

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
P O BOX 1450
200 OCEANGATE 10TH FLOOR
LONG BEACH, CA 90802-4325
(562) 590-5071



5-06-117-A2

AMENDMENT TO COASTAL DEVELOPMENT PERMITDate: **October 19, 2012**Permit Application No.: **5-06-117**Issued to: **City of Newport Beach, Attn: Mr. Chris Miller**

for: **Beach nourishment of up to 20,000 cubic yards a year of suitable dredged material from existing dock areas; and replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways.**

at: **Newport Bay, Newport Beach (Orange County)**

has been amended to include the following changes:

Extend the term of approval of the authorizations for dredging, beach nourishment and offshore disposal (at LA-3 only), from October 23, 2011 to March 31, 2014; and modify the boundary of the area approved for such work to include additional areas in Newport Bay that new testing has shown are suitable for beach nourishment and /or offshore disposal. The amendment does not request to extend the authorization for replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways – such development must be separately authorized.

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received or the Commission concurred with the Executive Director's determination of immateriality (Sec. 13166 (b)(2)).

This amendment will become effective upon return of a signed copy of this form to the South Coast District Office. Please note that the original permit conditions are still in effect.

Sincerely,
CHARLES LESTER
Executive Director


By: Karl Schwing
Supervisor, Orange County Area

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: **5-06-117**

Date: 10/24/12 Signature: 

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: October 19, 2012

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STANDARD CONDITIONS:

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 on which the Commission voted on the application. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Date: October 23, 2006

Permit No: 5-06-117

Consistency Certification No. CC-031-06



COASTAL DEVELOPMENT PERMIT
AND FEDERAL CONSISTENCY CERTIFICATION

On **October 12, 2006**, the California Coastal Commission granted to **City Of Newport Beach, Attn: Tom Rossmiller** Coastal Development Permit **5-06-117**, subject to the attached Standard and Special Conditions, **and conditionally concurred with Consistency Certification CC-031-06** for development consisting of: **Consistency Certification CC-031-06: Maintenance dredging under existing docks and off-shore disposal of up to 20,000 cubic yards of dredge material a year; Coastal Development Permit 5-06-117: Beach nourishment of up to 20,000 cubic yards a year of suitable dredged material from existing dock areas; and replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways...**More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County and Los Angeles County, as follows: **Dredging, Beach Nourishment and Docks, Piers and Gangways: Between the shoreline and project line, on beaches and within bay waters, at street ends and in front of bulkheads in lower Newport Bay and within Upper Newport Bay in the bulkheaded areas of Dover Shores, Bayside Village and existing docks at Shellmaker Island, City of Newport Beach, Orange County**

Offshore Disposal: at EPA approved disposal sites known as LA-2 and LA-3 located approximately 6 miles offshore southwest of Point Fermin, Los Angeles County and approximately 4 miles southwest of the entrance to Newport Harbor, Orange County, respectively.

Issued on behalf of the California Coastal Commission on October 23, 2006.

PETER DOUGLAS
Executive Director

By: 
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

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STANDARD CONDITIONS

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 on which the Commission voted on the application. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

SPECIAL CONDITIONS:

- I. **Overall Special Conditions applicable to all uses of Coastal Development Permit (CDP) No. 5-06-117/Federal Consistency Certification (CC) No. CC-031-06:**
 - a. Annual maintenance dredging is limited to 20,000 cubic yards (CY) of material. Individual dredging projects must be no more than 1000 CY. Individual disposal projects must be no more than 1000 CY.
 - b. The City must submit a pre-construction notification and must receive a written authorization for the permittee to proceed from the Executive Director of the Commission before commencing any work.
 - c. The City of Newport Beach Tidelands Administrator shall be the primary Point of Contact (POC) for applicants seeking authorization under CDP No. 5-06-117/Federal Consistency Certification No. CC-031-06 and applications will be screened through this office. Once the POC has determined an application meets the conditions of this CDP and CC, the POC will forward the application to the Executive Director of the Commission along with a written certification for the Executive Director's review and approval. The POC may submit one batch of applications to

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the Executive Director for review and approval once per calendar month; additional submittals per calendar month may be authorized by the Executive Director for good cause. This certification shall include the following information:

