FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
(With Changes Referenced in Addendum Incorporated)

SCH # 2005101086

U.S. ARMY CORPS REGIONAL GENERAL PERMIT 67
OPPORTUNISTIC BEACH NOURISHMENT
SOUTHERN CALIFORNIA

May 2006

Lead Agency

State of California
State Water Resources Control Board
Division of Water Quality-Surface Water Regulatory Branch
CalEPA Office Building, 1001 I Street
Sacramento, California 95814

Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

NOTICE OF DETERMINATION

To: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, California 95812-3044

From: State Water Resources Control Board
Division of Water Quality
1001 I Street
Sacramento, California 95814-2828

SUBJECT: Filing of Notice of Determination, in compliance with §21108 of the Public Resources Code.

Project Title: U.S. Army Corps of Engineers' (Corps) Opportunistic Beach Nourishment Regional General Permit 67, 401 Water Quality Certification

State Clearinghouse Number: 2005101086

Contact Person: Bill Orme **Phone:** (916) 341-5464

Project Location: Southern California coast from Morro Bay, San Luis Obispo County, south to the border with Mexico

Project Description:
The Regulatory Branch of the Corps', Los Angeles District (LAD), proposes to streamline the Regulatory procedures in place for permitting beach nourishment activities subject to the Corps' authority under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. LAD proposes to establish Regional General Permit No. 67 (RGP 67) whereby projects meeting Special Conditions may proceed under a project-specific LAD Notice to Proceed. All other projects, or those receiving significant comments from public agencies, would require a Standard Individual Permit.

A State Water Quality Certification (certification) action by the State Water Resources Control Board (State Water Board) on RGP 67 will be taken. Section 401 of the CWA requires that any activity requiring a federal permit or license, which may result in a discharge of pollutants into waters of the United States, requires certification by the appropriate agency. The State Water Board is the certifying agency for projects that apply to more than one Regional Water Quality Control Board area, such as the proposed RGP 67.

The State Water Board is Lead Agency under the California Environmental Quality Act (CEQA), Public Resources Code 21000 *et seq.* The State Water Board has approved this project on July 27, 2006 (Date), and has made the following determinations:

1. ☒ The project will not have a significant effect on the environment.
   ☐ The project will have a significant effect on the environment.

2. ☒ A Negative Declaration was prepared and adopted, pursuant to the provisions of CEQA.
   ☐ A Final Environmental Impact Report has been completed in compliance with CEQA, and has been presented to the decision-making body of this Department for its independent review and consideration of the information, prior to approval of the project.

3. ☒ Mitigation measures were made conditions of project approval.
   ☐ Mitigation measures were not made conditions of project approval.

4. ☒ A Statement of Overriding Considerations was not adopted for this project.
   ☐ A Statement of Overriding Considerations was adopted for this project.

5. ☒ Findings were made on environmental effects of the project.
   ☐ Findings were not made on environmental effects of the project.

The Mitigated Negative Declaration and record of project approval may be examined at the State Water Resources Control Board, located at the CalEPA Office Building, 1001 "I" Street, Sacramento, California 95814.

Darrin Polhemus, Chief
Division of Water Quality

7/31/06
Date

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ADDENDUM

MITIGATED NEGATIVE DECLARATION

I. GENERAL

PROJECT: U.S. Army Corps of Engineers (Corps) Opportunistic Beach Nourishment Regional General Permit No. 67 (RGP 67), 401 Water Quality Certification (certification).

LEAD AGENCY: State Water Resources Control Board (State Water Board)

AVAILABILITY OF DOCUMENTS: The Initial Study (IS)/Mitigated Negative Declaration (MND) were made available throughout the 30-day public review period at:

- State Water Resources Control Board
  CalEPA Office Building, Visitor's Center
  1001 I Street
  Sacramento, CA 95814-2828
  Contact: Bill Orme (916) 341-5464

- Central Coast Regional Water Quality Control Board
  895 Aerovista Place, Suite 101
  San Luis Obispo, CA 93401

- Los Angeles Regional Water Quality Control Board
  320 West 4th Street, Suite 200
  Los Angeles, CA 90013-2343

- Santa Ana Regional Water Quality Control Board
  3737 Main Street, Suite 500
  Riverside, CA 92501-3339

- San Diego Regional Water Quality Control Board
  9174 Sky Park Court, Suite 100
  San Diego, CA 92123-4340

- State Water Resources Control Board website
  http://www.waterboards.ca.gov/cwa401/index.html#multi

II. PROJECT DESCRIPTION

The Regulatory Branch of the Corps, Los Angeles District (LAD), proposes to streamline the Regulatory procedures in place for permitting beach nourishment activities (i.e., discharging fill material to eroding beaches) subject to the Corps' authority under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. LAD proposes to establish a RGP 67 whereby projects meeting Special Conditions may proceed under a project-specific LAD Notice to Proceed. Projects not meeting the criteria and where issues cannot be resolved informally would be required to submit an application for a Standard Individual Permit.

This MND evaluates the potential environmental impacts associated with the LAD proposal pursuant to a certification action by the State Water Board. Section 401 of the CWA requires that any activity requiring a federal permit or license, which may result in a discharge of pollutants into waters of the United States, requires certification by the appropriate agency. The State Water Board is the certifying agency for projects that apply to more than one Regional Water Quality Control Board area, such as the proposed RGP 67 described herein.

III. FINDINGS

An IS has been prepared to assess the proposed project's potential impacts on the environment and the significance of those impacts and is incorporated in this MND. Based on the IS, it has been determined that the proposed project, as limited by the State Water Board's proposed certification conditions, would not have any significant impacts on the environment, once all proposed mitigation measures have been implemented as specified in this MND and agreed to by LAD. This conclusion is supported by the following findings:

- There was no potential for adverse impacts on agricultural resources, land use and planning, mineral resources, population and housing, and public services.
- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: aesthetics, cultural resources, geology and soils, hydrology and water quality, noise, recreation, transportation/traffic, and utilities and service systems.
- Full implementation of the proposed mitigation measures included in this MND would reduce the potential project-related adverse impacts on air quality, biological resources, and hazards and hazardous materials to less than significant level.

IV. MITIGATION MEASURES

The following mitigation measures have been agreed to by LAD and will be included as conditions of the certification and thereby incorporated into and made a part of RGP 67. The conditions of the certification will be fully implemented by the State Water Board to avoid or minimize adverse impacts identified in this MND.

AIR QUALITY

- MITIGATION MEASURES AIR-1

  1. All trucks hauling sand or other loose materials shall be covered or required to maintain at least two feet of freeboard.
  2. All equipment engines shall be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
  3. All operations shall be conducted in compliance with County Air Quality Management District requirements.

BIOLOGICAL RESOURCES

- MITIGATION MEASURES BIO-1

  Turbidity would be monitored by a qualified observer from a high vantage point (likely lifeguard tower) during each day of construction. The observer would map and photograph the extent of turbidity, and note environmental conditions such as wind, weather, rain events, wave activity, etc. If significant water quality impacts are evident, then the dredging operation will be modified or suspended as follows:

  1. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:
     a. the monitor shall immediately advise the Regional Water Board, Corps, the California Department of Fish and Game (CDFG), and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) contacts by telephone or email;
     b. the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge;
     c. if turbidity persists on the third day, the monitor shall commence daily water testing for water clarity and reporting to the Regional Water Board and other agency contacts. Testing shall consist of measuring

transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's Mitigation and Monitoring Reporting Plan (MMRP) or, if this is not submitted, then as part of a Turbidity Monitoring Plan in the RGP 67 application.

2. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

- MITIGATION MEASURES BIO-2

If discharges occur between March 1st and August 31st, applicant will comply with the following:

1. Determine beach habitat suitability for grunion spawning:

   Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than five inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat.

