

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200
 FAX (415) 904-5400

**Th14****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

JUNE 14, 2012 MEETING OF THE CALIFORNIA COASTAL COMMISSION**TO: Commissioners and Interested Parties**

FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

DE MINIMIS WAIVER

APPLICANT	PROJECT	LOCATION
E-11-028-W Pacific Gas & Electric Company	Replace the existing substation with a new "gas-insulated structure" (GIS).	Humboldt Bay Power Plant Humboldt County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-016-12 NOAA	Environmental Restoration Projects Action: Concur, 5/24/2012	Southern California
ND-021-12 U.S. Army Corps of Engineers	Maintenance dredging with nearshore and beach disposal Action: Concur, 5/8/2012	Marina del Rey Los Angeles County



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-020-12 U.S. Army Corps of Engineers	Maintenance dredging with beach and nearshore disposal Action: Concur, 5/9/2012	San Francisco Main Ship Channel
ND-023-12 U.S. Army Corps of Engineers	Marsh Restoration Action: Concur, 5/25/2012	Santa Ana River Mouth Newport Beach, Orange Co.



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FAX (415) 904-5400
TDD (415) 597-5885

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER – DE MINIMIS**

DATE: May 29, 2012 **PERMIT NO:** E-11-028-W

TO: Coastal Commission and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicant for the development described below, the Executive Director of the Coastal Commission hereby waives the requirements for a coastal development permit (CDP), pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Pacific Gas & Electric Company

Project Location: At the Humboldt Bay Power Plant, near King Salmon, Humboldt County.

Background: PG&E's Humboldt Bay Power Plant site includes a substation that serves as a transmission and generation hub for PG&E's North Coast service area. This 60 kilovolt substation is located within a developed area of the power plant site, and covers an area of about 30 by 200 feet with equipment ranging up to about 35 feet in height. It includes various electrical equipment such as circuit breakers, switches, insulators, and a bus structure, which houses the buses, or metal strips, that are used to conduct electricity among different parts of the substation. Built in the 1950s, the substation has experienced extensive corrosion and no longer meets seismic standards.

Project Description: PG&E proposes to replace the existing substation with a new "gas-insulated structure" (GIS), which houses critical components within sealed vessels to reduce corrosion and increase efficiency. The proposed project includes removing most of the existing substation equipment, its foundation and several below-grade pipes and structures, various lines and poles, and some adjacent structures and equipment, including a trash loading facility, fire water lines, and the substation's containment berm. PG&E would construct a new modular building covering an area of about 38 by 90 feet and about 23 feet high, in which it would install the GIS and associated equipment. PG&E would also construct a substation battery building about 16 feet wide by 26 feet long by 10 feet high to house batteries and chargers for the substation. Both buildings would be built on concrete foundations within the developed portion of the power plant site and within a new containment berm and security fence. PG&E expects demolition and construction to take about 18 months. Work would require up to about 20 workers and would generate up to about 50 truck trips to remove and bring in equipment.

Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Resources / Water Quality / Wetlands: The project would occur at an industrial site adjacent to the coastal waters of Humboldt Bay, but at a location several hundred feet from those waters and within an existing developed area subject to stormwater controls, thereby resulting in little, if any, risk to nearby coastal waters.
- Geologic Hazards / Hazardous Materials: The project would be constructed at an area of relatively high geologic risk, but is meant to replace existing structures with new structures to meet current seismic standards. The project site is within an area undergoing soil and groundwater remediation pursuant to Department of Toxic Substances Control (DTSC) oversight; however, testing at and near the substation site shows little or no contamination. Any contaminants exposed during project work would be subject to the requirements of the DTSC Interim Measures/ Remedial Action Work Plan PG&E is currently implementing as part of overall site remediation.
- Public Access: The work will occur within a developed industrial site adjacent to an existing public access trail along the Humboldt Bay shoreline; however, project activities will be several hundred feet from that accessway and are expected to result in few, if any, adverse effects on public access to the shoreline.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of June 13-15, 2012, in Huntington Beach. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By: Alison J. Dettmer

