

NOTICE OF DETERMINATION 2020090554

To: Office of Planning and Research
State Clearinghouse
U.S. Mail
P.O. Box 3044
Sacramento, CA 95812
Street Address
1400 Tenth Street
Sacramento, CA 95814
State.clearinghouse@opr.ca.gov

From: Regional Water Quality Control
Board, Santa Ana Region - Lead
Agency
3737 Main Street, Suite 500
Riverside, CA 92501
Contact: Marc Brown
Marc.Brown@WaterBoards.Ca.Gov

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

State Clearinghouse Number: None; no SCH number issued

Project Title: Lower Newport Bay Entrance & Main Channel Maintenance Dredge

Project Applicant: United States Army Corps of Engineers (USACE)

Project Location: Orange County, Lower Newport Bay, Entrance and Main Channel

Project Description:

The Project work entails maintenance dredging of a total of approximately 145,000 cy from two adjacent areas within Lower Newport Bay, City of Newport Beach, Orange County, CA. Proposed dredge operations would remove approximately 68,000 cy of materials from the Entrance Channel and 77,000 cy from the Main Channel Balboa Reach (MCN5). Material would be dredged from the Main Channel Balboa Reach (MCN5) to maintain authorized navigational depths of -20 ft Mean Lower Low Water (MLLW).

Sediments within the Project footprint were sampled and tested in 2018 (Anchor QEA, 2019) to determine suitability for ocean disposal at the LA-3 ODMDS and/or for nearshore placement. Determinations were made by the Permittee and presented to the Southern California Dredged Material Management Team (SC-DMMT) for review and concurrence. The approximately 68,000 cy of sediments from the Project's Entrance Channel area were determined by the SC-DMMT to be suitable for nearshore placement for beach replenishment. Characterized sediments from the Main Channel Balboa Reach (MCN5) were not considered to be suitable for nearshore placement. Therefore, 77,000 cy of dredge materials removed from the Main Channel Balboa Reach (MCN5) location would be disposed at the LA-3 ODMDS.

Dredging activities would be performed by means of a clamshell dredge or a barge-mounted excavator. Nearshore placement would be from a split-hull scow. The clamshell dredge portion of the Project activities would be performed using a derrick mounted on a barge outfitted with a clamshell bucket. Dredged materials would be placed on a scow for transport to the placement and/or disposal site. This method would remove an average of approximately 2,500 cy per day. A barge-mounted excavator outfitted with a backhoe would also be utilized. Dredged materials from this method would also be placed on a scow for transport to the placement and/or disposal site. This method would remove an average of approximately 1,500 cy per day.

The Permittee proposes to survey the Entrance Channel dredge site but not the Main Channel Balboa Reach (MCN5) dredge site for eelgrass and the invasive seaweed *Caulerpa taxifolia*. The City of Newport Beach, however, has recently surveyed that Main Channel Balboa Reach (MCN5) area for eelgrass and *C. taxifolia* and indicated that it is not necessary for the Permittee to survey that area again.

Use of FONSI as CEQA Document: The USACE issued a Finding of No Significant Impact (FONSI) on September 15, 2020 and Draft FONSI on June 27, 2020. The Santa Ana Water Board reviewed the Draft and Final FONSI, and the underlying Draft and Final Environmental Assessment and determined they complied with the CEQA Guidelines. The Santa Ana Water Board used the FONSI in lieu of a mitigated negative declaration.

PUBLIC AGENCY APPROVING PROJECT: This is to advise that the Santa Ana Water Board issued a Clean Water Act Section 401 Water Quality Certification Order No. 302019-07 for the above described Project on September 18, 2019 and has made the following determinations regarding the Project:

1. The Project will not have a significant effect on the environment.
2. A FONSI was prepared for the Project and used in lieu of mitigated negative declaration pursuant to CEQA Guidelines section 15221.
3. Mitigation measures were included as conditions of the USACE's approval of the Project.
4. A mitigation monitoring and reporting plan was adopted by the USACE within the Final EA/FONSI for this project.
5. Determinations were made pursuant to the provisions of CEQA.

This is to certify that the final FONSI is available to the general public at <https://www.spl.usace.army.mil/Media/Public-Notices/Project-Public-Notices/>.

Signature: **David**
Woelfel

Digitally signed by
David Woelfel
Date: 2020.09.29
08:42:56 -07'00'

Title: Senior Environmental Scientist

Date: September 29, 2020

Authority Cited: Public Resources Code Section 2108.3

Reference: Public Resources Code Sections 21000-21174 (CEQA Statute)

Governor's Office of Planning & Research

Sep 29 2020

STATE CLEARINGHOUSE