2. If beach is potentially suitable for grunion spawning:

   a. The applicant shall consult with CDFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., halting or re-directing work or creating protective berms). The measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps for review and comment prior to the start of discharge.

   b. A qualified monitor will observe the beach for grunion spawning on the dates of predicted runs (according to the annual CDFG grunion spawning calendar) beginning two to three weeks prior to discharge and extending through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least a three hour duration monitoring period).

   c. If grunion are present, the number of grunion will be estimated within the

project area according to the Walker Scale (Appendix D), and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 2.a. above to avoid significant impacts to grunion spawning.

d. A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.

HAZARDS AND HAZARDOUS MATERIALS

- MITIGATION MEASURES HAZMAT-1

1. All equipment shall be inspected for leaks immediately prior to the start of beach operations and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.
2. The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks and containment and cleanup measures to be followed in the event of a spill.
3. Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully permitted or authorized designation.

V. WATER QUALITY CERTIFICATION CONDITIONS

In addition to the above mitigation measures, the following will also be included as conditions in the certification:

- The Corps shall include the Regional Water Board(s), the California State Lands Commission, and the Coastal Sediment Management Workgroup in the Pre-Construction Notification (PCN) transmittal.
- During the PCN review period, Regional Water Board(s) may require project-specific certification.
- The CDFG and the Coastal Sediment Management Workgroup (CSMW) shall be included with other agencies receiving the Sensitive Aquatic Resource (SAR) survey, including the pre- and post-project monitoring plan and proposal for mitigation for any impacts in the vicinity.
- The following marine resources shall be identified in the SAR survey and addressed in the MMRP: (1) locations of potentially affected Areas of Special

Biological Significance (ASBS); (2) pismo clam (*Tivela stultorum)* beds; and (3) grunion (*Leuresthes tenuis*) spawning beds if discharge occurs between March 1st and August 31st. Discharges of sediment directly into an ASBS shall not occur without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS.

- The project shall have no significant negative aesthetic impact on the receiving beach and/or adjacent ocean waters. Impacts to ocean waters shall be discussed in the Aesthetics Report required by RGP 67.
- Any additional post-discharge monitoring and/or mitigation plans shall be developed by the Corps in consultation with the appropriate Regional Water Board(s), CDFG, U.S. Fish and Wildlife Service (USFWS), and NOAA Fisheries.
- The post-discharge reports shall be submitted in electronic format. Survey and monitoring location information shall be georeferenced with latitude and longitude, or UTMs.
- Any violation of the permit conditions shall be reported to the appropriate Regional Water Board within twenty-four (24) hours.
- Discharges shall comply with applicable provisions of the California Ocean Plan and the Regional Water Board Basin Plans.
- One (1) copy of the post-discharge report shall be sent to the Regional Water Board(s) within thirty (30) days after completion of the discharge operations authorized in RGP 67.

VI. LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING

A total of ten comment letters were received by the State Water Board for the Corps' Opportunistic Beach Nourishment RGP 67, certification Draft MND. These are:

AGENCY LETTERS (CHRONOLOGICAL)

- Letter 1 – Stephen L. Jenkins, Asst. Chief, Division of Environmental Planning and Management, California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825-8202 (dated November 14, 2005)
- Letter 2 – Thomas Napoli, Staff Environmental Scientist, Department of Fish and Game, Marine Region Office, 4665 Lampson Ave, Suite C, Los Alamitos, CA 90720 (dated November 16, 2005)
- Letter 3 – John B. Bahorski, City Manager, City of Seal Beach, City Hall 211 Eighth Street, Seal Beach, CA 90740 (dated November 17, 2005)
- Letter 4 – Michael Flake, Chief, Office of Storm Water Policy, Department of

Transportation, Division of Environmental Analysis, MS 27, P.O. Box 942874, Sacramento, CA 94274-0001 (dated November 18, 2005)

PUBLIC LETTERS

- Letter 1 – Clifton Davenport, California Geological Survey, Project Manager-Coastal Sediment Management Workgroup, 135 Ridgway, Santa Rosa, CA 95401 (dated November 22, 2005)
- Letter 2 – Lesley Ewing, Senior Coastal Planner, California Coastal Commission, 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219 (dated November 22, 2005)
- Letter 3 – Kelly Larvie, Environmental Scientist, California Department of Forestry, 135 Ridgway, Santa Rosa, CA 95401 (dated November 23, 2005)
- Letter 4 – Karen Green, Senior Biologist, SAIC, 10260 Campus Point Court, MS D-4, San Diego, CA 92121 (dated November 21, 2005)
- Letter 5 – Kim Sterrett, Public Beach Restoration Program, CA Department of Boating and Waterways, 2000 Evergreen St., Suite 100, Sacramento, CA 95815 (dated November 22, 2005)
- Letter 6 – Chris Webb, Coastal Scientist, Moffatt & Nichol, 3780 Kilroy Airport Road, Suite 600, Long Beach, CA 90806 (dated November 22, 2005)

VII. SUMMARY OF COMMENTS AND WATER BOARD RESPONSES

Copies of each comment letter received, annotated to show the comment letter number and each individual comment within each comment letter, are attached as Appendix E. The State Water Board, in coordination with the Corps, has prepared the following responses to the comments received.

A. AGENCY COMMENTS

1. California State Lands Commission (CSLC)

a. Sovereign Lands. *Comment:* A project may require a lease if extending onto State-owned sovereign lands (tide and submerged lands) and therefore CSLC assumes such projects will not qualify for RGP 67.

Response: The need for a lease from CSLC would not disqualify an applicant from RGP 67. The applicant may be required to obtain other separate agency approvals, for example, from the Coastal Commission for a Coastal Development Permit. We concur that CSLC should be a reviewing agency for RGP 67. CSLC will be added to the list of agencies receiving the Pre-Construction Notification so that CSLC staff may

determine if a specific project falls within its leasing jurisdiction.

2. California Department of Fish and Game (CDFG)

a. Sensitive Biological Resources. *Comment*: Projects authorized under RGP 67 should not impact sensitive biological resources. Any project that is likely to impact sensitive marine resources should be required to apply for a standard individual permit.

Response: Projects authorized by RGP 67 shall not adversely impact sensitive marine resources. This will be accomplished by avoidance or mitigation in consultation with reviewing agencies. CDFG is a reviewing agency and will have the opportunity to comment on any project specific mitigation measures during the 15-day Pre-Construction Notification Period. Projects not meeting the criteria for RGP 67, or those involving substantial resource issues and/or concerns from resource agencies will be required to apply for a Standard Individual Permit.

b. CDFG Review. *Comment*: CDFG should be included in the review of the Mitigation and Monitoring Plan (MMP) and also be consulted in determining whether mitigation for impacts to aquatic resources may be required based on pre- and post- discharge monitoring results.

Response: We concur that CDFG should be included in both reviews and will include this as a requirement. We will also require consultation with CDFG in connection with any potential grunion and pismo clam impacts (see response to Comment No B.4.c. & B.4.g. below [Public Comments, Karen Green]).

c. Least Tern Breeding. *Comment*: The least tern breeding season typically extends into September. Therefore, the RGP 67 Pre-Discharge Condition stated as follows: "No activities authorized under RGP 67 will be conducted within 1000 yards of a California least tern Sterna antillarum browni, breeding colony from April 1 through August 30th" should be changed to read, "No activities ....from April 1st through September 30th".

Response: We concur that the dates should be changed to April 1st through September 30th and will make this correction in the MND. The U.S. Fish and Wildlife Service (USFWS) also referenced April 1st through September 30th as the least tern breeding season in the USFWS letter of concurrence to the U.S. Army Corps of Engineers (Corps) (see MND Appendix A, USFWS, April 7, 2005).

d. Grunion Mitigation. *Comment*: CDFG concurs with the grunion mitigation measure Bio-2.

