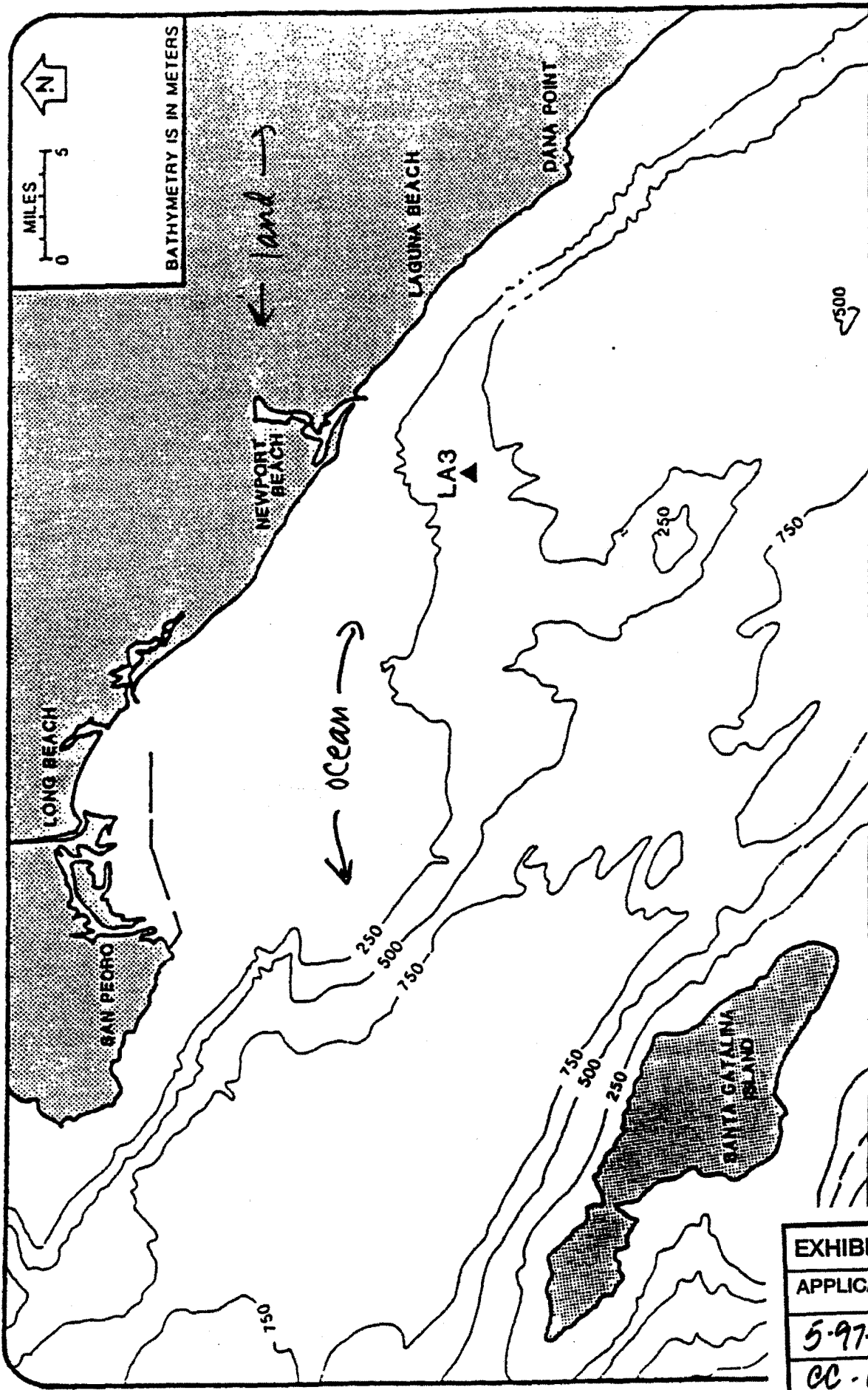


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DANA POINT HARBOR MAINTENANCE DREDGING