ALISON J. DETTMER
Deputy Director
Energy, Ocean Resources, and Federal Consistency Division

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



Th14

DATE: June 11, 2012

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Alison Dettmer, Deputy Director
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-016-12
APPLICANT:	NOAA
LOCATION:	Southern California
PROJECT:	Environmental Restoration Projects
ACTION:	Concur
ACTION DATE:	5/24/2012

PROJECT #:	ND-021-12
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Marina del Ray, Los Angeles Co.
PROJECT:	Maintenance dredging with nearshore and beach disposal
ACTION:	Concur
ACTION DATE:	5/8/2012

PROJECT #:	ND-020-12
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	San Francisco Main Ship Channel
PROJECT:	Maintenance dredging with beach and nearshore disposal
ACTION:	Concur
ACTION DATE:	5/9/2012

PROJECT #:	ND-023-12
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Santa Ana River Mouth, Newport Beach, Orange Co.
PROJECT:	Marsh restoration
ACTION:	Concur
ACTION DATE:	5/25/2012

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FAX (415) 904-5400
TDD (415) 597-5885



May 24, 2012

Jennifer Boyce
NOAA Restoration Center/Montrose Program
501 West Ocean Blvd., Suite 4470
Long Beach, CA 90802

Subject: Negative Determination ND-016-12 (Montrose Settlement Environmental Restoration Projects, Channel Islands and Offshore Waters in Southern California)

Dear Ms. Boyce:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service, National Park Service, California Department of Fish and Game, California Department of Parks and Recreation, and California State Lands Commission are collectively known as the Montrose Settlements Restoration Program (MSRP) Trustees. On behalf of the three federal agency trustees, NOAA submitted this negative determination for eight projects to restore marine resources injured by DDT- and PCB-contaminated wastewater discharged into ocean waters offshore of the Palos Verdes Peninsula and Santa Catalina Island from the late 1940s to the early 1970s. A consent decree which settled a lawsuit filed under the federal Superfund law by the United States and the State of California against a number of defendants (including the Montrose Chemical Corporation) allocated approximately \$40 million for marine restoration projects.

In the proposed Phase 2 Restoration Plan, the MSRP Trustees are allocating the remaining \$15 million (plus interest) to fund eight projects to further restore and monitor bald eagles, peregrine falcons, seabirds, and fish habitat injured by the historic release of contaminants into ocean waters off southern California. The proposed projects are as follows:

1. Restore kelp forests by relocating sea urchins from seven existing urchin barrens on the Palos Verdes shelf;
2. Monitor bald eagles on the Channel Islands to determine if eagles reintroduced during the Phase 1 Restoration, along with additional recruits, have established a self-sustaining population;

3. Continue monitoring the recovery of peregrine falcons on the Channel Islands to determine reproductive success, including determining levels of DDT and PCBs from egg and blood samples;
4. Restore seabirds to Santa Barbara Island by expanding Phase 1 plant restoration sites and adding new sites through the removal of exotic vegetation and planting native species;
5. Restore seabirds to Scorpion Rock off of Santa Cruz Island by continuing Phase 1 removal of iceplant and planting native species;
6. Restore ash storm-petrels on the Channel Islands by continuing Phase 1 work to improve nesting habitat, install social attraction devices and artificial nesting boxes, and perform monitoring and contaminant analysis;
7. Reduce seabird disturbance on the Channel Islands by developing and enforcing seabird colony protective measures and public education measures;
8. Restore seabirds to Prince Island off of San Miguel Island by enhancing nesting habitat through removal of non-native vegetation, planting native species, and installing nesting boxes.