Response: Concurrence noted. However, Bio-2 will include additional protective measures as per the response to B.4.c. below (Public Comments, Karen Green).

3. City of Seal Beach

a. Supports. *Comment*: The City of Seal Beach strongly supports and encourages the proposed Regional General Permit 67 and the recommended Mitigation Measures that would become conditions for the issuance of a project specific "Notice to Proceed" by the Los Angeles District of the U.S. Army Corps of Engineers (Corps).

Response: Support for RGP 67 and proposed mitigation measures noted.

4. Department of Transportation

a. Application. *Comment*: The information submittals for an RGP 67 application are not consistent with those required for a stormwater discharge exception to an Area of Special Biological Significance (ASBS).

Response The discharge of stormwater containing waste is fundamentally different than the purposeful deposition of beach sand for coastal restoration. In addition, an exception for a stormwater discharge authorizes a continuous discharge of wastewater. The beach nourishment projects authorized under RGP 67, if allowed in an ASBS, would be short-term activities for restoration purposes. Therefore, the information submittals for these activities would not necessarily be the same.

As stated in the Initial Study (Chapter 3,Section IV, p.23), discharge of sediments into an ASBS shall not occur without approval from a Regional Water Quality Control Board (Regional Water Board) pursuant to California Ocean Plan (Ocean Plan, Section III (E)). The Regional Water Board has been given full authority to approve limited-term activities in ASBS, and therefore an exception by the State Water Resources Control Board (State Water Board) is not required for beach nourishment projects under RGP 67. The Regional Water Board would make a determination based on the provisions of the Ocean Plan, the Basin Plan, and other applicable State and local regulations.

b. ASBS Management. *Comment*: How is it appropriate that one program (ASBS management) prohibits the discharges of wastes, including sediment, while another program (RGP 67) actively promotes sediment addition?

Response: The evaluation of various programs is outside the scope of this environmental analysis, which is limited to identifying possible significant impacts of RGP 67 and proposing how they may be avoided or mitigated.

c. Ocean Plan Prohibition. *Comment*: It is not clear how RGP 67 projects will address the Ocean Plan prohibition, unless they receive an exception to the Ocean Plan. It is also not clear how an exception could be granted.

Response: According to Section III (E)(2) of the Ocean Plan, "Regional

Boards may approve waste discharge requirements or recommend certification for limited-term (i.e. weeks or months) activities in ASBS." Activities under RGP 67 would not necessitate an exception by the State Water Board.

d. Prohibition of Discharge to ASBS. *Comment*: The Initial Study does not appear to fully address the potential impacts in the context of the Ocean Plan's prohibition of waste discharge to ASBS and the requirement to maintain natural water quality.

Response: As stated in the Initial Study (Chapter 3,Section IV, p.23), discharge of sediments into an ASBS shall not occur without approval from a Regional Water Board pursuant to the Ocean Plan, Section III (E). The Regional Water Board would make a determination based on the provisions of the Ocean Plan, the Basin Plan, and other applicable State and local regulations.

e. Data Requirements. *Comment*: Why does this section (Chapter 2.5, p. 10) not reference the same data requirements applicable to those that must seek an exception in order to continue ASBS discharges?

Response: See response to "a. Application" above.

f. Impacts to Water Quality. *Comment*: Section VIII (Chapter 3) concludes that there is (sic) will be less than significant impacts to water quality. This statement is questionable due to the anticipated volume of sediment that may be discharged to ocean waters. Section VIII states,

> *The proposed discharges of dredged or upland-derived fill materials for the purpose of beach nourishment would result in turbidity plumes of variable dimensions.... Turbidity impacts may cause short-term, less than significant impacts to water quality and wildlife habitat and would return to baseline conditions once discharges were complete (p. 36).*

This project does violate water quality standards or waste discharge requirements as defined by the California Ocean Plan. We disagree on the determination that the project will result in "less than significant impact."

Response: For the reasons stated in the MND, the conditions of RGP 67 and the proposed mitigation measures will insure that a project's environmental impacts are less than significant. The mitigation measures, as well as other special conditions noted in the MND, will be adopted as requirements in the water certification. Among the requirements of RGP 67 is the testing of the discharge material to insure compliance with the intent of the Clean Water Act Section 404 (b)(1). No discharge will be permitted if it causes or contributes to violations of any State water quality standard, including those set forth in the Ocean Plan. Further, the Regional Water Boards may require project-specific certification if special

requirements must be enforced to meet water quality objectives (see Chapter 2.5, p8).

g. Clean Sand. *Comment*: The MND states (Chapter 3, Section VIII, p.37):

> *The provisions of the RGP would ensure that the materials suspended through discharge would be clean, beach-quality sand material and beneficial for the environment and public.*

This statement is a concern, as the MND does not appear to provide guidelines on what is deemed "clean" sand material.

Response: The discharge material must test clean per the requirements of the Corps Inland Testing Manual, or be categorically excluded from testing according to the 40 Code of Federal Regulations (CFR) exclusions (see Chapter 2.5, p 8).

h. Impacts to ASBS. *Comment*: Page 36-37, Section VIII has no discussion on potential impacts to ASBS sites. This should provide conditions or evaluate the potential impacts should beach replenishment activities be at or near ASBS sites.

Response: As stated in the Initial Study (Chapter 3,Section IV, p.23), discharge of sediments into an ASBS shall not occur without approval from a Regional Water Board pursuant to Ocean Plan, Section III (E). The Regional Water Board would make a determination based on the provisions of the Ocean Plan, the Basin Plan, and other applicable State and local regulations.

i. Truck Traffic. *Comment*: Transportation/Traffic does not appear to discuss the potential impact of truck traffic because of the need to transport upland-material for beach replenishment. The Department has concerns on the truck traffic and the potential wear on the roadway especially the use of SR-1 to access the beach locations. The coastal roads are narrow and are not typically designed to handle large truck traffic. The Department disagrees with the determination that the project would cause less than significant impact on transportation and traffic.

Response: The applicant is required to submit a Transport and Discharge Plan (Plan) for review and approval. The Plan would describe designated truck routes and trips per day to minimize traffic impacts. The project would result in a temporary increase in truck traffic when material is hauled to the site. However, the short-term, temporary nature of beach nourishment projects would result in less than significant impacts.

j. Special Aquatic Sites (SAS) Locations. *Comment*: Summary of RGP 67 Mitigation Measures (Chapter 5, p. 50) discusses locations of potentially impacted ASBS that shall be identified in the SAS and addressed in the MMRP. It is not clear, however, whether these are the same data requirements applicable to other discharges to ASBS. The SAS locations

are a very limited subclass of potentially impacted biological resources.

Response: The applicant will be required to report the location of any potentially affected ASBSs in the SAS survey report (Chapter 3, Section IV, p. 23). Reporting an ASBS is an additional data item of the SAS survey and must be done regardless if any SASs are identified in the project area. This information, along with other data requirements, is used to determine whether the sediment discharge meets the conditions of RGP 67 and the water certification. As stated in the Initial Study (Chapter 3,Section IV, p.23), discharge of sediments into an ASBS shall not occur without approval from a Regional Water Board pursuant to Ocean Plan, Section III (E). The Regional Water Board would make a determination based on the provisions of the Ocean Plan, the Basin Plan and other applicable State and local regulations.

The discharge of storm water containing waste is fundamentally different than the purposeful deposition of beach sand for coastal restoration. In addition, an exception for a stormwater discharge authorizes a continuous discharge of wastewater. The beach nourishment projects authorized under RGP 67, if allowed in an ASBS, would be short-term activities for restoration purposes. Therefore, the information submittals for these activities would not necessarily be the same.