- i. Certification letter from the City of Newport Beach Tidelands Administrator confirming the proposed application meets the terms and conditions of CDP No. 5-06-117/Federal Consistency Certification No. CC-031-06 with special emphasis on the presence or absence of eelgrass (*Zostera marina*).
- ii. Maps of the project site including location within the harbor, site address, site assessor's parcel number, site latitude and longitude coordinates (e.g., decimal degree format), as well as to-scale drawings of the proposed action (i.e., plan view and cross-section view of proposed activity), including the boundaries of any proposed sediment dredging and/or disposal work, the location and physical dimensions of any existing docks, floats, piers, pilings and bulkheads and any proposed work thereto requested under this coastal development permit and consistency certification (and general outline of same that is present on adjacent sites), identification of type of construction materials (e.g. concrete, wood (including any chemical treatment) etc.), the location of the bulkhead, project, and pierhead lines, and the general location of any eelgrass beds within or near the work area.
- iii. The proposed area of permanent and temporary impact to coastal waters (in acres or square feet), proposed dredge and/or disposal quantities (in cubic yards), including a detailed estimate of how much material has been dredged from or discharged onto the site through previous activities.
- iv. Photos (minimum of five) of the beach area and the low tide line (i.e., prior to any work) with special emphasis on any areas of eelgrass.
- v. Evidence of California State Lands Commission approval for any work upon land that is not within the City of Newport Beach tidelands grant, which shall consist of a copy of a permit issued by the California State Lands Commission, or letter of permission, or evidence that no permit or permission is required for the development to occur at the proposed site. The City shall inform the Executive Director of any changes to the project required by the California State Lands Commission. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.
- vi. Evidence of the permittees legal ability to undertake the development on any land that is not owned in fee title by the City

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of Newport Beach or County of Orange or upon any land granted to the City or County pursuant to a State Tidelands Grant under which said grant does not specifically authorize the grantee to undertake the proposed activity which shall include written documentation demonstrating that the permittee has the legal ability to undertake the proposed development as conditioned herein. The permittee shall inform the Executive Director of any changes to the project required in obtaining such legal ability. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

- vii. Evidence of Regional Water Quality Control Board approval, which shall consist of a copy of a permit issued by the Regional Water Quality Control Board, or letter of permission, or evidence that no permit or permission is required for the development to occur at the proposed site. The City shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.
- viii. Certification of the following statement by the landowner: "By acceptance of this permit, the landowner acknowledges and agrees that the site may be subject to hazards from waves and erosion."

d. Annual Reporting: The City of Newport Beach shall submit annual reports for the life of this CDP and CC to the South Coast Area Office (Long Beach) of the California Coastal Commission documenting activities authorized under this coastal development permit and consistency certification. Each annual report shall be a cumulative ledger documenting all activities conducted using this CDP and CC to date. The annual report shall be submitted by July 1 of each year. Annual reports from the City shall include:

- i. Number and type of structures repaired, modified, or replaced;
- ii. Summary of dredge operations including:
 - a. Location (Address) of each dredging operation;
 - b. Areas and volumes of material dredged (in acres and CY);
 - c. Disposal location(s) and volumes for each method used (i.e., beach disposal, LA-3, LA-2, or inland site).
- iii. An estimate of the total acreage of coastal waters impacted for each activity type;

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- iv. Summary of any direct and indirect eelgrass impacts for each activity type, and the eelgrass mitigation completed or in progress;
 - v. An updated, to-scale map showing the locations of all activities conducted using this coastal development permit and consistency certification to date.
 - vi. Confirmation of compliance with all special conditions, or a detailed explanation of any special conditions not complied with.
- e. Eelgrass-related requirements: ALL projects proposed for authorization under this CDP and CC shall meet the following requirements:
- i. All projects proposed for authorization under this CDP and CC must be surveyed for presence of eelgrass within the project footprint and out to thirty (30) feet (ft) in all directions from proposed project footprint;
 - ii. This CDP and CC does not apply to work upon any docks, floats, piers, pilings, dredging or beach nourishment projects where eelgrass is found fifteen (15) feet or less (in any direction) from the proposed dredge or dredge material disposal footprint or footprint of any repaired, modified or replaced docks, floats, piers, and pilings;
 - iii. For dredging projects eligible under this CDP and CC, where the dredged material will not be placed on an adjacent beach site or in front of an existing bulkhead (i.e., disposal at a designated offshore disposal site), any eelgrass present at the site must be located greater than 15 feet (in any direction) away from the proposed dredge footprint. No further eelgrass-related monitoring conditions apply in this situation provided the survey remains 'valid' in accordance with Section I.e.vi. below;
 - iv. For dredging projects eligible under this CDP and CC, where the dredged material will be placed on a beach or in front of an existing bulkhead(s), the following eelgrass monitoring requirements apply:
 - a. If eelgrass is not present within 30 feet (in any direction) of the proposed dredge or dredge material disposal footprint, no additional eelgrass monitoring requirements apply;
 - b. If eelgrass is present between 15-30 feet from the proposed dredge material disposal footprint (in any direction), then monitoring of the site for potential eelgrass impacts from disposal operations shall be required. Monitoring shall consist of pre- and post-project transects placed perpendicular to the shoreline and spaced five feet apart which map the eelgrass bed. Enough transects will be used to extend the length of the project footprint. Along each transect, the extent of eelgrass will be measured. Any decrease in eelgrass extent along any transect (pre-project vs. post-project) will constitute an impact.

