45 FREMONT STREET, SUITE 2000 AN FRANCISCO, CA 94105-2219 VICE AND TDD (415) 904-5200

CALIFORNIA COASTAL COMMISSION

RECORD PACKET COPY

W 12b

PROPOSED FINDINGS

ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-081-02
Staff:	JRR-SF
File Date:	11/12/2002
60th Day:	1/11/2002
75th Day:	1/26/2002
Date of Commission Action:	12/11/2002
Commission Hearing on Findings:	1/8/2003

FEDERAL AGENCY: U.S. Army Corps Of Engineers

DEVELOPMENT LOCATION:

Lower Newport Bay, LA-3 (an Interim Ocean Disposal Site), and a nearshore area northwest of Newport Beach Pier, Orange County (Exhibit 1 and 2).

DEVELOPMENT DESCRIPTION:

Maintenance dredging with ocean and nearshore disposal.

SUBSTANTIVE FILE DOCUMENTS:

(See Page 12)

PREVAILING COMMISSIONERS:

Commissioners Desser, Dettloff, Kruer, McClain-Hill, Nava, Peters, Potter, Reilly, Woolley, and Wan

EXECUTIVE SUMMARY

The Corps of Engineers submitted a consistency determination for its proposed maintenance dredging of lower Newport Bay. The Corps proposes to dispose of material dredged from the estuary at LA-3, an interim ocean disposal site, and at a nearshore site located northwest of the Newport Beach Pier.

Newport Bay Harbor is a heavily used recreational boating facility. Sediment has accumulated in the federal channels and could interfere with boating activities. The proposed dredging is necessary to protect navigational safety. Therefore, the project is consistent with the recreational boating policies of the California Coastal Management Program (CCMP), Sections 30220 and 30224 of the Coastal Act.

The Corps proposes to dredge 750,000 cubic meters (981,750 cubic yards) of sediment from the lower portion of the Newport Bay channels and dispose of that material at ocean and nearshore disposal sites. The Corps is in the process of evaluating the sediment's physical characteristics, chemistry, toxicity, and bioaccumulation potential. The chemical testing results indicate that the material has elevated levels of heavy metals and DDT. In this case, the Corps has not completed the sediment bioassay or bioaccumulation tests. However, the Corps modified its project to require Commission staff concurrence before proceeding with the dredging. In addition, although the consistency determination states that the area does not contain any *Caulerpa taxifolia*, it does not include any surveys for this invasive alga. The Corps has agreed to conduct this survey before dredging. With these modifications, the project is consistent with the water quality and marine resource policies of the CCMP, Sections 30230 and 30231 of the Coastal Act.

3

The project area supports habitat for the California brown pelican and the California least tern, both of which are federally listed endangered species. The Corps modified its project to remove the contingency for dredging during the tern-nesting season. Since the Corps has agreed to complete its bioaccumulation analysis and obtain Commission staff concurrence on the results prior to dredging, the brown pelican will not be affected by the proposed project. Finally, although the Corps states that it will not dredge in or near eelgrass areas and the Corps will submit up-to-date eelgrass surveys prior to dredging. Therefore, the project is consistent with the ESHA policy of the CCMP, Section 30240 of the Coastal Act.

The Corps proposes to dispose of suitable sediment in an area that will support beach replenishment. However, the Corps will not dredge until the Commission staff reviews the grain size analysis. Therefore, the project is consistent with the sand supply policy of the CCMP, Section 30233(b) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION

I. <u>Project Description</u>. The Corps proposes to dredge 750,000 cubic meters (981,750 cubic yards) of material within the authorized channels of lower Newport Bay and to dispose most of this material at LA-3, an interim ocean disposal site. In addition, approximately 50,000 cubic meters (65,450 cubic yards) are suitable for beach replenishment and Corps will place this material at a nearshore site, northwest of the Newport Beach Pier.