B. PUBLIC COMMENTS

1. Davenport, Clifton

a. Allowable Fines. *Comment:* Pre-discharge condition #1 requires the source material to be within 10% of the receiving beach, and then provides an example regarding fines on the beach. This could be potentially confusing and actually severely limit the number of small projects that would qualify for the RGP, dependant on how the term "beach" is defined..... However, if the terms "receiving beach and "beach" actually refer to the entire receiver site, which includes the nearshore as well as the dry beach, and pre-existing grain size information is collected along a "profile" from the back beach to closure depth, then deposition of upland source material into the surf zone makes technical sense. In other words, for upland materials placed in the surfzone, the percentage of allowable fines should relate to the reciever site profile, not the "dry" beach.

Response: The Corps has clarified grain size sampling requirements in the draft RGP 67. Pre-existing grain size information will be collected along a "profile" from the back beach to closure depth as you suggest. According to the revised project description, item (2):

The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).

b. Grain Size Distribution. *Comment:* Similarly, I would suggest that the RGP provide for a standardized approach to characterizing receiver site grain size distribution, utilizing a profile analysis and specified number and size of sieves to truly understand pre-existing conditions everywhere the nourishment materials will end up residing. The SCOUP document provides such approach

Response: The Corps has made this change in the draft RGP 67(see response to comment above).

c. CSMW's Database. *Comment*: Part of CSMW's mission is to gather disparate types of information that would be useful for sediment management decision-making. It would be helpful if pre-project site assessment reports were provided to CSMW or its designee for eventual updating of CSMWs statewide geographic database.

Response: We concur that the pre-project site assessment and monitoring reports should be provided to CSMW and will make this a requirement.

d. Small Projects. *Comment:* I understand that the MND is meant to cover "small" projects- those where adverse impacts are expected to be minimal or non-existent. It would be helpful to have some idea of what constitutes small. One response has been projects with < 100,000 cubic yards (and 100,000-1,000,000 defined as mid-sized and large projects as greater than 1 million yards). However, this approach doesn't take into consideration the potential presence of natural resources, wave energy, etc. It might be worthwhile to consider a range of volume (such as 10-100,000) with the caveat that if the project size is in the upper range, project design should include modeling that predicts burial levels below some appropriate level set by the project biologist to preserve resources. Staging (ie smaller volumes placed periodically to minimize adverse conditions) could also be a qualifier for project size.

Response: The environmental analysis in the MND considers all impacts, including magnitude, which would result from RGP 67 projects. All potential significant effects were reviewed and avoidance or mitigation measures that would substantially lessen adverse impacts were proposed. These measures include pre-construction surveys for sensitive resources, transportation and discharge plans, material testing, turbidity monitoring, and responsible agency review and approval prior to Notice To Proceed (NTP), among others. Size of discharge is an important consideration when sensitive resources are present. However, blanket size limitations would unnecessarily exclude larger projects in areas lacking sensitive

resources.

e. Aesthetics. *Comment:* Environmental issues, Aesthetics: just an observation that some projects may need to operate at nighttime to meet schedule or other requirement.

Response: We concur and will change the wording as follows (Chapter 3, Section I. Aesthetics. Discussion (d).):

Delete the following:

~~Since construction will not occur at night, lighting is not an element of this project and no new light sources would be installed. Therefore, there would be no impact from this project~~.

Add the following:

Since any night-time construction lighting would be temporary, the visual impact would be less than significant.

f. Ponto Beach. *Comment:* Page 25, Ponto Beach discussion: wasn't the volume of placed sediment 20,000 cubic yards (vs the 10,000 mentioned therein)?

Response: The study was based on the deposition of 10,000 cy of sand in the swash zone near south Carlsbad, California in April, 1997. The 10,000 cy of sand was derived from 20,000 cy of sand originally placed on the beach in 1995.

2. Ewing, Lesley

a. CSMW Efforts. *Comment:* .....this (RGP 67) should be coordinated better with the CSMW efforts. For example, if all the required studies were to be submitted electronically and to provide a georeferenced code for the study site, then they could become part of the GIS project that is being developed for RSM (Regional Sediment Management by CSMW).

Response: Corps will revise RGP 67 provisions to include CSMW as a reviewing agency and, as such, will furnish CSMW all pre- and post-project reports. RGP 67 application requirements do not include specific mapping requirements, but the State Water Board will include electronic submittals and georeferencing as a condition of the water certification.

b. Sediment Budget Analysis. *Comment:* My second ..... comment relates to Pre-Project Condition #6 that requires a detailed Sediment Budget Analysis. The condition states, "The applicant should be able to demonstrate a net loss of sediment " It seems to me that the RSM effort is trying to get away from site-specific concerns and working towards identification of management efforts that provide for the best use and placement of acceptable sediment throughout the littoral cell. I'd like to

see this condition allow for placement of nourishment quality sediment in those areas identified by an RSM effort as being acceptable receiver sites, regardless of erosion conditions.

Response: This condition has been revised by Corps as follows:

> *The applicant would be required to demonstrate the need for placement of the material at locations determined to be appropriate receiver sites through larger management efforts, i.e., the CSMW, or based on an analysis of known sediment budget data for the receiving beach.*

3. Larvie, Kelly

a. X,Y Coordinates. *Comment:* I agree with Lesley (Ewing): the inclusion of one x,y coordinate should be required.

Response: RGP 67 application requirements do not include specific mapping requirements, but the SB will include electronic submittals and georeferencing as a condition of the water certification.

4. Green, Karen

a. Higher Volume Projects. *Comment:* Project volume and duration of construction should be specified for qualifying for RGP 67. Many impact assumptions of the RGP and MND apply to small projects that are completed over a few days. This is implied by the discussion of short-term turbidity and sedimentation consisting of only a fine layer of burial, typically less than an inch based on evaluation of the Ponto Project. Higher volume projects extending for a week or more would not be expected to meet those same assumptions. This should be clarified in the RGP and/or the RGP limited to small projects that meet criteria based on volume considerations. Because the potential for adverse impacts also relates to what biological habitats and resources occur in the project vicinity, it may be appropriate to consider different volume thresholds in the definition of small projects that are located near versus far from sensitive aquatic sites.

Response: Citing the Ponto Project study was not meant to imply that RGP 67 would be limited to small discharges. An inference was drawn that fine sediments discharged into a high-energy offshore area will behave in a similar manner, i.e., suspend in a plume, be diluted by a large volume of water, and disperse over an extended area resulting in minor amounts of sediment deposits in any given area. As you pointed out, the level of significance of this impact depends not only on the size of discharge, but also on the proximity and type of sensitive natural resources. The proposed avoidance and mitigation measures cited in the

MND will reduce any adverse impacts of beach discharges to a less than significant level. These measures include pre-construction surveys for sensitive resources, transportation and discharge plans, material testing, turbidity monitoring, and responsible agency review and approval prior to NTP, among others. If reviewing agencies determine that the project will have greater than minimal environmental effects, the project would not be eligible for RGP 67.

b. Turbidity Plume. *Comment:* It is recommended that guidance be given as to what defines a significant plume since visual observations of turbidity will be subjective. Besides the environmental conditions listed, turbidity plume observations also may be affected by time of day, sun angle, cloud cover, and plankton blooms. Because environmental conditions have the potential to substantially affect observer ability to assess turbidity plumes, it is recommended that this method be augmented by measurements of turbidity if a project lasts more than a few days (i.e., if mid to large size projects are allowed under the RGP).