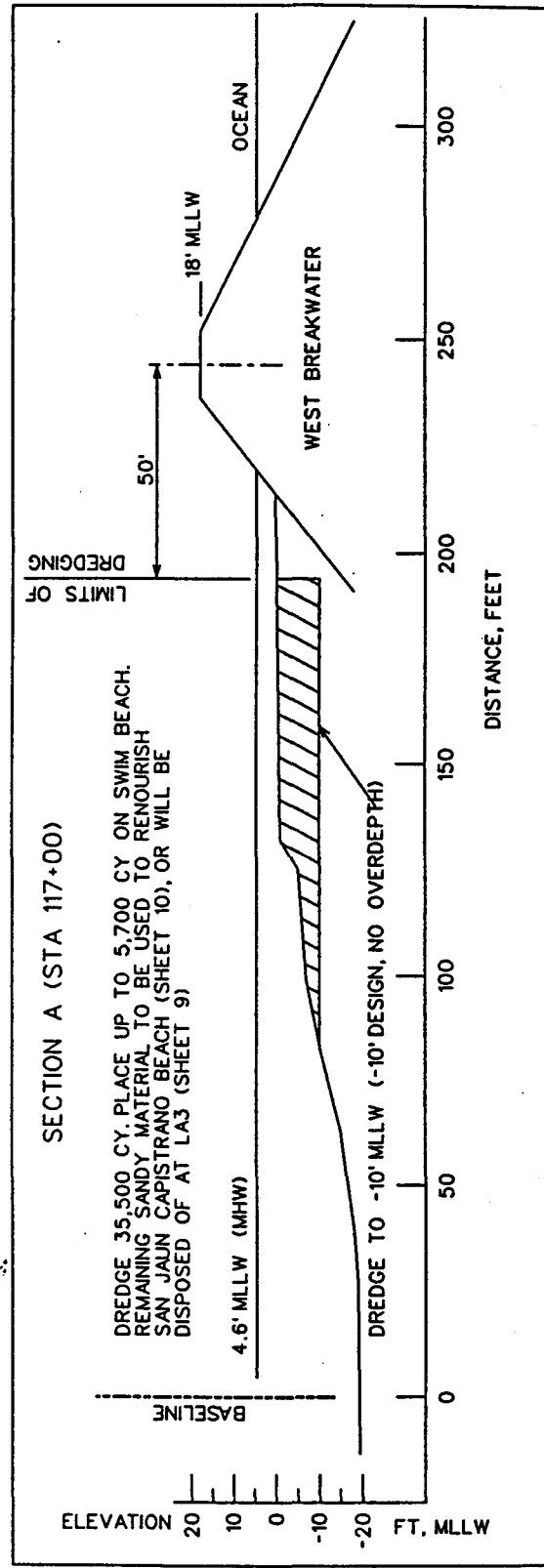
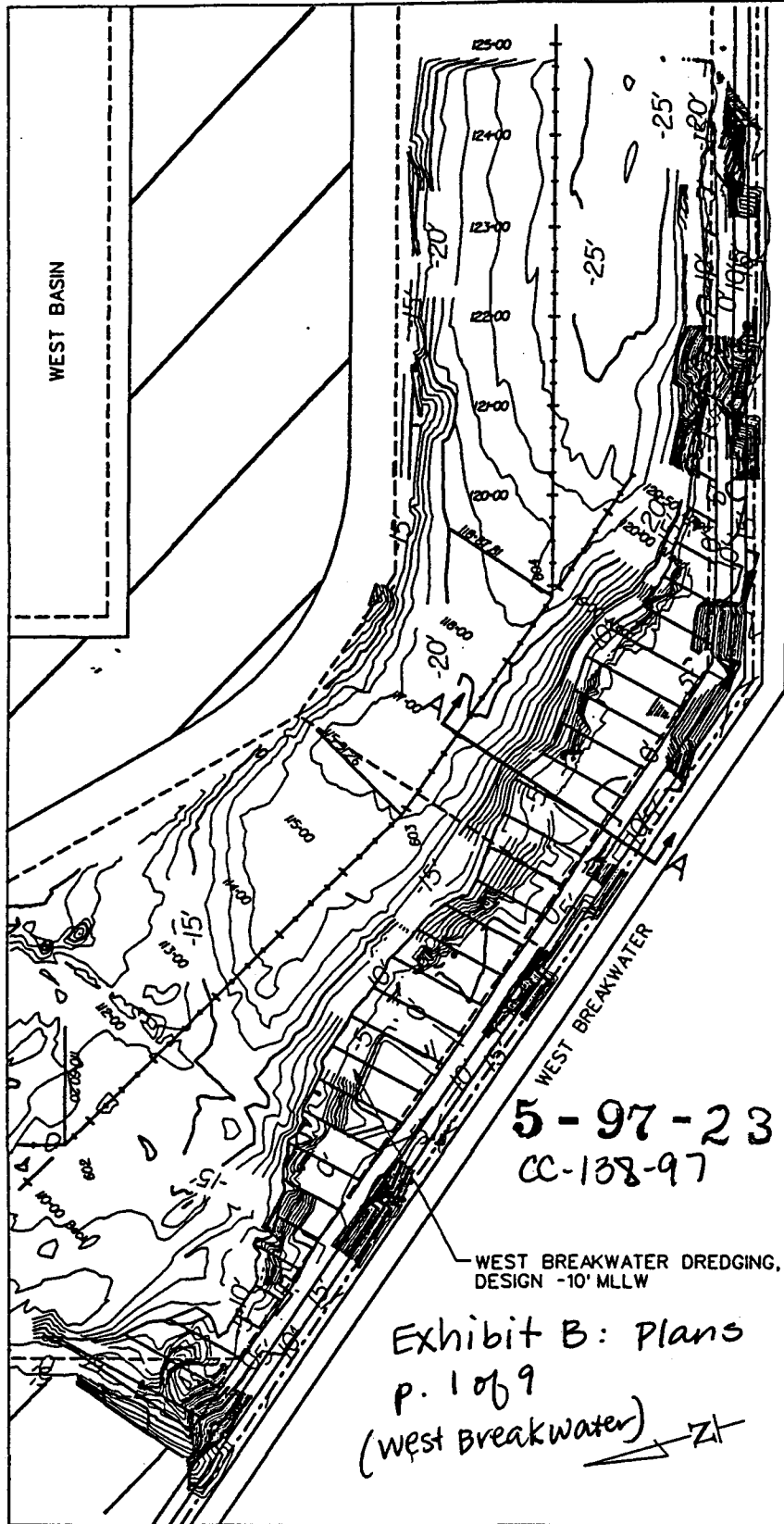
IN: PACIFIC OCEAN
 AT: DANA POINT
 COUNTY OF: ORANGE STATE: CA
 APPLICATION BY: COUNTY OF ORANGE

SHEET 11 OF 13 DATE: 4/97



LA-3 DISPOSAL SITE LOCATION MAP

EXHIBIT NO. <i>A p. 505</i>
APPLICATION NO. <i>5-97-232</i>
<i>CC-138-97</i>



CHANNEL/DREDGING LIMITS

DESIGN DEPTH, FT MLLW -10

DREDGING AREAS

0' 200'

DATUM: MLLW

COUNTY OF ORANGE

NOBLE
CONSULTANTS

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DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
AT: DANA POINT
COUNTY OF: ORANGE STATE: CA
APPLICATION BY: COUNTY OF ORANGE