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The pre-project transects shall be conducted no sooner than 60 days prior to the start of dredging and the post-project transects shall be conducted no later than 30 days following the completion of dredging.

- c. Should the monitoring required in Section I.e.iv.b identify an impact to the mapped eelgrass bed, then mitigation consistent with the provisions of the Southern California Eelgrass Mitigation Policy shall apply. An eelgrass monitoring report will be submitted to the Corps, National Marine Fisheries Service (NMFS), and California Coastal Commission no later than 90 days following completion of dredging. If an impact was detected (as defined above), the report will include a summary of how the Southern California Eelgrass Mitigation Policy will be complied with. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
 - v. For eligible dock, float, pier, and piling repair, modification or replacement projects, any eelgrass present at the site must be located greater than 15 feet (in any direction) away from the proposed project footprint. No further eelgrass-related monitoring conditions apply in this situation provided the survey remains 'valid' in accordance with Section I.e.vi. below
 - vi. For purposes of this CDP and CC all eelgrass survey/mapping efforts must be completed during the active growth phase for the vegetation (typically March through October) and shall be valid for a period of 120 days with the exception of surveys completed in August - October. A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). Work may only occur with a valid survey. If the survey expires prior to commencement of work, a new survey shall be required prior to commencement of any work.
 - vii. Prior to commencement of any activity authorized under this CDP and CC, the boundaries of any eelgrass meadow within 30 feet of the activity shall be marked with buoys so that equipment and vessel operators avoid damage to eelgrass meadows.
- f. Caulerpa-related requirements: ALL projects proposed for authorization under this CDP and CC shall meet the following requirements:
- i. Not earlier than 90 days nor later than 30 days prior to commencement or re commencement of any development authorized under this coastal development permit (the "project"), the permittee shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

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- ii. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
 - iii. Within five (5) business days of completion of the survey, the permittee shall submit the survey:
 - a. for the review and approval of the Executive Director; and
 - b. to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467 4218) or Robert Hoffman, National Marine Fisheries Service (562/980 4043) or their successors.
 - iv. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- g. Construction responsibilities and debris removal. ALL projects proposed for authorization under this CDP and CC shall comply with the following construction-related requirements:
- i. No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;
 - ii. Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
 - iii. No machinery or construction materials not essential for project implementation shall be allowed at any time in the intertidal zone or in the harbor;
 - iv. Sediment for beach nourishment shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;

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- v. If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
 - vi. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - vii. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
 - viii. The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited;
 - ix. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
 - x. Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
 - xi. Prior to commencement of any development that will result in disturbance to bay sediments, the boundaries of any eelgrass meadow within the general project area shall be marked with buoys so that equipment and vessel operators shall avoid damage to eelgrass meadows;
 - xii. Barges and other vessels shall be anchored a minimum of 15 feet from any eelgrass bed. Anchors and anchor chains shall not encroach into any eelgrass bed.
 - xiii. Barges and other vessels shall avoid transit over any eelgrass meadow to the maximum extent practicable. Where transit over eelgrass beds is unavoidable such transit shall only occur during high tides when grounding and potential damage to eelgrass can be avoided.
- h. Term of Authorization for Dredging and Ocean or Beach Disposal: Authorization to dredge and dispose of suitable material at an approved ocean or beach disposal site under this CDP/CC shall expire 5 years from the date of issuance of the CDP/CC. Requests for coverage under this authorization shall be submitted for review and, if authorized by the Executive Director, the development shall be completed within the 5-year period.
- i. Term of Authorization for repair, minor modification, and in-alignment replacement of private, non-commercial docks, floats, and piers: Authorization to repair, modify or replace docks, floats, and piers under this CDP/CC shall expire 3 years from the date of issuance of the CDP/CC. Requests for coverage under this authorization shall be submitted for review and, if authorized by the Executive Director, the development shall be completed within the 3-year period.