It is recommended that any required turbidity measurements be standardized with specification of monitoring locations along a distance gradient up and downcurrent of the project activity, frequency of monitoring, and include biologically relevant measures (e.g., water clarity, light transmission, total suspended solids) as appropriate to the biological resources potentially affected within the project area of influence. A standardized monitoring form is recommended since waste discharge requirement (WDR) monitoring specifications have differed among Regional Boards for projects involving beach nourishment over the past ten years.

Response: We recognize the limitations of visual observations, but believe that visual reconnaissance of turbidity will normally be adequate because we expect that discharges permitted under RGP 67 will not cause turbidity problems. If, however, visual observations indicate a potential problem, we will require additional, quantitative monitoring as described below. The following turbidity monitoring measures will be required in the water quality certification:

1. *If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:*

   a. *the monitor shall immediately advise the Regional Water Board, Corps, CDFG, and National Oceanic and Atmospheric Administration (NOAA) Fisheries contacts by telephone or email;*

   b. *the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity,*

including modifying or halting discharge;

c. *the monitor shall commence, on the third day, daily water testing for water clarity and reporting to the Regional Water Board and other agency contacts. Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). ` Sampling shall be done at mid-depth in the water column. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMP or, if this is not submitted, then as part of a Turbidity Monitoring Plan in the RGP 67 application.*

2. *If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.*

We concur that for RGP 67 projects, a standardized turbidity form would be helpful, and the State Water Board will explore developing such a form in consultation with interested agencies and the public.

c. Grunion Spawning. *Comment:* Mitigation Measure Bio-2 may not be warranted if beach habitat is unsuitable for grunion spawning. It is recommended that the measure be modified to include evaluation of habitat suitability. In addition, I recommend more guidance be given on when to monitor. Finally, it is recommended that pre-coordination with CDFG be conducted to determine appropriate protective measures should grunion be observed during monitoring. The following language is offered for consideration.

Response: We concur that your suggested grunion language adds clarity, and therefore we will adopt the following:

Grunion Protection. If discharges will occur between March and August, applicant will comply with the following:

1. *Determine beach habitat suitability for grunion spawning:*

   Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge to determine suitability to support successful spawning of California grunion (e.g., adequate beach width

above average neap high tide line and/or sand depth greater than 5 inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat.

2. *If beach is potentially suitable for grunion spawning:*

   a. *The applicant shall consult with CDFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., halting or re-directing work or creating protective berms). The measures shall be documented in the MMP, if submitted, or as a separate "Grunion Plan" and transmitted to the Corps, CDFG and the appropriate Regional Water Board for review and comment prior to the start of discharge.*

   b. *A qualified monitor will observe the beach for grunion spawning on the dates of predicted runs (according to the annual CDFG grunion spawning calendar) occurring two to three weeks prior to discharge and extending through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least a three hour duration monitoring period).*

   c. *If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale, and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 2.a. to avoid significant impacts to grunion spawning.*

   d. *A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.*

d. SAS Resources. *Comment:* It is recommended that any project with the potential to adversely impact sensitive aquatic sites (SAS resources as defined in RPG; i.e., eelgrass beds, vegetated reefs with giant or feather boa kelp, large sea fans, sea palms, surfgrass) either must satisfy a definition of a small project or be handled through a Standard Individual Permit.

   Response: If reviewing agencies determine that the project will have greater than minimal environmental effects on SASs, the project would not be eligible for RGP 67.

e. Snowy Plover. *Comment:* The RGP assumption that project beaches are routinely maintained by earthmoving equipment may not apply in all instances where a project is desired. Therefore, additional protective

measures may be appropriate for snowy plover at locations where they occur. The following clarifications are recommended for inclusion in protective conditions for snowy plover:

1. Buffer distance criteria and protective measures for avoidance of wintering concentrations of snowy plover should be specified prior to construction (in consultation with the USFWS) and a qualified monitor should be present during construction to ensure appropriate implementation of pre-approved protective measures on beaches within critical habitat frequented by snowy plover or at beaches with potential high use to ensure that concentrations of the birds are avoided.
2. No burying of kelp or other marine vegetation that provides forage base for western snowy plover should be clarified to include that on the beach. Snowy plover may feed on invertebrates associated with kelp wrack washed onto the beach.

Response: The provisions regarding the protection of snowy plovers were developed through consultations with the USFWS (see Appendix A: Agency Letters) and are considered adequate. The provisions include prohibition of burying kelp or other marine vegetation providing a forage base for snowy plover, 500 yard buffer from breeding plover pairs, and avoidance of wintering snowy plover colonies. The applicant is required to submit a Biological Impact Report documenting how the project will meet the biological requirements of RGP 67 for agency review and comment during the Pre-Construction Notification (PCN. In addition, a construction monitor will be required for multi-day discharge projects.

f. Least Tern. *Comment:* The potential to impact least tern foraging near breeding colonies relates to the nature and duration of turbidity plumes. Turbidity that is confined within the surf zone should not affect foraging least terns since they forage outside the breaker zone. Monitoring during several beach nourishment projects indicate turbidity plumes often are within the surf zone, although rip currents may on occasion carry turbidity beyond the breaker zone (e.g., SANDAG Regional Beach Sand Project, Goleta Beach BEACON Demonstration Project, Surfside-Sunset Project). Therefore, the distance restriction may be overly conservative, particularly for small projects of limited duration. It is recommended that the protective condition be modified as follows:

1. No activities will be conducted with 1,000 yards of a California least tern breeding colony from April 1st through August 30th unless the following mitigation measure is implemented.
2. If project activities are conducted within 1,000 yards of a least tern breeding colony from April 1st through August 30th, turbidity plume, water clarity, and least tern monitoring will be required for the area outside the surf zone. If observations indicate substantially reduced

water clarity (e.g., < 3 ft Secchi disk depth) and/or suggest adverse impacts to foraging (e.g., avoidance of area, unsuccessful foraging dives), the USFWS will be notified and corrective actions taken consistent with pre-approved specifications in the monitoring plan. Appropriate potential corrective actions (e.g., operations halted and/or modified to reduce turbidity) are to be pre-determined with USFWS and included in the monitoring plan. Any required consultation with USFWS during construction will be for the purpose of selecting which of the pre-approved corrective actions are appropriate based on monitoring results. A monitoring report shall be prepared that specifies methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures

Response: The provision regarding the protection of California least tern was developed through consultations with the USFWS (see Appendix A: Agency Letters). We will forward your suggestion to Corps for discussion with the USFWS.

g. Pismo Clams. *Comment:* Pismo clam beds occur in localized areas due to limited larval dispersal capabilities. It is recommended the substantial Pismo clam beds be included in the definition of SAS resources.

Response: We concur that pismo clam beds should be identified. Therefore, we will require in the water quality certification that pismo clam beds be included in the SAS survey. The following pismo clam survey measure will be included in the water quality certification requirements:

Pismo clam beds will be included in the pre-project SAS survey. Applicant shall contact CDFG, Marine Region, prior to the survey to request current information on local populations and appropriate survey methods. The address is:

Department of Fish and Game
Marine Region
4949 Viewridge Avenue
SAN DIEGO, CA 92123
858-467-4231; fax 858-467-4299

5. Sterrett, Kim

a. Fines Fraction. *Comment:* In section 2.5 Description of RGP and under Proposed Special Conditions acceptable beach fill material is defined as sand with a fines fraction within 10 percent of the receiver beach. Fine grained material on beaches fall between 0 - 5%, and is typically on the order of 2-3%. This new definition falls well under what is considered acceptable at the present which is the 80-20 rule. A more realistic standard would be to test the aggregate grain size of the active

beach, typically thought to exist between +12 ft and - 36 ft MLLW, and then add 10 % to that number. Under the proposed scheme, it would be extremely difficult to find sediment anywhere that would meet the new criteria.