The Corps will use a cutterhead hydraulic dredge, hopper dredge, or mechanical dredge (barge-mounted cranes with clamshell or bucket) to implement this project. The Corps will allow the contractor to determine the type the type of dredge equipment to be used. The Corps has scheduled the dredging to occur between October 1, 2002, and March 15, 2003.

The Corps plans to dispose of approximately 700,000 cubic meters at LA-3. This site has been historically used for disposal of dredged material from upper Newport Bay and Newport Harbor. The LA-3 ocean disposal site is located approximately 4 miles southwest of the Newport Bay Harbor Entrance.

The Corps will not dredge until it has completed all physical, chemical, and biological sediment testing and the Executive Director has reviewed the results and concluded that the project will not affect water quality, habitat, and sand supply resources of the coastal zone. Additionally,

the Corps will conduct surveys for eelgrass and *Caulerpa taxifolia* consistent with the appropriate protocols prior to dredging. Finally, the Corps will not dredge during the least ternnesting season.

II. <u>Status of Local Coastal Program</u>. The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If an LCP that the Commission has certified and incorporated into the CCMP provides development standards that are applicable to the project site, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has not certified the City of Newport Beach's LCP, and thus has not incorporated it into the CCMP.

III. <u>Federal Agency's Consistency Determination</u>. The Corps of Engineers has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Staff Recommendation.

V. <u>Commission Decision</u>. On December 11, 2002, the Commission approved a motion to concur with the Corps of Engineers' consistency determination CD-081-02 and in doing so adopted the following resolution:

A. Concurrence

The Commission hereby **concurs** with the consistency determination by Corps of Engineers, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

VI. <u>Staff Recommendation on proposed findings</u>. The staff recommends that the Commission pass the following motion in support of its action.

A. Motion

I move that the Commission adopt the revised findings in support of the Commission's action on December 11, 2002, concerning CD-081-02.

B. Staff Recommendation Of Approval

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. Pursuant to section 30315.1 of the CCMP, the motion requires a majority vote of the members from the prevailing side present at the December 11, 2002 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

C. <u>Resolution To Adopt Revised Findings</u>

The Commission hereby adopts the findings set forth below for its concurrence with the Corps' consistency determination to dredge Newport Bay Harbor, CD-081-02, on the grounds that the findings support the Commission's decision made on December 11, 2002, and accurately reflect the reasons for it.

VII. Findings and Declarations

The Commission finds and declares as follows:

A. <u>Recreational Boating</u>. Section 30220 of the Coastal Act provides that:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224 of the Coastal Act provides, in part, that:

Increased recreational boating use of coastal waters shall be encouraged....

Shoaling of lower Newport Bay interferes with recreational boating within the bay. The design depth of the harbor's channels is 6.1 meters below mean lower low water (MLLW). In its consistency determination, the Corps describes the current situation as follows:

The project area encompasses approximately 82.2 hectares (203.1 acres) of Lower Newport Bay encompassing the federal navigation channels. Lower Newport Bay is a small craft harbor located in Orange County, California. Lower Newport Bay represents a significant recreational resource offering a wide range of boating recreation ranging from single person rowboats to larger sailing and motor vessels capable of trans-ocean navigation. Local beachfront communities support water-use recreational services. Maintenance dredging is necessary in order to remove approximately 750,000 cubic meters of sediment that have accumulated in the federal channels for navigational safety and to allow continued use of the bay for recreational activities. Failure to remove these sediments could result in adverse impacts to navigational safety resulting in loss of recreational boating opportunities.¹

Newport Bay is an important recreational boating area. It attracts visitors from around the state and country who use its boating facilities. In the environmental assessment for the previous maintenance-dredging project in Newport Bay, the Corps described the boating resources as follows:

The area serves as a major vacation destination within Southern California and the Southwest. The Lower Bay, having an open-water area of about 600 acres, offers recreational opportunities to a wide range of boating enthusiasts; from single-person rowboats to large sailing and motor vessels that are capable of trans-ocean navigation. The local beach front communities also support water recreational services, with tourism as one of the most important land use activities in the regional area.²

The proposed dredging will improve navigation within the lower Newport Bay, and thus supports and protects recreational boating. Therefore, the Commission finds that the proposed project is consistent with the recreational boating policies of the CCMP.