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- II. Repair, minor modification, and in-alignment replacement of private, non-commercial docks, floats, and piers:
- a. All areas within the boundaries shown on Exhibit 4 of the September 28, 2006 staff report (herein referred to in these conditions as 'Exhibit 4') are eligible for repair, minor modification, and in-alignment replacement of private, non-commercial docks, floats, and piers, including the Rhine Channel, Newport Island, and Promontory Bay areas (Exhibit 4). No repairs, modifications, replacements or new, moorings, cantilevered patio decks, floating dry docks, marinas, groins, bulkheads/shoreline protective devices, floating buildings, vessel launching facilities, fuel floats, sewage pump-out facilities, or commercial use or facilities of any type are authorized by this permit.
 - b. For the purposes of this permit, replacement of piers, docks, and gangways shall be in-kind and in the existing alignment without exception unless an alternative alignment that complies with the City of Newport Beach's Harbor Permit Policy as of October 2003, Harbor Design Criteria 2006 Edition and Harbor Standard Drawings 2005 Edition and where no "deviation", "exception" or approval of an "alternate" material, design, or method of construction is necessary from the City and is authorized by the California Coastal Commission and the Corps. For this permit, replacement of dock structures can occur seaward of the U.S. Pierhead Line for those dock structures which occur within the areas identified under 'Bayward Location of Piers and Floats' within the City of Newport Beach Harbor Permit Policy adopted as of October 2003 and which were previously authorized to extend seaward of the U.S. Pierhead Line.
 - c. Only concrete piles or steel piles with a non-toxic coating may be authorized under this CDP/CC. Use of any other type of pile is not authorized by this CDP/CC. The permittee shall submit written evidence that all proposed coatings are non-toxic in the marine environment.
 - d. Best Management Practices Program (BMPs). By acceptance of any authorization under this CDP/CC the permittee and all assignees agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:
 - i. Boat Cleaning and Maintenance Measures:
 - a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
 - b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are

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designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized.

- c. The permittee shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

ii. Solid and Liquid Waste Management Measures:

- a. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

iii. Petroleum Control Management Measures:

- a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited.
- b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
- c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

- e. This coastal development permit and consistency certification does not authorize the repair, modification, or in-alignment replacement of any bulkheads/shoreline protective structure as has been authorized in U.S. Army Corps of Engineers Permit No. 54 (File No. 200501233 DPS). Such development shall require separate review and approval by the Commission through the regular coastal development permit/consistency certification process.

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- III. Minor maintenance dredging under and adjacent to previously authorized private, public, and commercial docks, floats, and piers:
- a. For this CDP/CC, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow.
 - b. Under this CDP/CC, dredging operations are limited to -7 feet MLLW with a 1-foot allowable overdraft. Discharge of material dredged from below -8 feet below MLLW (dredging design depth plus overdredge depth), which represents the characterization depth, or dredged from outside the project boundaries (as shown on attached Exhibit 4), is not authorized by this CDP/CC.
 - c. The Rhine Channel, Newport Island, and Promontory Bay areas and the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier) (see excluded areas on Exhibit 4) are not eligible for sediment dredging or disposal operations authorization under this CDP/CC.
 - d. Sediments dredged from areas 1 (except for the excluded areas described in subsection III.c above), 2, 3, and 4 (see areas where dredging is authorized on Exhibit 4) within the proposed project area that are suitable for beach nourishment (i.e. that conform with the "grain size criteria" identified under "Beach disposal (beach nourishment)" in section V of these special conditions below) shall be used for beach nourishment.
 - e. Except for the areas described in subsection III.c above (where dredging and disposal is not authorized), all of the sediments dredged from within the proposed areas 1-4 that are deemed unsuitable for beach nourishment are suitable for ocean disposal as identified under "Offshore (ocean) disposal of dredged material" in Section IV below.
 - f. Dredging operations authorized in this permit shall be limited to the areas with existing authorized docks or bulkheads in Upper and Lower Newport Bay as shown in Exhibit 4. No dredging operation is authorized in any other location under this permit. No more than 1000 CY of dredged material is authorized for dredging operations for any individual project (i.e., any single and complete project with independent utility) proposed for authorization under this CDP/CC. Except as necessary to comply with Special Condition I.g of this authorization, this CDP/CC does not authorize the permanent placement or removal of buoys.