Response: The Corps has clarified grain size sampling requirements in the draft RGP 67. Pre-existing grain size information will be collected along a "profile" from the back beach to closure depth as you suggest. According to the revised project description, item (2):

> *The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).*

6. Webb, Chris

a. Definition of Sand. *Comment:* A definition of "sand" should be clearly stated, either by a grain size classification or other suitable means.

Response: The Corps has clarified grain size classifications and sampling requirements in the draft RGP 67. According to the revised project description, item (2):

> *The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).*

The SCOUP includes grain size classifications.

b. Grain Size Compatibility. *Comment:* We suggest increasing the grain size compatibility to 65% sand and up to 35% fines based on natural sediment yield processes. This increase will provide broader opportunities, particularly if the quantities of initial fills are limited to small projects (i.e., total volume of fines in a small project could be less than a larger project with more limited fines percentage).

Response: RGP 67 is not designed for suboptimal beach nourishment material. It is meant for a particular class of material, i.e., material that is at least 80 percent sand and has no more than 20 percent fines.

c. Source Sand. *Comment:* It is unclear what is meant by "and less than 10% sand difference from the receiving beach." What is defined as "sand"? It has been our understanding that the "10% Rule" defines that source sand should be within 10% of the fines (percent passing the No. 200 sieve) of the receiving beach.

Response: It is correct that the 10 percent rule defines that source material should be within 10 percent of the fines (percent passing the No. 200 sieve) of the receiving beach. However, the source material must

also be at least 80 percent sand and have no more than 20 percent fines to qualify for RGP 67.

The textural classes will be consistent with the SCOUP, as follows:

Fine-grained sediments, or fines, consist of silt and clay particles that are smaller than 0.074 millimeters or pass through the No. 200 sieve;

Sand-sized sediments consist of particles between 0.074 millimeters and 4.76 millimeters (No. 200 to No. 4 sieve); and

Coarse-grained sediments, or anything larger than sand (such as pebbles, gravel, cobbles, and boulders) are larger than 4.0 millimeters in diameter and are retained on a No. 4 sieve.

d. Littoral Zone Profile. *Comment:* It is our recommendation that the receiving beach be analyzed across the entire littoral zone profile (approximately +12 to -30 ft MLLW). Grain sizes can vary from near 0% fines at the surf zone to up to 30%+ fines near the depth of closure (typically around -30 ft MLLW). We recommend characterizing the grain size of the receiver beach using a grain size envelope based on taking a composite grain size curve of the coarsest fraction and the finest fraction of the samples collected across a beach profile. This envelope then brackets the range of sediment grain sizes found on the beach and is suitable for comparing against the source material.

Response: The Corps has clarified textural classifications and sampling requirements in the draft RGP 67. According to the revised project description, item (2):

The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).

The SCOUP includes grain size definitions.

e. Aesthetic Impact. *Comment:* The Project Description states that the project shall "have no negative aesthetic impact on the receiving beach." Does this also include short-term aesthetic impacts relating to project construction? If not, then this should be addressed. Aesthetic impacts can be minimized by pushing dark-colored material directly into the surfzone.

Response: Construction impacts on aesthetics were considered temporary and therefore less than significant. RGP 67 requirements will preclude the use of disparate-colored sand if considered a negative aesthetic impact.

f. Chemistry Testing. *Comment:* It is implied that chemistry testing of the receiver site will be required. Chemistry testing of the receiving beach is likely not necessary due to the lack of sources at most sites and the effectiveness of littoral processes to disperse materials and constituents broadly throughout the littoral zone. Sampling and testing of littoral sediments may be costly and potentially prohibitive for many opportunistic projects. Chemical testing of the receiver site was not required for projects at:

1. Seal Beach (1995 and 1998);
2. San Diego Regional Beach Sand Project (SANDAG 2001);
3. Surfside/Sunset Beach (1990, 1995, and 2001 by the USACE);
4. Newport Beach from the Santa Ana River (1992 and 2004 by the USACE);
5. Goleta Beach (2003 by BEACON);
6. Solana Beach (1996 by the City of Solana Beach);
7. Carlsbad Ponto Beach (1996 by the City of Carlsbad);
8. Ponto Beach (1995 by the USACE); and
9. San Clemente (to occur in early 2005 by the City of San Clemente)

Response: RGP 67 does require chemical testing of the receiver site as follows (underlining added):

> *A Draft Sampling and Analysis Plan (SAP) for Tiered testing pursuant to the Inland Testing Manual (ITM) must be submitted to the Corps, U.S. Environmental Protection Agency (USEPA), and the Regional Water Board for approval. The SAP would address tiered testing requirements and sieve analyses. The applicant would be required to examine the source material (upland or dredged) and the receiving beach. In some cases, for dredging projects, the source material may have been separately surveyed as part of a separate 404/10 authorization for the dredging project itself. The applicant is required to conduct bulk chemistry testing of the material pursuant to the agency approved SAP and submit those results to the Corps, USEPA and the Regional Water Board.*

g. Upland Source Material. Comment: It is recommended that upland source material also be considered for placement on the beach, below the Mean High Tide line. At low tide, the material could be pushed as far seaward as possible and left in a low berm below the existing beach berm so that it can be reworked by waves during the following rising tide. The fines will be rapidly winnowed out of the material by waves and currents

and carried offshore and sand will be left behind. This is much less expensive and likely more effective than slurrying the material into the nearshore.

Response: The Corps has revised the condition for the placement of upland source material as follows:

> *Material derived from upland sources must be placed "wet" via slurry discharge or by mechanical direct placement through means that does not "push" the material along the beach. "Wet" is defined as placement where the toe of any mound of material is below Mean Sea Level, and the highest point is at the Mean High Tide line. Any material not dispersed via tidal action at the next high tide will be mechanically reworked until it is dispersed.*

h. Placement. *Comment:* It is recommended to also consider placement of opportunistic materials as a dike along the back of the beach at the toe of existing cliffs if the material is similar to the existing cliff sediments. This placement scenario would provide some additional protection to the existing cliff toe, which in some areas would be extremely beneficial to the upland development.

Response: We will discuss this recommendation with the Corps. Only upland source placement is restricted by RGP 67, so dredged sources could be located as you suggest where appropriate.

i. Equipment Staging. *Comment:* It is recommended to evaluate the equipment staging area on a case-by-case basis. Prohibiting equipment staging within 500 feet of each site may be too constraining for some sites. For example, an opportunistic beach fill is proposed for Surfers Point in Ventura, and the equipment staging area is proposed at a parking lot that is approximately 200 feet from the mean high tide line. This is possible because the parking lot is elevated above the reach of tides and waves, and protected from waves by revetment. Also, the stockpile and staging location at Hueneme Beach is approximately 200 feet from the mean high tide line, and is also elevated above the reach of waves and tides, and protected from waves by revetment. Some sites may be more amenable to different requirements.

Response: RGP 67 states that "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." In addition, mitigation measure Hazmat-1 requires a Spill Prevention, Containment and Countermeasures Plan be prepared that specifies fueling procedures, equipment maintenance procedures, and containment and cleanup measures to be followed in the event of a spill-(see MND Chapter 3, Section VII, Hazards). We will discuss your recommendation with the Corps.

VIII. CORRECTIONS, ADDITIONS, AND DELETIONS

A number of text changes have been made to the U.S. Army Corps of Engineers Opportunistic Beach Nourishment Regional General Permit 67, 401 Water Quality Certification Draft MND. These changes are presented below; strikeouts indicate deletions, and underlines indicated additions to the text. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been noted.

- *Chapter 2.5, Description of RGP, Page 7: change survey name in item #3:*

  A Draft ~~Special Aquatic Site (SAS)~~ Sensitive Aquatic Resource Survey, including a pre- and post-project Mitigation and Monitoring Reporting Plan (MMRP) for any SAS impacts in the vicinity.