B. <u>Water Quality and Marine Resources</u>. Section 30230 of the Coastal Act provides that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic

¹ Draft Environmental Assessment for Lower Newport Bay Maintenance Dredging Project, Orange County California, November 2002, p. 6.

² Final Environmental Assessment for Lower Newport Bay Maintenance Dredging Project, Orange County California, August 1998, p. 16.

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

3

Section 30231 of the Coastal Act provides that:

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.

 Sediment Quality. The proposed project includes disposal of dredged material at LA-3, an interim ocean disposal site. The federal Environmental Protection Agency's (EPA) technical guidance for determining the suitability of dredged material involves a tiered-testing procedure, which includes four levels of testing. Tiers I and II apply to existing or easily obtained information and require limited chemical testing to predict effects. If these predictions indicate that the dredged material has any potential for significant adverse effects, EPA will elevate the sediment analysis to a higher tier. Tiers III and IV use water column and benthic bioassay and bioaccumulation tests to determine effects on representative marine organisms. Specifically, EPA requires bioassay tests on suspended particulate and solid phases of the material before allowing the disposal (Tier III testing). (40 C.F.R. Section 227.6[c].) These tests allow EPA to evaluate the acute and chronic toxicity of the contaminated material on biological resources. EPA also requires measurements of the bioaccumulation potential of contaminants. The intent of that test is to determine if organisms are concentrating chemicals in their tissues to levels that might prove harmful to either themselves or their predators. Both the bioassay and the bioaccumulation tests measure the biological effect of contaminated dredge spoils. Although these tests are not precise predictors of environmental effects, they provide quantitative estimators of impacts. The Commission also uses the results from the EPA process to evaluate ocean disposal activities for consistency with the CCMP. These tests allow the Commission to determine if the dredging and disposal activities will adversely affect water quality or biological resources of the coastal zone.

In this case, the Corps has completed most of the sediment testing studies and has provided the Commission with bulk chemistry test results. The chemistry analysis indicates that some of the material proposed for ocean disposal has elevated levels of heavy metals and DDT. For testing purposes, the Corps divided the channel into four areas and the heavy metal and DDT levels for all four areas are elevated (Table 1). Some of these levels are above National Oceanic and Atmospheric Administration's (NOAA) ER-L (effects range low) and the ER-M (effects range median) levels.

Table 1

ANALYTE	UNITS	AREA 1	AREA 2	AREA 3	AREA 4	REFERENCE	ER-L	ER-M		
Arsenic	mg/dry kg	4.65	9.40	6.19	9.87	7.22	8.20	70.00		
Cadmium	mg/dry kg	0.59	1.26	0.81	1.42	0.70	1.20	9.60		
Copper	mg/dry kg	15.70	49.00	34.85	43.95	28.25	34.00	270.00		
Mercury	mg/dry kg	0.09	0.72	0.34	0.39	0.13	0.15	0.71		
Nickel	mg/dry kg	12.10	27.15	18.25	27.30	27.65	20.90	<u>51.60</u>		
Total Detectable DDTs	ng/dry g	29.60	<u>67.30</u>	38.90	161.90	14.85	1.58	46.10		
2,4'-DDD	ng/dry g	1.30	4.20	1.40	11.90	ND	2.00	20.00		
4,4'-DDD	ng/dry g	3.80	12.10	4.70	<u>21.30</u>	ND	2.00	20.00		
4,4'-DDE	ng/dry g	24.50	<u>51.00</u>	<u>31.80</u>	<u>89.50</u>	14.85	2.20	27.00		
Bold Numbers Equal or Exceed the ER-L										
Bold and Underlined Numbers Equal or Exceed the ER-M										