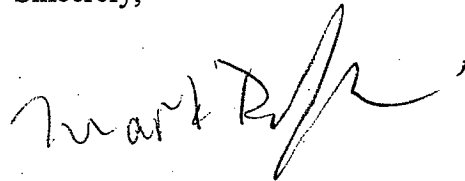
NOAA states that the proposed restoration projects were selected by the MSRP Trustees pursuant to NEPA and CEQA regulations, public comments received, and consultation with other agencies. The projects are designed to minimize potential impacts to sensitive habitat and species by limiting work to non-breeding seasons, training restoration participants, monitoring from a distance when possible, minimizing direct interaction with sensitive bird species, using mechanical methods rather than herbicides to remove exotic vegetation, and placing signage so as not to distract from the natural aesthetics of any area.

In responding to Commission staff questions about the proposed Palos Verdes shelf kelp restoration project and its potential impact to designated state marine conservation areas (MCA), NOAA stated that there is an ongoing kelp restoration project within the boundary of the Pt. Vicente MCA that commenced prior to establishment of this MCA. The project proponents have permits from the California Department of Fish and Game to finish the work in the Pt. Vicente MCA, and funding from the MSRP will support the final stages of this ongoing work. All other proposed MSRP kelp restoration project work sites are located outside of designated MCAs. NOAA also stated that the sea urchins that would be collected and removed from the urchin barrens have no commercial value; as such, they would either be landed and composted or relocated (as has been done in the past for similar projects). NOAA prefers the former course of action as it ensures that the urchins would not relocate to another reef and continue to limit kelp production. NOAA also stated that all sea urchin removal actions would be permitted and conducted in compliance with all California Fish and Game codes and regulations.

The Commission staff agrees with NOAA that the proposed restoration projects will not adversely affect coastal resources, and that any minor temporary impacts to marine and terrestrial

habitat are outweighed by the benefits associated with the proposed projects at the Channel Islands and in the offshore waters of southern California. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Lester", written in a cursive style.

(For)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District
CCC – South Central Coast District

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FAX (415) 904-5400
TDD (415) 597-5885



May 9, 2012

Laurie H. Suda
Chief, Environmental Section B
San Francisco District
U.S. Army Corps of Engineers
ATTN: Dr. Fari Tabatabai
1455 Market Street
San Francisco, CA 94103-1399

Subject: Negative Determination ND-020-12 (Five-Year Maintenance Dredging Program (2012-2016) for San Francisco Main Ship Channel and Disposal at SF-17, SF-8, and/or Ocean Beach, San Francisco)

Dear Mr. Suda:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to annually maintenance dredge an average of 500,000 cubic yards of material from the San Francisco Bar/Main Ship Channel during the 2012-2016 time period. Disposal of the clean, sandy dredged material would occur at either the newly-proposed SF-17 ocean disposal site (formally known as the Ocean Beach Demonstration Site, located in ocean waters offshore of Ocean Beach south of Sloat Boulevard), the SF-8 ocean disposal site (located south of the Main Ship Channel), and/or direct beach nourishment along a 4,000-foot-long section of Ocean Beach extending south of Sloat Boulevard.

As with recent maintenance dredging projects in the Main Ship Channel, the Corps states that due to current shoaling conditions at SF-8, it proposes to continue to place the majority of dredged sand at SF-17 or on the beach south of Sloat Boulevard. The Corps would only use SF-8 if local sea conditions preclude safely operating at the other two sites. Disposal at SF-17 would benefit local sand supply as sand placed here would serve to replenish downcoast beaches. Direct beach placement of dredged sand is anticipated to occur once during the five-year project time period. However, this frequency could increase if cooperating agencies agree that beach nourishment is providing benefits and if funding, permitting, and equipment availability issues are successfully resolved.

