
Santa Ana Regional Water Quality Control Board

PUBLIC NOTICE OF INTENT TO USE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS IN LIEU OF A NEGATIVE DECLARATION

California Environmental Quality Act (CEQA) Lead Agency: California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board)

Project Applicant: U.S. Army Corps of Engineers, Los Angeles District (USACE)

Title: Lower Newport Bay Maintenance Dredging Project

Project Location: Lower Newport Bay, Orange County, and in Pacific Ocean, offshore permitted sediment disposal sites

Project Description. The Santa Ana Water Board is considering an application for a water quality certification under Clean Water Act (CWA) section 401 for a proposed USACE project. The USACE, as part of its continuing program of regular maintenance dredging, proposes to dredge shoaled sediment along a portion of the federal navigation channel of Lower Newport Bay in Orange County to restore the channel to its authorized design depth.

The purpose of the Project is to remove accumulated sediment from two sections in Lower Newport Bay (the Entrance Channel and Main Channel Balboa Reach) to their authorized depths of 20 feet below mean sea level. Approximately 70,000 cubic yards of sediment would be dredged from the Entrance Channel and disposed at the Newport Beach Nearshore Placement Site to provide beach nourishment materials to areas severely eroded by littoral processes. Approximately 90,000 cubic yards would be dredged from the Main Channel Balboa Reach and disposed at the LA-3 Ocean Dredged Material Disposal Site, which is administered by the U.S. Environmental Protection Agency. Both channels would be mechanically dredged using a clamshell and scow or a barge-mounted excavator and scow. The Project would take three to four months to complete.

Regulatory Requirements. The discharge of dredged or fill material to aquatic or marine environments is regulated by the federal Water Pollution Control Act Amendments of 1972, as amended (Clean Water Act) (33 U.S.C. section 1251 et seq.). CWA section 401 requires a project applicant to obtain a state certification (401 Certification) that certifies the resulting discharge from a proposed project will comply with state water quality standards. CWA section 404(b)(1) establishes guidelines for discharge of dredged or fill materials into an aquatic ecosystem.

USACE is required to comply with CWA sections 401 and 404 for its projects that would discharge dredged or fill material to federal waters. The USACE applied for a 401 Certification

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

from the Santa Ana Water Board. The Board's issuance of the 401 Certification is subject to the requirements of CEQA. Pursuant to CEQA Guidelines section 15221, a lead agency should use a Finding of No Significant Impact (FONSI) or environmental impact statement (EIS) prepared pursuant to NEPA rather than preparing a new CEQA document if (1) the FONSI or EIS has been prepared before completion of a negative declaration or environmental impact report for the project, and (2) the FONSI or EIS complies with the CEQA Guidelines.

USACE, as lead agency under NEPA, solicited comments on the environmental impacts of the Project during a scoping meeting held February 27, 2019. USACE subsequently prepared a draft Environmental Assessment (EA) and FONSI and made them available for public review and comment. These draft NEPA documents were posted on USACE's website on June 25, 2020. Based on the draft EA and FONSI and comments received, the USACE is proposing to issue a final EA and FONSI. Pursuant to the draft NEPA documents and subsequent information provided by the USACE, the proposed Project is not anticipated to have a significant impact upon the existing environment or the quality of the human environment. Furthermore, while the USACE does not permit itself under CWA section 404, a 404(b)(1) analysis in Appendix A of the draft EA demonstrates compliance with CWA section 404.

The Santa Ana Water Board has reviewed the draft FONSI and the underlying EA and determined they comply with the CEQA Guidelines. The FONSI describes the environmental setting and the Project and analyzes the potential environmental effects of the Project. The FONSI meets the requirements for a negative declaration specified in CEQA Guidelines section 15071, and the circulation of the EA satisfies the public notice requirements for a negative declaration specified in section 15105. Accordingly, the Santa Ana Water Board hereby provides notice of its intent to use the FONSI prepared for the Project by the USACE in lieu of preparing a negative declaration. This public notice is being circulated pursuant to CEQA Guidelines section 15225.

Review Period. The public comment period begins August 5, 2020 and ends on September 3, 2020. No public meeting will be held.

Document Availability. The EA can be viewed on the <https://www.spl.usace.army.mil/Media/Public-Notices/Article/2231945/spl-2020-0625-nlh-draft-ea-lower-newport-bay-maintenance-dredging/>

How to Comment. Interested parties may provide written comments on the Santa Ana Water Board's intent to use the USACE's NEPA documents in lieu of a negative declaration. Comments must be received by the Santa Ana Water Board no later than 5 p.m. on September 3, 2020 to David.Woelfel@waterboards.ca.gov or sent via U.S. mail to the attention of David Woelfel, Santa Ana Regional Water Quality Control Board, 3737 Main Street Suite 500, Riverside, CA 92501-3348.