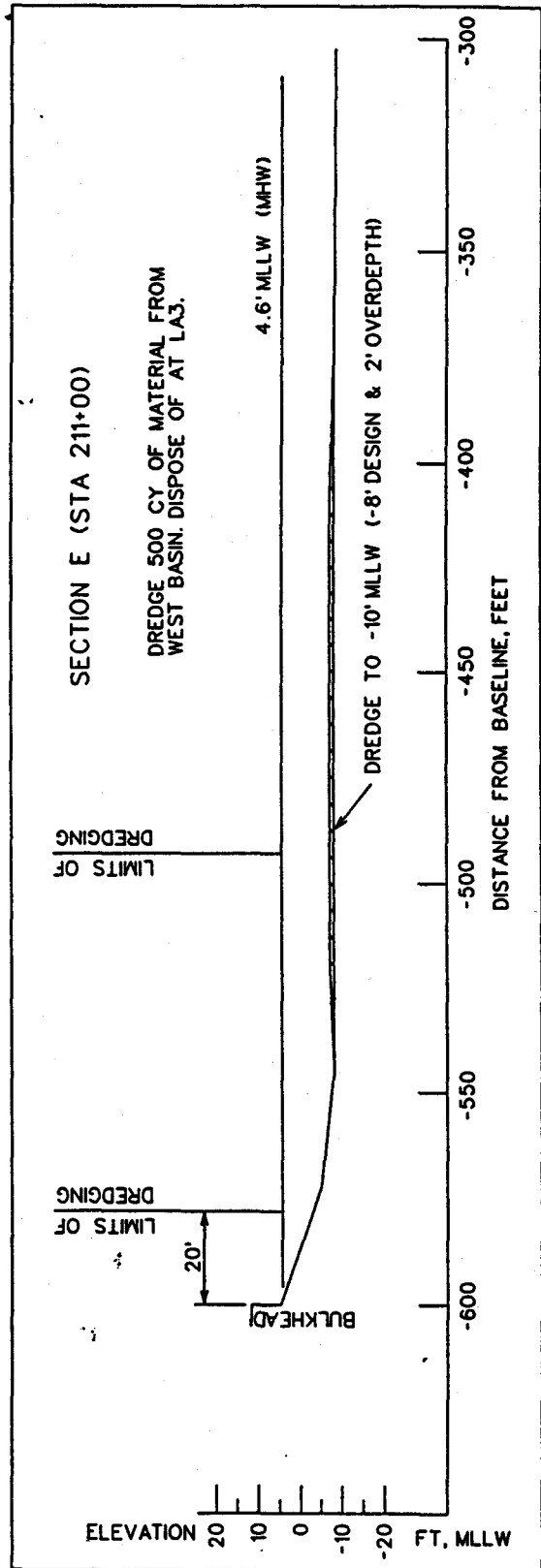
SHEET 3, OF 13 DATE: 5/97

5-97-232
CC-138-97

COASTAL COMMISSION
Plans

EXHIBIT # β
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West Breakwater



COUNTY OF ORANGE



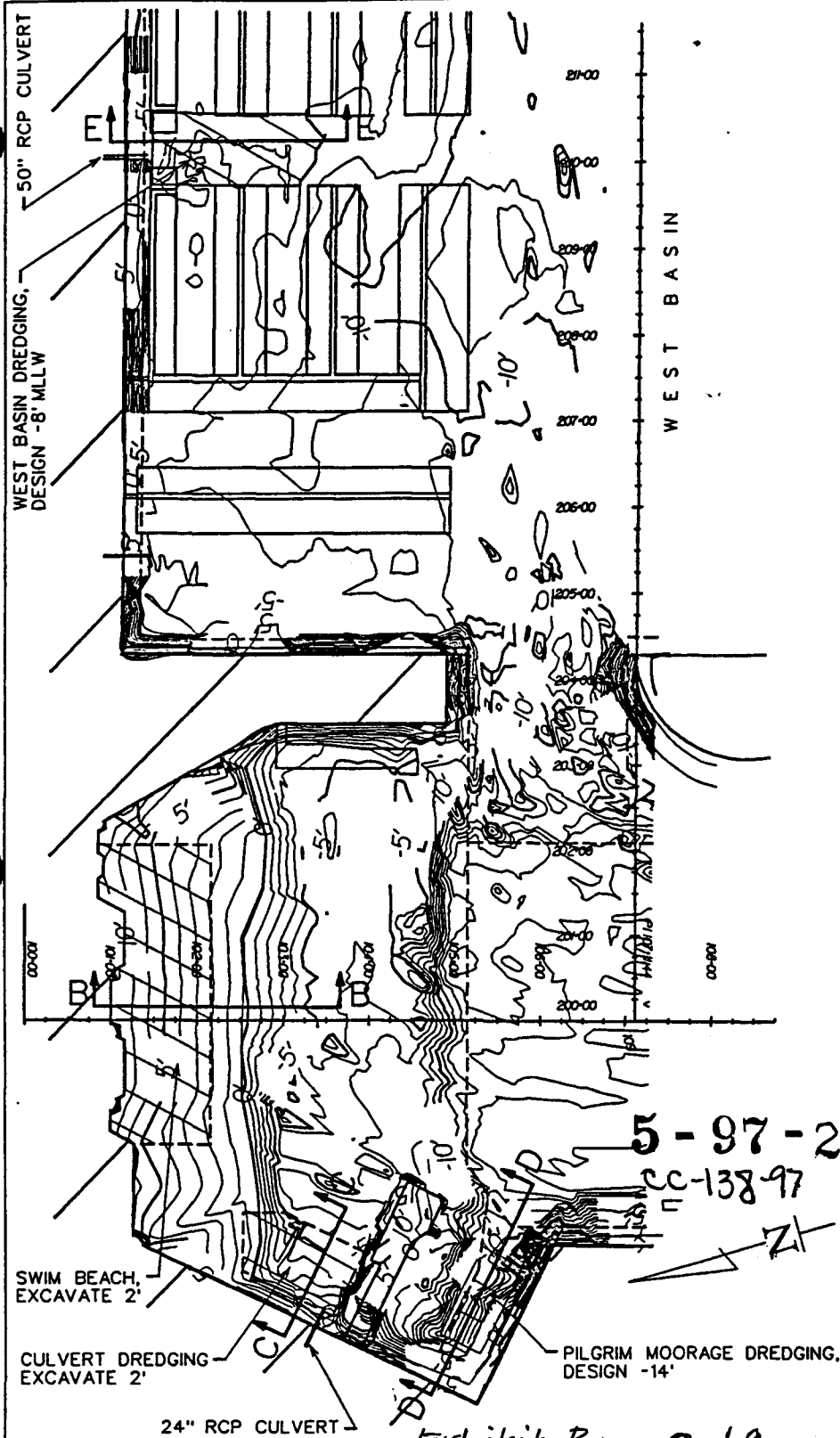
2201 DUPONT DRIVE, SUITE 620
IRVINE, CA 92715
(714) 752-1530

DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
AT: SEAL BEACH
COUNTY OF: ORANGE STATE: CA
APPLICATION BY: COUNTY OF ORANGE