If the levels of contaminants are higher than the ER-L, then it is **possible** that there will be a biological effect from the contaminants. If the levels are above the ER-M, then it is **likely** that there will be an adverse effect. Therefore, based on the NOAA guidance, it is possible that the material may have a biological effect. However, the Commission is reluctant to make a conclusion based on this information alone. The NOAA did not intend for its guidance to be a regulatory standard; rather it is a general benchmark to indicate possible concerns. To evaluate the effect of contaminants on marine resources and consistency with the water quality policies of the CCMP, the Commission relies on bioassay and bioaccumulation tests. In cases where chemical analysis of sediment indicates that the dredge material has elevated levels of contaminants, the bioassay and bioaccumulation tests provide the Commission with insights on the biological effects from the dredging and disposal activities.

The Corps is in the process of conducting these tests, which are necessary before it can receive authorization to dispose of dredged material at LA-3. However, the results of these tests are not available. In light of the fact that the sediment chemistry indicates that there are elevated heavy metals and DDT in the sediment, the Commission cannot determine if the material would adversely affect biological resources without bioassay and bioaccumulation results. The Corps has modified its project to prohibit dredging until it completes all of the bioassay and bioaccumulation tests and the Executive Director of the Commission, based on the results of theses tests, agrees that the dredging and disposal will not adversely affect water quality and habitat resources of the coastal zone. Normally, the Commission would not delegate such a decision to its Executive Director. However, there are special circumstances in this case that justify such an approach. The proposed ocean disposal site will lose its interim designation at the end of this year (2002) unless the Corps has, by December 31, 2002, all necessary authorizations to use this site. Rather than interfere with the dredging project, the Commission believes that delegating the final review of testing results to the Commission staff is appropriate. Therefore, the Commission finds that the modified project is consistent with the water quality policies of the CCMP.







2. <u>Caulerpa Taxifolia</u>. *Caulerpa taxifolia* is a green alga native to tropical waters that typically grows to small size and in limited patches. In the late 1970s, this species attracted attention as a fast-growing and decorative aquarium species that became popular in the saltwater aquarium trade. Around 1984, this species apparently escaped or was released from an aquarium into Mediterranean waters and rapidly spread from an initial patch of about one square yard to over two acres by 1989. By 1997, it blanketed more than 11,000 acres of the northern Mediterranean coastline and has recently been reported off northern Africa. In these areas, it has caused ecological and economic devastation by overgrowing and eliminating native seaweeds, sea grasses, reefs, and other communities. In June 2000, Merkel & Associates biologists were conducting research on transplanted eelgrass beds in Agua Hedionda Lagoon and discovered *Caulerpa taxifolia* growing in the lagoon. In July 2000, biologists subsequently identified the species in Huntington Harbor.³ The alga poses a substantial threat to marine ecosystems in southern California, particularly to the extensive eelgrass meadows and other benthic environments.

If Caulerpa taxifolia is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. The proposed project will disturb the harbor bottom by dredging and other submerged areas through the placement of sand for beach nourishment. These activities could cause the dispersal of *Caulerpa taxifolia* through fragmentation and redistribution of sediment. The Commission now routinely requires surveys for *Caulerpa taxifolia* before it allows activities to occur within the estuaries and harbors of southern California. The Corps modified its project to include a survey for *Caulerpa taxifolia* using the appropriate protocol. With this modification, the Commission finds that the project includes adequate measures to demonstrate that the dredge site is free of *Caulerpa taxifolia*.

3. <u>Conclusion</u>. As described above, the Corps has modified its consistency determination for the proposed lower Newport Bay maintenance dredging project to provide for a full evaluation of the project's consistency with the water quality and marine resource policies of the CCMP. Specifically, the Corps will not proceed with the project until it completes the necessary sediment toxicity and bioaccumulation tests and the Commission staff agrees that, based on these tests, the project will not affect water quality resources of the coastal zone. In addition, the Corps has agreed to conduct a survey for *Caulerpa taxifolia* using appropriate protocols prior to dredging the channels. Therefore, the Commission finds that the project is consistent with the water quality and marine resource policies of the CCMP.