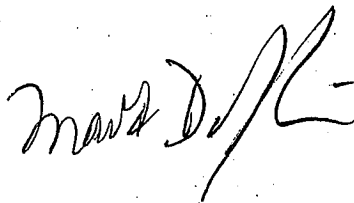
Maintenance dredging of the Main Ship Channel typically occurs between May and July and lasts for approximately 20 to 45 days depending on the dredge volume and sea conditions. As an element of the proposed five-year maintenance dredging program, the Corps will annually provide the Commission with project information (e.g., dredge volumes, sediment characteristics, disposal locations) for each year of the program, including sediment chemistry test results prior to direct beach placement of dredged material. In previous maintenance

dredging of the Main Ship Channel, the sandy sediments from that area have always been suitable for ocean disposal; a full suite of physical and chemical analyses will be conducted to ensure that the dredged sands are suitable for beach placement.

Impacts from previous maintenance dredging and disposal operations in the project area were minor and temporary in nature, and the Corps anticipates similar impacts during the proposed five-year maintenance dredging program. Surfgrass and eelgrass are not present at the SF-17 disposal site as this is a high-energy nearshore zone continuously agitated by ocean waves, and grunion do not spawn on the Ocean Beach disposal site. The proposed maintenance dredging and disposal operations will keep sand in the San Francisco Outer Coast Littoral Cell, and will help to address severe erosion along the stretch of Ocean Beach south of Sloat Boulevard.

Under the federal consistency regulations (15 CFR 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Commission has previously reviewed and authorized maintenance dredging of the Bar/Main Ship Channel with disposal at SF-8 and/or SF-17 (e.g., ND-062-10, ND-073-09, ND-017-07, ND-020-06, and ND-062-05). The components of the proposed five-year maintenance dredging program are consistent with the annual maintenance dredging projects historically implemented by the Corps and concurred with by the Commission. The Corps' commitment to provide the Commission with annual reports and in particular, sediment chemistry test results prior to direct beach placement of dredged material, ensures that the Commission staff will be able to monitor the annual maintenance dredging projects. In conclusion, the Commission staff agrees with the Corps' determination that the proposed project will not significantly affect coastal resources and that it is the same as or similar to previously reviewed projects. We therefore concur with your negative determination for the project made pursuant to 15 CFR-930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for) CHARLES LESTER
Executive Director

cc: CCC - North Central Coast District

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FAX (415) 904-5400
TDD (415) 597-5885



May 8, 2012

Josephine R. Axt, Ph.D.
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Larry Smith
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-021-12 (Maintenance Dredging of Marina del Rey Entrance Channels, Los Angeles County)

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to maintenance dredge approximately 300,000 cubic yards of sandy sediment from the federal entrance channels at Marina del Rey Harbor and dispose the sediments in the nearshore zones off Dockweiler (140,000 cu.yds.) and Redondo beaches (80,000 cu.yds.) and on Redondo Beach (80,000 cu.yds.). The dredged sediments were tested and are suitable for beach or nearshore placement. The proposed dredging and disposal project was previously reviewed and approved by the Commission (as part of a larger Marina del Rey maintenance dredging project) in its August 2010 conditional concurrence with the Corps' consistency determination CD-035-10. However, implementation of the larger project was delayed due to the time required to complete additional bioassay testing of project sediments proposed for beach nourishment, and later due to delays in securing the federal funding for the project.

The Commission's Executive Director concurred on April 10, 2012, with the Corps' negative determination ND-006-12 for maintenance dredging of 320,000 cubic yards of Marina del Rey entrance channel sediment unsuitable for beach, nearshore, or ocean disposal. These sediments are currently being dredged and placed in a previously-permitted confined aquatic disposal facility at Slip 1 in the Port of Long Beach (POLB). The subject negative determination covers the balance of the maintenance dredging previously concurred with in CD-035-10, and was submitted to propose dredging and disposal during the summer season. Dredging and disposal of materials to be placed at the POLB must be completed by June 30 and that work remains the highest priority due to the one-time opportunity to confine those unsuitable sediments in the POLB landfill. As a result of this schedule, the funding currently available for disposal in the

Dockweiler Beach nearshore area, the ongoing delay in obtaining the funding for disposal at Redondo Beach, and the need to complete the long-overdue maintenance dredging of the Marina del Rey entrance channels to ensure safe navigation, the Corps proposes to continue dredging and disposal operations through the summer months.