DATUM: MLLW

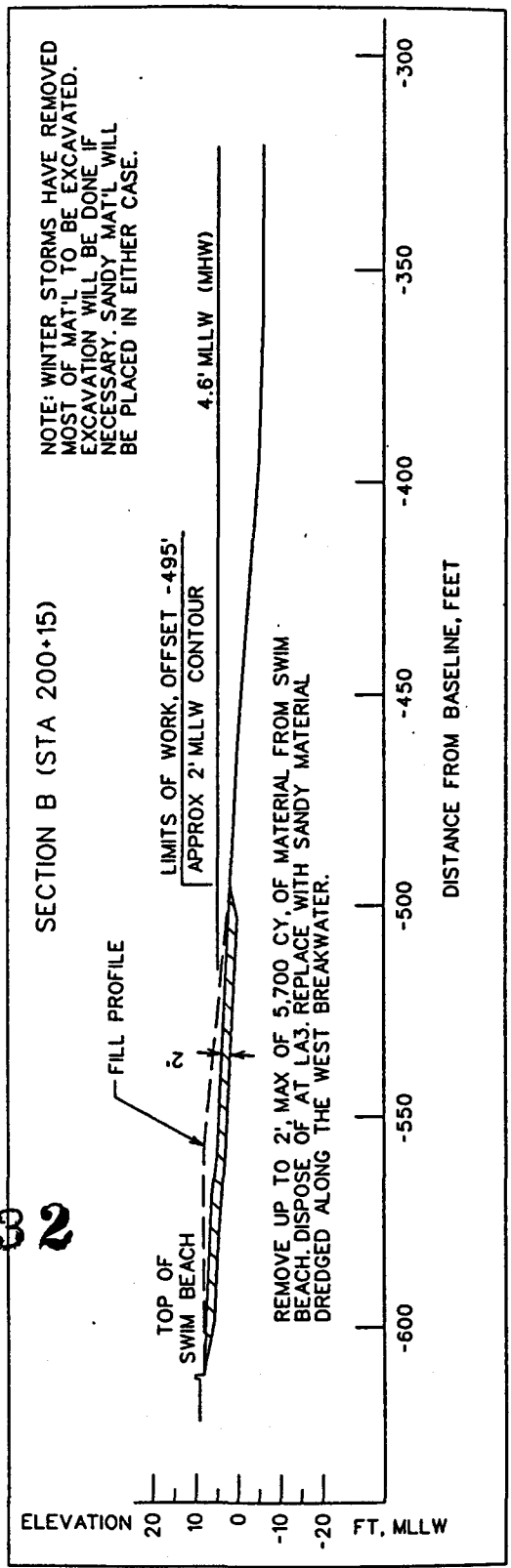
SHEET 6 OF 13 DATE: 5/97



5-97-232

CC-138-97

Exhibit B: p. 3 of 9



NOTE: WINTER STORMS HAVE REMOVED MOST OF MAT'L TO BE EXCAVATED. EXCAVATION WILL BE DONE IF NECESSARY. SANDY MAT'L WILL BE PLACED IN EITHER CASE.

SECTION B (STA 200+15)

LIMITS OF WORK, OFFSET -495'
APPROX 2' MLLW CONTOUR

4.6' MLLW (MHW)

REMOVE UP TO 2' MAX OF 5,700 CY. OF MATERIAL FROM SWIM BEACH. DISPOSE OF AT LA3. REPLACE WITH SANDY MATERIAL DREDGED ALONG THE WEST BREAKWATER.

ELEVATION 20 10 0 -10 -20 FT, MLLW

DISTANCE FROM BASELINE, FEET

CHANNEL/DREDGING LIMITS ---

DESIGN DEPTH, FT MLLW -8 to -14

DREDGING AREAS



DATUM: MLLW

COUNTY OF ORANGE



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DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN

AT: DANA POINT

COUNTY OF: ORANGE

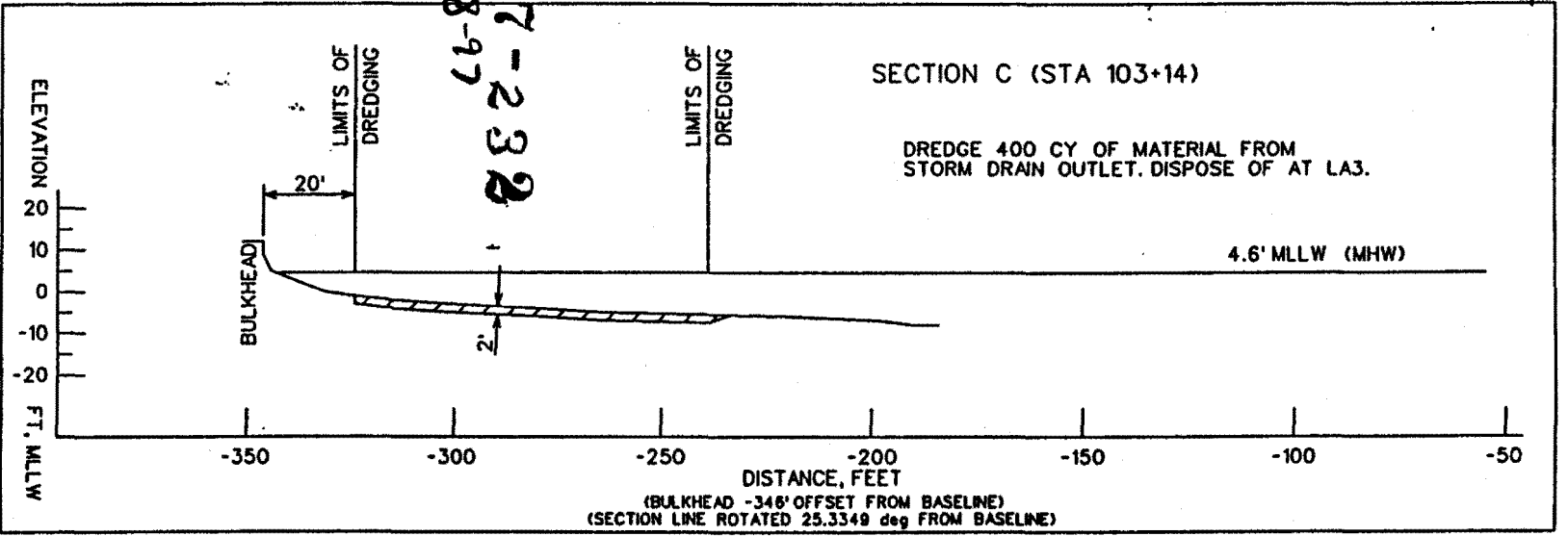
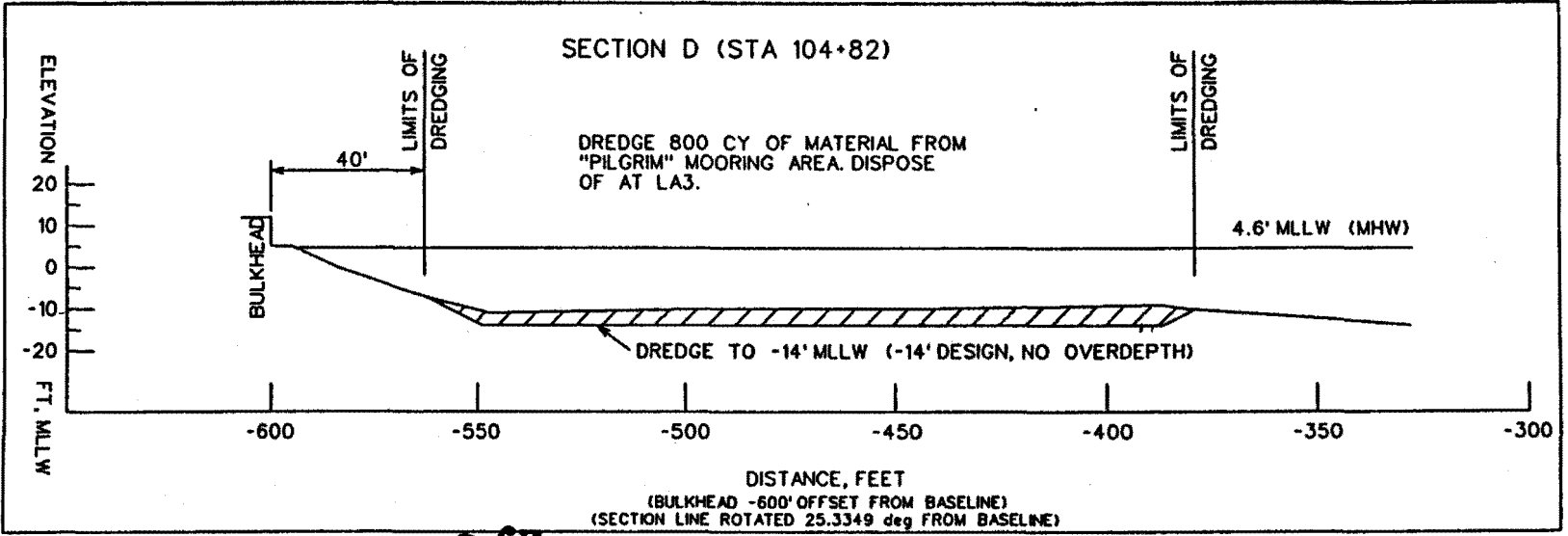
STATE: CA