C. <u>Environmentally Sensitive Habitat Areas</u>. Section 30240 of the Coastal Act provides that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

³ Updated Caulerpa Taxifolia Rapid Response and Eradication Program, California Coastal Conservancy (2002)

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

1. <u>Endangered Species</u>. The proposed project potentially affects habitat for two federally listed species. These species include California brown pelican (<u>Pelecanus</u> <u>occidentalis californicus</u>) and California least tern (<u>Sterna antillarum browni</u>). In its environmental assessment, the Corps describes the habitat needs of the federally listed species as follows:

<u>California brown pelican.</u> The federally listed California brown pelican is a year-round resident of the southern California coastline. The brown pelican feeds primarily on surface-feeding fish in the nearshore waters. The species is very tolerant of human activity and utilizes various shoreline structures such as piers, breakwaters, groins, and buoys for roosting. The brown pelican is relatively common in nearshore waters. Activities of the brown pelican are restricted to feeding, over-flying, and temporary resting.

<u>California least tern.</u> The California least tern is present in small numbers from mid-April to mid-September. The California least tern forage near the disposal site, primarily on surface fishes such as topsmelt and anchovies. A nesting colony is located in the Upper Newport Bay Ecological Reserve approximately 3.8 miles from the dredging areas.⁴

Both of the California least tern and the California brown pelican forage in the lower Newport Bay and could be affected by increases in turbidity and resuspension of contaminated sediment. However, with respect to the least tern, the Corps proposes to conduct the dredging between October 1 and March 15 to avoid the least tern-nesting season. Originally, the consistency determination provided for the Corps to extend the dredging beyond March 15. The Corps also proposed to develop mitigation measures in consultation with the U.S. Fish and Wildlife Service. In response to Commission concerns, the Corps modified its project to eliminate any contingency for dredging during the tern-nesting season. With this modification, the project will not adversely affect the least tern.

⁴ Environmental Assessment, p. 11.

With respect to the brown pelican, it also forages in Newport Bay and other nearby areas and is present for most of the year. The Commission is also concerned that the proposed project could affect this species. The primary concern is that the project could result in resuspension of contaminated sediment making the pollutants more available to fish that are preyed upon by the pelican. The resuspension of contaminants may be a significant issue. One of the elevated chemicals within this sediment is DDT, which biologists have identified as a chemical that is one of the primary factors that lead to the endangered status of the brown pelican. This chemical accumulates in the tissues of the pelican and is responsible for adverse effects to pelican reproduction. As described above, the Corps has not completed toxicity or bioaccumulation studies of the dredge material, but has modified its project to allow Commission staff review and approval of the tests results once they are completed. With this modification, the Commission finds that the project will not adversely affect the pelican.

2. <u>Eelgrass</u>. Newport Bay supports several areas of eelgrass habitat. Eelgrass is a sensitive marine resource because it functions as a nursery area for invertebrates and fish, provides foraging habitat for the California least tern, and provides food and shelter for many marine species. The City of Newport Beach describes the extent of eelgrass beds in Newport Bay as follows:

Eelgrass grows extensively within the Harbor Entrance Channel, where it covers several acres of underwater sand bottom habitat. Other sections of Newport Bay that currently supports extensive eelgrass beds include the eastern shoreline of the Bay between Carnation Cove to the Coast Guard Base, Balboa Island (and in the grand Canal), along the eastern end of the Balboa Peninsula, around its perimeter. Some of the eelgrass currently growing in Newport Harbor is the result of previous eelgrass transplants, conducted in the Entrance Channel in the early 1980s, and in the Grand Canal in 1999. These transplant programs were conducted as mitigation for Newport Harbor projects that resulted in the loss of eelgrass habitat.