Change is result of Corps adding additional sensitive sites to those enumerated in the 404 B(1) Guidelines. These additional sites are eelgrass beds, high-relief reef and low-relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass.

- *Chapter 2.5, Description of RGP, Page 7, first bullet under requirements for permit approval, change sand grain composition percent:*

  Document in the SAP that the proposed material for beach discharge is comprised of at least ~~75 percent~~ 80 percent sand (percent fines [silt and clay fraction] cannot exceed ~~25 percent~~ 20 percent) and that the fines fraction of the discharge material is within 10 percent of the sand on the receiving beach (e.g., if fines on beach are 5 percent, fines in discharge cannot exceed 15 percent);

Change is result of Corps revision of grain size requirements for RGP 67.

- *Chapter 2.5, Description of RGP, Page 8: delete seventh bullet under requirements for permit approval:*

  ~~Meet any additional data needs requested by the reviewing agencies (see Section 2.8 below) including data on upland source material; and~~

Change is result of Corps revision of RGP 67. Corps has added a new and more rigorous requirement for grain size profiling using the "composite envelope approach" for both source and receiver sites.

- *Chapter 2.5, Description of RGP, Page 8: delete and add:*

  The Corps would prepare a Pre-Construction Notification (PCN) transmittal containing detailed information pursuant to the list above, and this transmittal

would be provided to the following agencies for a 15-day comment period: the California Coastal Commission; California Department of Fish and Game (CDFG); State Water Board; appropriate Regional Water Board; Coastal Sediment Management Workgroup (CSMW); USEPA; NOAA Fisheries; and the U.S. Fish and Wildlife Service (USFWS). The State Water Board will also require that the California State Lands Commission (CSLC) be included in the PCN transmittal as a condition of the certification. If any adverse impacts to Essential Fish Habitat (EFH) or threatened or endangered species were identified, the Corps would initiate the required consultations with the resource agencies and consider the need for alternate permitting strategies. Projects not meeting the above criteria, ~~or those involving substantial resource issues and/or concerns from resource agencies~~ and where issues cannot be resolved informally, would be required to submit an application for a Standard Individual Permit.

The first phrase addition is result of Corps adding additional agencies to the PCN transmittal; the second phrase addition is in response to a comment received from CSLC; and the third phrase addition is a Corps' change in wording of the requirement for a Standard Individual Permit in RGP 67 Project Description.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 9, Condition #1,change sand grain composition percent:*

  1. Discharges of fill beach material shall be limited to the volume and grain size distribution specified on a case-by-case basis. The fill material cannot be less than ~~75 percent~~ 80 percent sand....

Change is result of Corps revision of grain size requirements for RGP 67.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 9, Condition #1, delete SAP description and replace:*

  ~~The permittee is required to submit a SAP to the Corps and USEPA and then must receive written approval from the Corps for each proposed use of RGP 67. The SAP will be in accordance with standard ITM tiered testing procedures and will include testing at the source and proposed discharge sites. The SAP would also document sieve analysis.~~

  A Draft SAP for Tiered testing pursuant to the ITM must be submitted to the Corps, USEPA, and the Regional Water Board for approval. The SAP would address tiered testing requirements and sieve analyses. The applicant would be required to examine the source material (upland or dredged) and the receiving beach. In some cases, for dredging projects, the source material may have been separately surveyed as part of a separate 404/10 authorization for the dredging project itself. The applicant is required to conduct bulk chemistry testing of the material pursuant to the agency approved SAP and submit those results to the

Corps, USEPA, and the Regional Water Board.

The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).

Change is result of Corps revision of SAP requirements for RGP 67.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 9, Condition #3, delete and add to first sentence:*

  Materials derived from upland sources must be ~~discharged into the surf zone, subject to other applicable restrictions (location, timing) as required by the Corps~~ placed "wet" via slurry discharge or located by direct placement through mechanical methods that avoid "pushing" the material along the beach. "Wet" is defined as placement where the toe of any mound of material is below MSL, and the highest point is at the MHT line. Any material not dispersed via tidal action at the next high tide will be mechanically reworked until it is dispersed.

Change is result of Corps revision of upland source material discharge requirements for RGP 67.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 9, Condition #4, delete first sentence and replace:*

  ~~A SAS survey is required with the RGP application~~. A Draft Sensitive Aquatic Resource Survey, including a pre- and post-project monitoring plan and proposal for mitigation for any impacts in the vicinity, will be submitted to the Corps, USEPA, Regional Water Board, and NOAA. The State Water Board will also require that the CDFG and the CSMW be included with the agencies receiving these reports.

The change in the first sentence is result of Corps revision of SAS survey requirements for RGP 67; the addition of the second sentence is in response to a comment received from CDFG and CSMW.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 10, Condition #4, sentence 7, delete and add :*

  The MMRP would detail pre- and post-project monitoring of potential affects to SASs. The MMRP would be subject to iteration and comment from the Corps, ~~and the~~ NOAA Fisheries, appropriate Regional Water Board, and other reviewing agencies.

Change is necessary for clarification.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 10, Condition #4, sentence 9, delete and add :*

  The State Water Board will ~~also~~ require ~~that locations of potentially affected Areas of Special Biological Significance (ASBS)~~ that the following marine resources also be identified in the ~~SAS~~ SAR survey and addressed in the MMRP: (1) locations of potentially affected Areas of Special Biological Significance (ASBS); (2) pismo clam (*Tivela stultorum)* beds; and (3) grunion (*Leuresthes tenuis*) spawning beds if discharge occurs between March 1st and August 31st.

Change is due to State Water Board review and in response to comments received from Karen Green.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 10, Condition #6, delete and add:*

  A detailed Sediment Budget Analysis is required that would demonstrate the need for placement of the beach nourishment material at the location proposed based on (1) ~~pre-project sediment budget analysis or~~ the beach being identified in a regional or agency plan (such as CSMW) as an acceptable receiver site, or (2) an analysis of known sediment budget data for the receiving beach from a reasonably recent study~~. The applicant should be able demonstrate~~ that demonstrates a net loss of sediment deposition over the project area. ~~thus, local beach profiles reflect these conditions and show the effects of erosion~~.

Change is result of Corps revision of sediment budget requirements for RGP 67 and also response to a comment received from Lesley Ewing.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 10, Condition #7.c, delete ending date and replace:*

  No activities authorized under RGP 67 will be conducted within 1000 yards of a California least tern, *Sterna antillarum browni,* breeding colony from April 1st through ~~August~~ September 30th.

Change is in response to a comment received from CDFG.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 12, Condition #11, top of paragraph two, delete and add:*

  The permittee shall send one (1) copy of a post-discharge report ~~to the LAD's Regulatory Branch~~ documenting compliance with all general and special conditions defined in RGP 67 to the following agencies: the LAD's Regulatory Branch; the California Coastal Commission; CDFG; State Water Board;

appropriate Regional Water Board; CSMW; USEPA; NOAA Fisheries; and the USFWS. ***(Note: this paragraph is re-numbered as condition #12 in the Final MND)***

Change is a result of Corps revision of post-discharge reporting requirements for RGP 67.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 12, Condition #11, bottom of paragraph two add:*

  The State Water Board will require one (1) copy of the post-discharge report be sent to the Regional Water Board within 30 days after completion of the discharge operations authorized in RGP 67. Also, the State Water Board will require that the reports be submitted in electronic format. Survey and monitoring location information shall be georeferenced with latitude and longitude, or UTMs. ***(Note: this paragraph is re-numbered as condition #12 in the Final MND)***

Change is in response to State Water Board review and comments received from Leslie Ewing and Kelly Larvie.