APPLICATION BY: COUNTY OF ORANGE

SHEET 4 OF 13

DATE: 5/97

Exhibit B: p. 4 of 9
(Dredging)



5-97-232
cc-138-97

DATUM: MLLW

COUNTY OF ORANGE



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DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
AT: SEAL BEACH
COUNTY OF: ORANGE
APPLICATION BY: COUNTY OF ORANGE
STATE:

SHEET 5 OF 13 DATE: 5/97

5-97-32

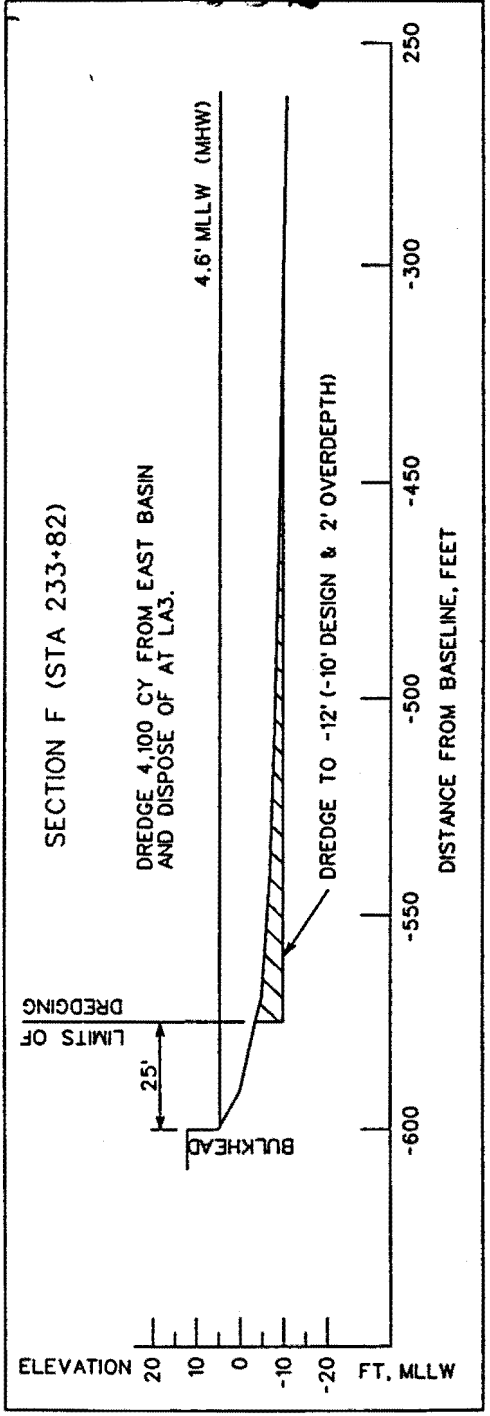
TURNING BASIN DREDGING,
TO -10' MLLW

RAMP AREA DREDGING,
DESIGN -8' MLLW

EAST BASIN DREDGING,
DESIGN -10'

60" RCP CULVERT

5-97-232
CC-138-97
Exhibit B
p. 5 of 9



CHANNEL/DREDGING LIMITS ---

DESIGN DEPTH, FT MLLW -8 to -10

DREDGING AREAS



DATUM: MLLW

COUNTY OF ORANGE



2201 DUPONT DRIVE, SUITE 620
IRVINE, CA 92715
(714) 752-1530

DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
AT: DANA POINT
COUNTY OF: ORANGE STATE: CA
APPLICATION BY: COUNTY OF ORANGE