Eelgrass is currently expanding its distribution in Newport Harbor and in Upper Newport Bay. Locations where smaller beds have become established within the last few years include the southern edge of the Bayshores development, a shoal immediately south of the coast Highway Bridge near Swales Marina, and on the north side of Lido Reach between the Bayshores community west to the Balboa Bay Club (CRM 2001). Recent observations in July 2002 (Coastal Resources Management and Chambers Group, Inc. pers. observation) indicate eelgrass is recolonizing shallow subtidal habitat. Upper Newport Bay between the Coast Highway Bridge and Dover Shores along both sides of the Main Channel after a long-term absence. ...⁵

The Corps proposes to avoid impacts to eelgrass by maintaining a buffer of 15 meters (50 feet) between the dredging area and any eelgrass beds. Although this buffer is sufficient enough to ensure that maintenance dredging will not directly or indirectly affect eelgrass, the Commission is concerned with the level of information provided by the Corps in analyzing this issue. However, the Corps has addressed this concern by agreeing to submit an adequate

⁵ Coastal Resources Management and Chambers Group, Inc. 2002. Section 3.3 Sensitive Marine Species in: City of Newport Beach, Ca. Local Coastal Plan Biological Appendix. Prepared for the City of Newport Beach Planning Department. November 2002, from excerpt in environmental assessment.

survey for eelgrass prior to dredging the channels. With this modification the Commission finds that the project will not significantly affect eelgrass resources.

3. <u>Conclusion</u>. In conclusion, the Commission finds that the project will not significantly affect least terns, brown pelicans, and eelgrass. Therefore, the Commission finds that the project is consistent with the ESHA policy of the CCMP.

D. Sand Supply. Section 30233(b) of the Coastal Act provides that:

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 Corps proposes to dispose of most of the material dredged from Newport Bay at LA-3. Material disposed of at this site is outside of the littoral system and will not support sand supply to coastal beaches. The Commission does not usually consider the use of dredge material for beach replenishment unless the material is greater than 80 percent sand and is compatible with the receiver beach. In its consistency determination, the Corps states that approximately 50,000 cubic meters of material is suitable for beach disposal and it proposes to place this material into the nearshore environment offshore of Newport Beach northwest of the Newport Beach Pier. However, the Corps' consistency determination did not include any grain size data that would allow the Commission to analyze this issue. In response to this information concern, the Corps modified its consistency determination to not dredge until it has completed the grain size analysis and the Commission staff has agreed that the project will not affect sand supply resources. Therefore, with this modification the COMP.

E. <u>Dredging</u>. Section 30233(a) of the Coastal Act provides, in part, that:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

....

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) an allowable use test; (2) an alternatives test; and (3) a mitigation test. The project complies with the first test because maintenance dredging of existing navigation channels is an allowable use for dredging and filling.

Next, the Commission must consider the project's compliance with the alternative and mitigation tests. As described above, the project will not have significant water quality

impacts from contaminated sediment or significant endangered species impacts. However, the project will result in minor, short-term impacts to benthic habitat. Since the disposal area will recolonize over several years, this impact will not be significant. Turbidity increases will be localized and short-term. The Commission previously found that these types of impacts are not significant when it concurred with other dredge material disposal operations at LA-3 and at other southern California EPA-designated ocean disposal sites. The proposed disposal location is an EPA-approved disposal site, and is the least damaging alternative for disposal of clean dredged materials (the dredged sediments are not suitable for beach replenishment due to their fine grain size). As discussed above, the project will have no significant impacts on coastal resources and no additional mitigation measures (beyond the standard monitoring conditions required by EPA) are necessary. Therefore, the Commission finds that the project is consistent with the dredge and fill policy of the CCMP.

VIII. Substantive File Documents

- 1. Draft Environmental Assessment, Maintenance Dredging at Lower Newport Bay Harbor, Orange County, California, U.S. Army Corps of Engineers, Los Angeles District, November 2002.
- 2. Final Environmental Assessment, Maintenance Dredging at Lower Newport Bay Harbor, Orange County, California, U.S. Army Corps of Engineers, Los Angeles District, August 1998.
- 3. CD-093-98, Corps of Engineers, Newport Bay, Maintenance Dredging with Ocean Disposal.



California Coastal Commission