As it did in ND-006-12, the Corps will implement conservation measures and environmental commitments to avoid and minimize potential project impacts to the California least tern and California grunion. The Corps coordinated with Commission staff and staff from the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game to develop the conservation measures for dredging operations, nearshore disposal, and beach placement.

Ongoing and future dredging operations are designed to allow continued entry into and out of Marina del Rey Harbor by recreational and public safety vessels. Proposed dredged material disposal in the nearshore waters (-20 to -28 feet mean lower low water) off of Dockweiler and Redondo beaches is not expected to adversely affect recreational activities at these locations. However, placement of dredged materials on Redondo Beach will create temporary impacts to public recreation at this location during the upcoming summer season. Disposal pipelines and construction vehicles and equipment used to place dredged sand on the beach will detract from recreational activities (e.g., walking, fishing, sunbathing) popular at this beach. However, sand ramps will be placed over disposal pipelines to allow continued public access to all areas of the beach, except at the immediate point of placement of dredged material. During beach disposal of clean dredged sands, the beach may be temporarily affected by changes in color and the presence of odors associated with these materials. The Corps states that dredged material is usually darker in color and its discharge on the beach will cause temporary adverse impacts. Once the sand dries, it will lighten to match existing beach sands and odors will dissipate. Despite these temporary impacts, the proposed project would significantly improve public access and recreational opportunities at Redondo Beach due to the placement of clean and grain-size compatible sand at this location. In addition, the Los Angeles County Department of Beaches and Harbors, the owner and manager of Dockweiler and Redondo beaches, has approved the placement by the Corps of clean sand on both beaches during the upcoming summer season.

The Commission staff **agrees** with the Corps that the proposed dredging of sediments and their disposal in the Dockweiler and Redondo beaches nearshore zones and on Redondo Beach is similar to the previously authorized project concurred with in CD-035-10 and ND-006-12. The temporary impact from sand placement on Redondo Beach during the summer season (due primarily to the Marina del Rey dredging schedule driven by the restricted time window for disposal of unsuitable sediments at the Port of Long Beach landfill disposal site) is outweighed by the significant benefits arising from nourishing this currently-narrow beach. Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon of the Commission staff at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District
USFWS – Carlsbad Field Office
NMFS – Long Beach Office
CDFG – Long Beach Office

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May 25, 2012

Josephine R. Axt, Ph.D.
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Erin Jones
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: **ND-023-12**, Army Corps Negative Determination, Santa Ana River Marsh Dredging Project, Newport Beach, Orange Co.

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination submitted by the U.S. Army Corps of Engineers (Corps) for the dredging of approximately 80,000 cu. yds. of material from channels in the Santa Ana River Marsh (Marsh) in Newport Beach. The project purpose is to restore the Marsh to its original habitat design and function, and the project would:

- (1) restore the channels that have experienced shoaling to design depths;
- (2) restore tidal circulation and flushing within the Marsh;
- (3) prevent water quality problems and stagnation;
- (4) prevent transition of Marsh habitats, which are used by endangered species;
- (5) provide beach nourishment material for local beaches eroded by littoral processes; and
- (6) include the clearing and grubbing of the California least tern island (tern island) to remove weedy vegetation and restore nesting habitat.

Disposal would be in three ways: beach-compatible material would be disposed of in the nearshore at Newport Beach, open ocean-compatible would be disposed of at LA-3 (the Ocean Dredged Material Disposal Site offshore Orange Co.), and material not compatible for ocean disposal would be excavated under dry conditions and disposed of at an upland landfill. All sediment has been tested in accordance with applicable regulations and determined compatible with the designated disposal areas.