SHEET 7 OF 13 DATE: 5/97

5-97-232 and CC-138-97
 Exhibit B: Plans
 p. 6 of 9

DATUM: MLLW

COUNTY OF ORANGE

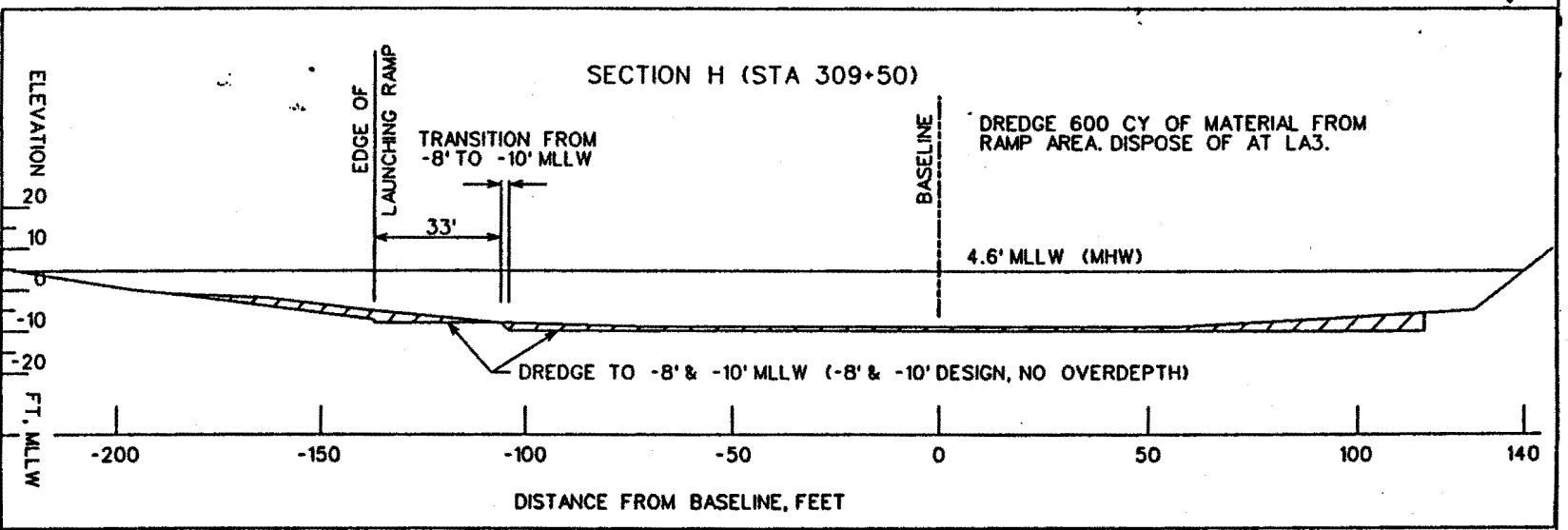
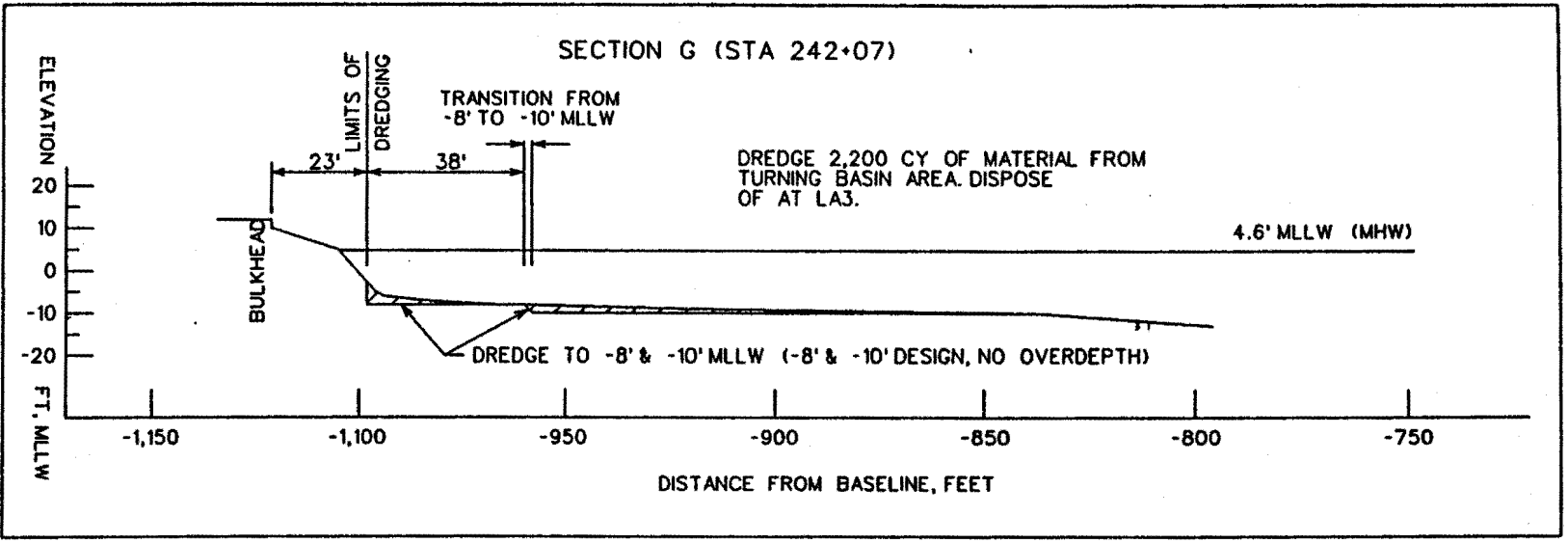
2201 DUPONT DRIVE, SUITE 620
 RYAN, CA 92715
 (714) 752-1530



DATA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
 AT: SEAL BEACH
 COUNTY OF: ORANGE
 APPLICATION BY: COUNTY OF ORANGE
 STATE:

SHEET 8 OF 13 DATE: 5/97



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 JUL 28 1997

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 COASTAL COMMISSION


ESTIMATED DREDGE QUANTITY

Area	Dredge Depth ft, MLLW	Overdepth Dredge,ft	Estimated Quantity (cy)	
			w/o overdepth	w/ overdepth
DANA POINT HARBOR:				
West Breakwater	-10	N/A	35,500	35,500
Pilgrim Moorage	-14	N/A	800	800
West Basin	-8	2	500	1,600
East Basin	-10	2	1,600	4,100
Ramp Area	-8	N/A	600	600
Turning Basin	-10	N/A	2,200	2,200
Swim Beach	*	N/A	5,700	5,700
		SUBTOTAL	46,900	50,500

*: Dredge 2' below existing sand level

5-97-232 and CC-138-97
COASTAL COMMISSION
Plans

EXHIBIT # B
 PAGE 7 OF 9

PURPOSE: MAINTENANCE DREDGING DATUM: MLLW	COUNTY OF ORANGE	DANA POINT HARBOR MAINTENANCE DREDGING
	 2201 DUPONT DRIVE, SUITE 620 IRVINE, CA 92715 (714) 752-1530	IN: PACIFIC OCEAN AT: DANA POINT COUNTY OF: ORANGE STATE: CA APPLICATION BY: COUNTY OF ORANGE
		SHEET 9 OF 13 DATE: 4/97

Estimated Dredge Quantities according to Sediment Type

Dana Point Harbor

Sediment Type	Quantity Dredged without overdepth (cy)	Quantity Dredged with overdepth (cy)
GRAVEL	1,385	1,656
SAND	41,339	43,285
SILT	2,044	2,825
CLAY	2,133	2,734
TOTAL	46,900	50,500