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- g. Sediment Testing Requirements. The Permittee is prohibited from dredging and disposing material in coastal waters that has not been tested and determined by the Commission, in consultation with the Corps and with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for ocean disposal or beach nourishment. Prior to each dredging episode at each individual dredging location and prior to beach nourishment at each nourishment location, the permittee shall sample the material to be dredged and any beach-receiver location for the purpose of determining the physical characteristics of the material. Testing shall be performed consistent with procedures defined in: "Procedures for Handling and Chemical Analysis of Sediment and Water Samples," by Russell H. Plumb (1981), Corps Technical Report EPA/CE-81-1, pages 3-28 to 3-47. The grain size test shall be conducted on a composite of at least one (1) core per one-quarter (1/4) acre area to be dredged and/or at least one (1) core per site for each project, as well as at least one (1) core per receiver beach location. The core depth shall be equivalent to the proposed dredging depth plus any over-dredging. Grain size data shall be reported to the nearest 1% for sand, silt, and clay consistent with procedures defined in: "Procedures for Handling and Chemical Analysis of Sediment and Water Samples," by Russell H. Plumb (1981), Corps Technical Report EPA/CE-81-1, pages 3-28 to 3-47.
- h. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall send a dredging and disposal operations plan to the Corps, EPA, and CCC with the following information:
- i. A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.
 - ii. A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and disposal operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.
 - iii. For this CDP/CC only: see above for sediment testing requirements.
 - iv. A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:
 - a. Dredging and disposal procedures for the dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.

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- b. Dredging and disposal procedures for the material to be dredged from the proposed site.
- c. A schedule showing when the dredging project is planned to begin and end.
- v. A predredging bathymetric condition survey, taken within thirty (30) days before the dredging begins. One of two survey methods can be used:
 - a. Survey taken via lead line, sounding disc, or sounding pole techniques according to Chapter 8 (Manual Depth Measurement Techniques) from the Corps Engineering and Design - Hydrographic Surveying manual (EM 1110-2-1003, published 01 Jan 2002). Each individual project survey using this method will include a minimum of 3 sounding points (adjusted for tide) per individual dock.
 - b. Survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The predredge survey chart shall be prepared showing the following information:
 - i. The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the predredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.
 - ii. The dredging design depth, overdredge depth and the side-slope ratio.
 - iii. The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.
 - iv. Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps may request additional information.
 - v. The predredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.
 - vi. A debris management plan to prevent disposal of large debris at all disposal locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

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- i. The Permittee shall not commence individual dredging operations unless and until the Permittee receives a written authorization to proceed from the Executive Director of the Commission before commencing any work.

- j. The Permittee shall submit a post-dredging completion report to the Executive Director of the Commission within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:
 - i. Permit and project number.
 - ii. Start date and completion date of dredging and disposal operations.
 - iii. Total cubic yards disposed at the authorized disposal site(s).
 - iv. Mode of dredging.
 - v. Mode of transportation.
 - vi. Form of dredged material.
 - vii. Frequency of disposal and plots of all trips to the authorized disposal site(s).
 - viii. Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the authorized ocean disposal site.
 - ix. Percent sand, silt and clay in dredged material: for this CDP/CC only, see sediment testing requirements above.
 - x. A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
 - xi. Pre-dredging hydrographic survey (per special condition III.h above).
 - xii. A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the predredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the predredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.

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IV. Offshore (ocean) disposal of dredged material:

- a. All of the sediments dredged from within Areas 1, 2, 3, and 4 that are deemed unsuitable for beach nourishment are suitable for ocean disposal, with the following exceptions: The Rhine Channel, Newport Island, and Promontory Bay and the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier) (see areas identified on Exhibit 4) are not eligible for sediment dredging or disposal operations authorization under this CDP/CC.
- b. Prior to commencement of ocean disposal, the results of each sampling episode described in Section III.g above shall be submitted for the review and approval of the Executive Director. Dredged material deemed unsuitable for beach disposal/nourishment may be deposited at the approved ocean disposal sites only after the Executive Director has concurred with a City determination that the materials to be dredged have been deemed unsuitable for beach nourishment and are suitable for ocean disposal using the standards in these special conditions. All dredged material deemed unsuitable for beach nourishment shall be disposed of at an approved location according to all federal, state and local regulations. If the disposal site is not located at an approved ocean disposal site and is located in the coastal zone, a separate coastal development permit application shall be filed for the disposal of the material. All contracts involving the subject project shall include the above stated condition of approval.
- c. For this permit, the phrase "ocean disposal operations" shall mean: the transportation of dredged material from the dredging site to the ocean disposal site, proper disposal of dredged material at the central disposal area within the ocean disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.
- d. The ocean disposal sites are demarcated as circles with the center coordinates and radii listed below:

LA-2: 33 degrees 37.10 minutes North Latitude, 118 degrees 17.40 minutes West Latitude (NAD 1983), circular site with radius of 3,000 feet.