Construction would occur between September 2012 and March 2013 (to avoid impacts to sensitive species). Additional environmental commitments are attached.

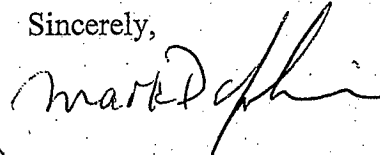
This project is similar to projects previously authorized by the Commission. In 1988 the Commission originally authorized the marsh restoration as part of a flood control/restoration project (the Lower Santa Ana River Mainstem Project (CD-29-88)).

In 2000 the Commission staff authorized maintenance dredging of 500,000 cu. yds. to restore the river channels to design depths, including disposal in the marsh of 20-40,000 cu. yds. of sand to build up a least tern nesting island, and with disposal of the remainder for beach/nearshore replenishment (ND-111-00).

In 2002 the Commission staff authorized removal of vegetation and excavation of approximately 40,000 cubic yards of sediment, to again restore channels to design depth, with beach/nearshore disposal within the Newport Beach groin field (ND-026-02). In 2005 the Commission staff authorized moving the nearshore disposal site (that had been identified in ND-111-00) approximately one-half mile upcoast (ND-034-05).

Under the federal consistency regulations (Section 15 CFR 930.35(a)), a negative determination can be submitted for an activity "which is the same or similar to activities for which consistency determinations have been prepared in the past." The proposed project would benefit environmentally sensitive habitat and, with the attached commitments, is similar to the above-mentioned consistency and negative determinations with which we concurred. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,



(for) CHARLES LESTER
Executive Director

Attachment – Environmental Commitments

cc: Long Beach District Office

Environmental Commitments

General

1. Prior to construction, the Corps will provide a 14-day notification of planned activities to appropriate agencies and the surrounding community, and post information bulletins containing work schedules and work areas at appropriate offices. Project areas and equipment will be appropriately marked and lighted.
2. All dredging, disposal, and construction activities will remain within the boundaries specified in the plans. There will be no disposal of dredge material outside of the project area or within any adjacent aquatic community.

Physical Environment

PE-1. Dredging would only occur in areas with sediments compatible for the nearshore and LA-3, as determined by sediment sampling completed in February 2011 and approved by the EPA. Non-compatible material would be excavated and disposed of at an upland landfill.

Biological Resources

BR-1. The Contractor shall keep construction activities under surveillance, management, and control to minimize interference with and disturbance to fish and wildlife.

BR-2. Construction shall occur between September 15 and March 15, outside the breeding season for birds.

BR-3. Benthic invertebrates shall be sampled in the month prior to and quarterly during the year after construction to survey for re-colonization and any potential impacts from the use of drying agents in the excavation areas. If the benthic invertebrate community has not recovered, the Corps would further coordinate with the resource agencies to evaluate causes of decline, and develop plans for additional monitoring and/or remediation as necessary.

BR-4. All staging areas would be restored with appropriate native vegetation after construction is complete. The staging areas would be monitored and weeded for one year after construction to evaluate the re-establishment of vegetation in those areas, specifically pickleweed. If vegetation is not properly re-establishing, re-planting would be performed.

BR-5. Visual pre- and post-dredge eelgrass surveys would be performed at low tide in the Marsh to document presence or absence of eelgrass. If eelgrass is found in the Marsh, the Corps would coordinate further with NMFS on eelgrass mitigation and monitoring.

BR-6. Equipment and vehicles operating on the beach would drive slowly to allow birds ample time to move away from oncoming equipment. Equipment operators would be trained to avoid birds foraging and roosting on the beach.

Threatened and Endangered Species

TE-1. Pre- and post-dredge vegetation surveys would be performed to document acreage of cordgrass and pickleweed habitat impacted by construction activities.

TE-2. The Marsh channels would be monitored for one year after construction to evaluate the re-establishment of cordgrass. If cordgrass does not re-establish, planting may be performed in appropriate areas based on availability of suitable channel depths.