5-97-232 and CC-138-97


COASTAL COMMISSION
PLANS

EXHIBIT # B

PAGE 8 OF 9

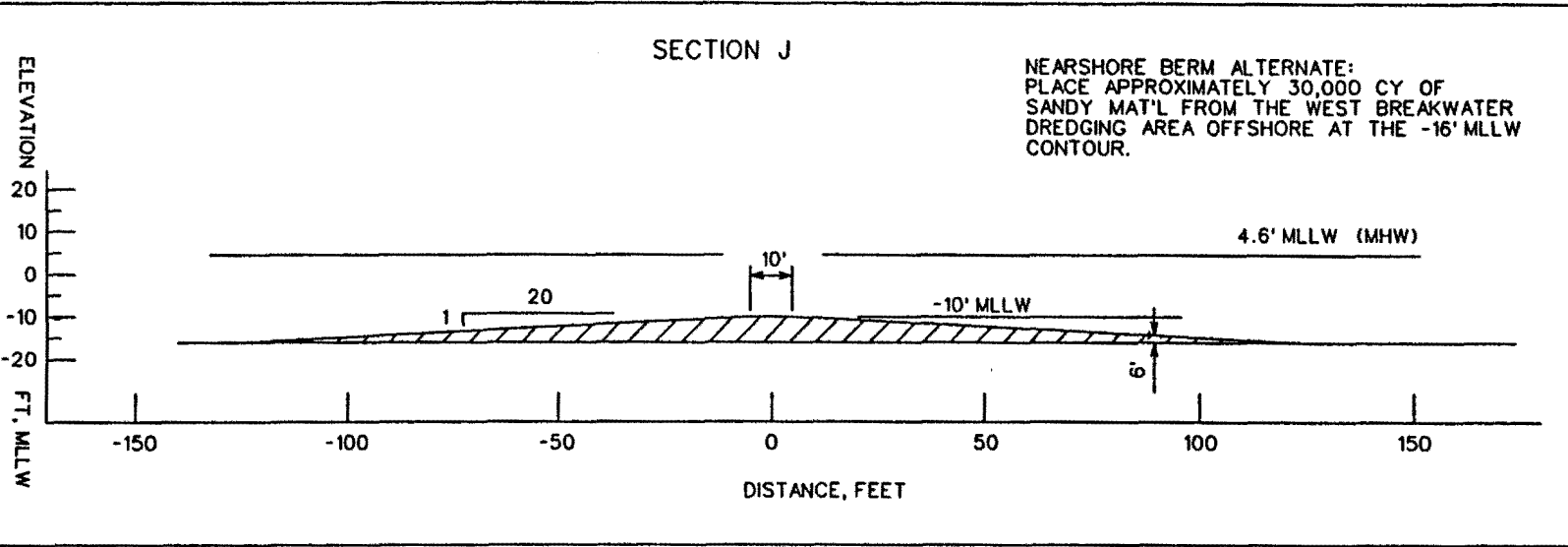
*Sediment Classification	Criteria
Gravel	Larger than 2 mm
Sand	Between 10.062 mm and 2 mm
Silt	Between 0.0039 mm and 0.062 mm
Clay	Smaller than 0.0039 mm

*: Wentworth Classification

PURPOSE: MAINTENANCE DREDGING DATUM: MLLW	COUNTY OF ORANGE	DANA POINT HARBOR MAINTENANCE DREDGING
	 2201 DUPONT DRIVE, SUITE 620 IRVINE, CA 92715 (714) 752-1530	IN: PACIFIC OCEAN AT: DANA POINT COUNTY OF: ORANGE STATE: APPLICATION BY: COUNTY OF ORANGE
		SHEET 10 OF 13 DATE: 4/97

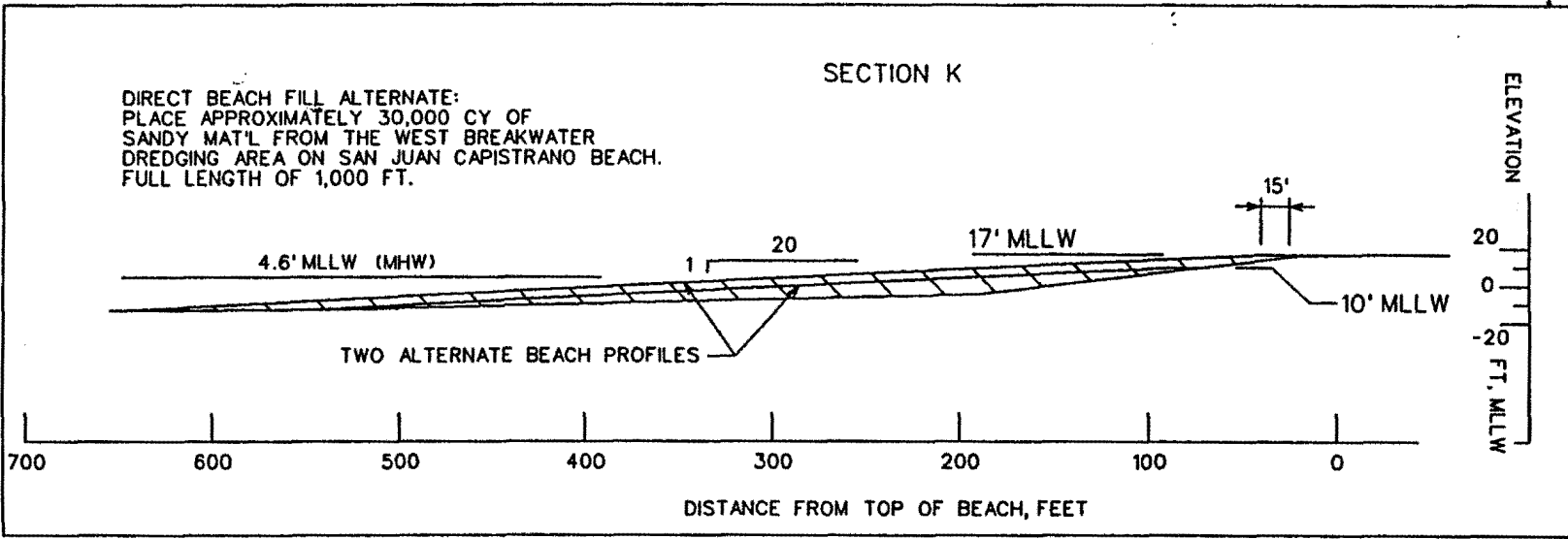
5-97-232 and Ce-138-97
 Exhibit B: Plans
 P. 9 of 9
 Beach nourishment

DATUM: MLLW



COUNTY OF ORANGE

2201 DUPONT DRIVE, SUITE 620
 RYAN, CA 92725
 (714) 752-1530



DANA POINT HARBOR MAINTENANCE DREDGING

IN: PACIFIC OCEAN
 AT: SEAL BEACH
 COUNTY OF: ORANGE
 APPLICATION BY: COUNTY OF ORANGE
 STATE: CA

SHEET 13 OF 13
 DATE: 5/97



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

5-97-232
CC-138-97

RECEIVED
DEC 8 1997

October 14, 1997

COASTAL COMMISSION
EPA Comments

CALIFORNIA
COASTAL COMMISSION

MEMORANDUM
(via e-mail)