LA-3: (coordinates of the soon-to-be permanently designated site, effective October 2005): 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

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- e. In no case will offshore (ocean) or beach disposal be authorized for material dredged below the sediment testing characterization depth (currently -8 MLLW) for any particular site.
- f. No more than 1000 cubic yards of dredged material excavated for an individual dredging project authorized under this CDP/CC are authorized for disposal at either the LA-2 or LA-3 ocean disposal site.
- g. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to the ocean disposal site. The Permittee shall transport dredged material to the ocean disposal site only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.

V. Beach disposal (beach nourishment):

- a. Grain Size Criteria: Material utilized for beach nourishment shall have a sand content that is either i) greater than 80% sand; or ii) at least 75% sand and within 10% of the sand content of the receiver beach. Any material that meets the requirements outlined above for beach nourishment and consists of less than 80% sand shall only be placed upon submerged beach areas (i.e. below the water line).
- b. Prior to commencement of beach nourishment at a site, the results of each sampling episode and beach nourishment compatibility test described in Section III.g above shall be submitted for the review and approval of the Executive Director. Dredged material deemed suitable for beach nourishment may be deposited at the approved deposition sites only after the Executive Director has concurred with a City determination that the materials to be dredged have been deemed "suitable" using the standards in these special conditions. All dredged material deemed "unsuitable" for beach nourishment shall be disposed of at an approved location according to all federal, state and local regulations. If the disposal site is not within an approved ocean disposal site as identified in IV.d above but is located in the coastal zone, a separate coastal development permit application shall be filed for the disposal of the "unsuitable" material. All contracts involving the subject project shall include the above stated condition of approval.
- c. The Rhine Channel, Newport Island, and Promontory Bay areas and the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier) (see excluded areas identified on

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- Exhibit 4) are not eligible for sediment dredging or disposal operations under this CDP/CC.
- d. Beach disposal of material dredged under this CDP/CC is only authorized for beach disposal sites immediately adjacent to or within 1,000 feet of the authorized dredge site.
 - e. In no case will beach disposal be authorized with material dredged below the sediment testing characterization depth (currently -8 MLLW) for any particular site.
 - f. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Executive Director of the Commission for review and approval at least 15 calendar days prior to work in coastal waters. Description of the transport and discharge operations should include, at a minimum, the following:
 - i. Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.
 - ii. A schedule showing when the beach nourishment project is planned to begin and end.
 - iii. A debris management plan to prevent disposal of large debris at all beach discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.
 - iv. The plan shall include the volume of material to be excavated and discharged.
 - v. The plan shall list previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this CDP/CC.
 - g. The City must submit a pre-construction notification and must receive a written authorization to proceed from the Executive Director of the Commission before the permittee may commence any work.
 - h. The permittee shall send one (1) copy of a beach disposal post-discharge report to the Executive Director documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall include:
 - i. CDP/CC number.
 - ii. Identify source of material.
 - iii. Total cubic yards disposed at each beach disposal site.
 - iv. Modes of transportation and discharge.

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- v. Actual start date and completion date of transport and discharge operations.
- i. The Permittee shall implement all appropriate, standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter coastal waters due to beach nourishment operations. Sediment for beach nourishment shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity. If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable.
- j. The permittee will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.
- k. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the U.S.

VI. Inland disposal:

- a. If neither beach disposal nor offshore disposal are available for an individual project proposed under this CDP/CC, such development shall require separate review and approval by the Commission through the regular coastal development permit/consistency certification process.

VII. Mitigation:

- a. This CDP/CC does not authorize significant impacts to aquatic resources. Based on any relevant information, the Executive Director will determine if impacts to aquatic resources have occurred and if mitigation is required. Such development shall require separate review and approval by the Commission through the regular coastal development permit/consistency certification process.