TE-3. Cordgrass habitat that is known to have been occupied by light-footed clapper rail in the southern Marsh would be left in place.

TE-4. Staging areas, dominant with pickleweed, would be restored after construction is complete as described in BR-4. The large patch of occupied pickleweed habitat in the southern Marsh, east of the least tern island, would remain undisturbed.

TE-5. As in BR-6, equipment and vehicles operating on the beach would drive slowly to allow plovers ample time to move away from oncoming equipment. Equipment operators would be trained to avoid plovers foraging and roosting on the beach.

Water Quality

WQ-1. The Contractor shall keep construction activities under surveillance, management and control to avoid pollution of surface and ground waters.

WQ-2. The Contractor shall implement Water Quality Monitoring, including turbidity (light transmittance), dissolved oxygen, pH, salinity, temperature, and total suspended solids at the dredge and nearshore disposal sites for the duration of the dredging activities. Water quality samples shall be taken from designated areas repeatedly throughout dredging.

WQ-3. pH shall be sampled in the month prior to and quarterly during the year after construction to survey for any potential impacts from the use of drying agents in the excavation areas. If the pH has not recovered to normal levels, the Corps would further coordinate with the resource agencies to evaluate causes of decline, and develop plans for additional monitoring and/or remediation as necessary.

WQ-4. If needed based on water quality monitoring, the Contractor would use turbidity curtains around the dredge to minimize impacts from turbidity to sensitive resources in the Marsh and the Santa Ana River (i.e. eelgrass, benthic invertebrates, fish).

WQ-5. Exchange with the Seminuk Slough would be maintained during excavation activities to ensure the water there does not become stagnant while cut off from the Marsh. Water quality monitoring would be performed in the Slough during dredging and excavation activities to ensure impacts are minimized in that area.

WQ-6. For clearing activities on the least tern island, the crossing would be temporarily improved using gravel or steel plates, which would minimize the equipments' direct contact with the water in the Marsh channel.

WQ-7. Dredging and construction activities would adhere to the requirements and controls set forth by the California RWQCB and the 401 Water Quality Certification.

Air Quality

AQ-1. The Contractor shall obtain and observe all applicable SCAQMD or State Air Resources Board (ARB) permits.

Noise

NO-1. Construction would only occur during daytime hours per the City of Newport Beach's Municipal Code (Section 10.28.040). Construction may occur Monday through Friday between the hours of 7 a.m. and 6:30 p.m. and on Saturday between the hours of 8 a.m. and 6 p.m.

NO-2. Residents would be notified as to when construction would be likely to occur adjacent to their residence.

Land Use and Recreation

LR-1. In the event of any temporary levee bike path or other trail closure, the public would be notified of the closure, and appropriate signs would be posted to ensure safe access and, or, bypass/detour of the affected segment.

LR-2. The Corps shall coordinate with the appropriate agencies/land owners for access and use of the access road to minimize disturbance of routine operations.

Aesthetics

AE-1. The Corps shall replace and restore screening vegetation that is removed along the excavation area. Where possible, in coordination with road property owners, the Corps would restore with native vegetation that would reach equal height, density, and quality for screening purposes.

Cultural

CR-1. Pursuant to 36 C.F.R. § 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property the Contractor shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Contractor shall not resume construction in the area surrounding, i.e., immediately adjacent to, the potential cultural resources until the Corps of Engineers has complied with 36 CFR 800.13.

Traffic

TR-1. The Contractor shall prepare and implement a traffic control plan, per City of Newport requirements, that specifies appropriate traffic control measures for project construction activities, as applicable. The Contractor shall be responsible for obtaining all applicable permits for transporting of material to the upland landfill site.

TR-2. All marine-based equipment shall be properly marked. Appropriate notifications of the proposed work and duration will be made and posted to the U.S. Coast Guard, and other appropriate agencies.