EXHIBIT # C
PAGE 1 OF 2

SUBJECT: Public Notice 97-00088-RRS, Dana Point Harbor, Swim Beach and San Juan Capistrano Beach, City of Dana Point, Orange County, California
FROM: Steven John, U.S. Environmental Protection Agency, Monitoring and Assessment Office, Los Angeles Office
TO: Robert R. Smith, U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch

This memorandum provides the U.S. Environmental Protection Agency Region IX (EPA) comments on the proposed maintenance dredging in Dana Point Harbor, Orange County, California. According to the subject public notice, the purpose of the proposed project is to remove accumulated sediments within the navigational areas of the harbor and to dredge silty sand from Swim Beach. The proposed project would involve the dredging of approximately 50,500 cubic yards of dredged materials. Coarse grained sands from the area near the West Breakwater (approximately 35,500 cubic yards) would be used to replenish Swim Beach and San Juan Capistrano Beach. Silty sediments (approximately 15,000 cubic yards) and any coarse grained sediments remaining after completion of the beach replenishment actions would be disposed of at the LA-3 ocean disposal site.

EPA's review of the proposed action was conducted in accordance with the Federal Guidelines (40 CFR 230) published pursuant to Section 404 of the Clean Water Act, Section 103 of the Marine Protection, Research and Sanctuaries Act, and Section 10 of the Rivers and Harbors Act.

As the public notice explains, the sediments in the project area have been evaluated according to the procedures outlined in the EPA/Corps Testing Manual for the Evaluation of Dredged Materials Proposed for Ocean Disposal (Green Book). The results of these investigations are presented in a report prepared by the applicant (Results of Chemical, Physical and Bioassay Testing of Sediments for Maintenance Dredging in Dana Point Harbor, June 5, 1997; Advanced Biological Testing, Inc.).

Specific data EPA used from the Port's report in evaluating of the suitability of the proposed dredged material for ocean disposal include:

- Bulk Sediment Chemistry -- test sediments with low levels of metal and organic contamination, less than or similar to reference site. Site A was 96% sand; B-1 69% sand; B-2 47% sand;
- Bivalve Larvae Bioassay -- no mortality at any concentrations at any of the test sites; LC50 and IC50 > 100% all sites. Limiting Permissible Concentration (LPC) not exceeded;
- Liquid/Suspended Phase Bioassay -- *Mysidopsis* and *Citharichthys* - no significant effects on mortality at any concentration, LC50 for all sites > 100%. LPC not exceeded;
- Solid Phase Bioassay -- *Ampelisca* and *Nephtys* - no significant mortality, LPC not exceeded. *Mysidopsis* - no significant mortality at test sites A and B-2, LPC not exceeded. Survival at test site B-1 (80%) significantly different from reference, LPC exceeded;
- Bioaccumulation -- Site A sediments not evaluated for bioaccumulation. Very low levels of bioaccumulation of metals (e.g., Cr, Pb, Cd, and Zn) noted for both sites in both test species, slightly greater than reference. No significant bioaccumulation of PAHs, pesticides or PCBs for either test species at either test site.

On the basis of the information provided, EPA believes the proposed dredged materials from Dana Point Harbor are suitable for disposal at the LA3 ocean disposal site.

Based on the chemical and physical character of the proposed dredged materials from Test Site A (West Breakwater), EPA believes these materials are suitable for use as beach nourishment at Swim Beach and at San Juan Capistrano Beach. Section 103 of MPRSA requires that only those suitable dredged materials for which other disposal options are not available should be permitted for ocean disposal. To the maximum extent practicable, the proposed dredged materials should be used for beneficial reuse. EPA will provide its final concurrence on the disposal of these proposed dredged materials after completion of the alternatives analysis and a demonstration that there are no other reasonable disposal options for these dredged materials.

Thank you for the opportunity to comment on this proposed dredging project. This electronic transmittal constitutes EPA's official comments on Public Notice 97-00088-RRS. If you have any questions regarding our review or comments, please contact me at 213/452-3806.

5-97-232 ml cc-138-97

COASTAL COMMISSION

EPA comments

EXHIBIT # c

PAGE 2 OF 2



Cal/EPA

California
Regional Water
Quality Control
Board, San Diego
Region

9771 Clairmont Mesa
Blvd, Suite A
San Diego, CA 92124
(619) 467-2952
FAX (619) 571-6972

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 25, 1997

P 260 996 986

OCT 22 1997

CALIFORNIA
COASTAL COMMISSION

Ms. Patti Schooley, District Supervisor
The County of Orange
43551 Puerto Place
Dana Point, California 92629

Dear Ms. Schooley:

**AUTHORIZATION TO MAINTENANCE DREDGE AND DISPOSE OF UP TO
50,500 CUBIC YARDS FROM THE DANA POINT HARBOR DREDGING**

This will acknowledge receipt from the County of Orange a report of waste discharge (RWD) and a filing fee of \$10,000 for a maintenance dredging project of 50,500 cubic yards from the Dana Point Harbor, Orange County.

Based upon the information contained in the RWD, I am authorizing the initiation of the subject project under the terms and conditions of the enclosed Regional Board Order No. 96-32. Under authority of Water Code Section 13267, I request the County of Orange submit the required monitoring reports in accordance with the reporting schedule specified in Order No. 96-32. Please note that the requirements will remain in effect until such time that the County of Orange notifies us the project is complete and requests to terminate the coverage of project under Order No. 96-32.

The filing fee of \$10,000 is more than sufficient to cover the annual fee for the proposed project under Order No. 96-32 through June 1998. The annual fee for this project is \$3,750. The overpaid amount of \$6,250 may be used for the future annual fee or if the County of Orange requests to terminate the coverage of project under Order No. 96-32 by July 1997, the County of Orange may ask for a refund of \$6,250 back. The state fiscal year runs from July of this year through June of next year. As a reminder, the annual fee is nonrefundable.

If you have any questions concerning this Order, please call Mr. Dat Quach at (619) 467-2978.

Respectfully,

John H. Robertus
JOHN H. ROBERTUS
Executive Officer
Enclosure

cc: Bill Hereth, Division of
Resources Control Board, Sacra

COASTAL COMMISSION

RWQCB comments

EXHIBIT # D

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5-97-232 and CC-138-97

5-97-232