- *Chapter 2.5, Description of RGP, Proposed Special Conditions of RGP 67, Page 13, Condition #12, add:*

  The permittee will submit the results of post-project monitoring of any SASs, as specified in the MMRP (see #4 above), within 30 days of the discharge as part of the post-discharge reporting requirements (see #11 above). Based on pre- and post-project monitoring results, the Corps will determine the level of impact and if additional resource monitoring is warranted. The State Water Board will also require that any additional monitoring and/or mitigation plans be developed by the Corps in consultation with the appropriate Regional Water Boards, CDFG, USFWS, and NOAA Fisheries. If additional monitoring is required, the Corps will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps' review and approval within 30 days of notification by the Corps. If the Corps determines no impacts, the monitoring program may be terminated at that time. ***(Note: this paragraph is re-numbered as condition #13 in the Final MND)***

Change is in response to a comment received from CDFG.

- *Chapter 3, Section I, Aesthetics, Page 19, Discussion (d), delete and add:*

  ~~Since construction will not occur at night, lighting is not an element of this project and no new light sources would be installed. Therefore, there would be no impact from this project.~~ Since any night-time construction lighting would be temporary, the visual impact would be less than significant.

Change is in response to a comment received from Clif Davenport.

- *Chapter 3, Section IV, Biological Resources , Page 28, Mitigation Measure Bio-1, add:*

  Turbidity would be monitored by a qualified observer from a high vantage point (likely lifequard tower) during each day of construction. The observer would map and photograph the extent of turbidity, and note environmental conditions such as wind, weather, rain events, wave activity, etc. If significant water quality impacts are evident, then the dredging operation will be modified or suspended as follows:

  1. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:
     a. the monitor shall immediately advise the Regional Water Board, Corps, CDFG, and NOAA Fisheries contacts identified below by telephone or email;
     b. the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge;
     c. if turbidity persists on the third day, the monitor shall commence daily water testing for water clarity and reporting to the Regional Water Board and other agency contacts identified below. Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMRP or, if this is not submitted, then as part of a Turbidity Monitoring Plan in the RGP 67 application.
  2. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

Change is due to State Water Board review and a comment received from Karen Green.

- *Chapter 3, Section IV, Biological Resources , Page 29, Mitigation Measure Bio-2, replace:*

~~If beach nourishment activities occur between March and August, a qualified monitor will observe the beach for evidence of grunion runs two to three weeks prior to construction during a predicted grunion run (according to the grunion calendar produced by the CDFG), and immediately prior to construction. If grunion are not present during the predicted runs, no further monitoring will occur. If grunion are present, then consultation with CDFG will be required to determine the appropriate measures to avoid any significant impacts on the grunion spawning.~~

If discharges occur between March 1 and August 31, applicant will comply with the following:

1. Determine beach habitat suitability for grunion spawning:

   Applicant shall evaluate the proposed discharge site no more than thirty (30) days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than five inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat.

2. If beach is potentially suitable for grunion spawning:

   a. The applicant shall consult with CDFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., halting or re-directing work or creating protective berms). The measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps for review and comment prior to the start of discharge.

   b. A qualified monitor will observe the beach for grunion spawning on the dates of predicted runs (according to the annual CDFG grunion spawning calendar) beginning two to three weeks prior to discharge and extending through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least a three hour duration monitoring period).

   c. If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale (Appendix D), and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 2.a above to avoid significant impacts to grunion spawning.

   d. A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective

measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.

Change is due to State Water Board review and a comment received from Karen Green.

- *Chapter 3, Section V!!, Hazards and Hazardous Materials, Page 34, Mitigation Measure Hazmat-1, delete and add to the first two bullets:*

  All equipment shall be inspected for leaks immediately prior to the start of construction, and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.

  ~~The contractor(s) would prepare~~ The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling ~~procedures,~~ and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.

Change is for clarification.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 49, Mitigation Measures Bio-1, Bio-2, and Hazmat-1, have been revised as noted above.*

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, bullet #1, delete and add:*

  ~~Locations of potentially affected ASBSs shall be identified in the SAS and addressed in the MMRP~~. Locations of potentially affected ASBS shall be identified in the SAS and addressed in the MMRP. The following marine resources shall be identified in the SAR survey and addressed in the MMRP: (1) locations of potentially affected ASBS; (2) pismo clam (Tivela stultorum) beds; and (3) grunion (Leuresthes tenuis) spawning beds if discharge occurs between March 1st and August 31st.

Change is due to State Water Board review and a comment received from Karen Green.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification bullet #2, add:*

  The project shall have no significant negative aesthetic impact on the receiving beach and/or adjacent ocean waters. Impacts to ocean waters shall be discussed in the Aesthetics Report required by RGP 67.

Change is due to State Water Board review.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, bullet #3, add:*

  The Corps shall include the Regional Water Boards, the California State Lands Commission, and the Coastal Sediment Management Workgroup in the PCN transmittal.

Change is response t o comments received from the CSLC and the CSMW.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, bullet #4, add:*

  ~~If special requirements must be enforced to meet water quality objectives, Regional Water Boards shall be able to require project-specific certification.~~ During the PCN review period, Regional Water Boards may require project-specific certification.

Change is for clarification.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, add bullet #8:*

  The CDFG and the CSMW shall be included with other agencies receiving the SAR survey, including the pre- and post-project monitoring plan and proposal for mitigation for any impacts in the vicinity.

Change is response to comments received from the CDFG and the CSMW.

- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, add bullet #9:*

  Any additional post-discharge monitoring and/or mitigation plans shall be developed by the Corps in consultation with the appropriate Regional Water Boards, CDFG, USFWS, and NOAA Fisheries.

Change is in response to State Water Board review and to a comment received from the CDFG.

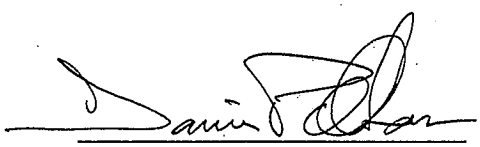
- *Chapter 5, Summary of RGP Mitigation Measures, Page 50, terms of Certification, add bullet #10:*

  The post-discharge reports shall be submitted in electronic format. Survey and monitoring location information shall be georeferenced with latitude and

longitude, or UTMs.

Change is in response to comments received from Lesley Ewing and Kelly Larvie.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the State Water Board has independently reviewed and analyzed the IS/MND for the proposed project and finds that these documents reflect the independent judgment of the State Water Board. As lead agency, the State Water Board also confirms that the mitigation measures detailed in this document are feasible and will be implemented as stated in this MND.



Darrin Polhemus, Chief
Division of Water Quality

5/21/2006
Date

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FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
(With Changes Referenced in Addendum Incorporated)

SCH # 2005101086

U.S. ARMY CORPS OF ENGINEERS' REGIONAL GENERAL PERMIT 67
OPPORTUNISTIC BEACH NOURISHMENT
SOUTHERN CALIFORNIA

May 2006

Lead Agency

State of California
State Water Resources Control Board
Division of Water Quality-Surface Water Regulatory Branch
CalEPA Office Building, 1001 I Street
Sacramento, California 95814

TABLE of CONTENTS

Chapter/Section		Page
1	INTRODUCTION	1
2	PROJECT DESCRIPTION	5
3	ENVIRONMENTAL CHECKLIST	17
	I. Aesthetics	21
	II. Agricultural Resources	22
	III. Air Quality	23
	IV. Biological Resources	25
	V. Cultural Resources	34
	VI. Geology and Soils	35
	VII. Hazards and Hazardous Materials	37
	VIII. Hydrology and Water Quality	39
	IX. Land Use and Planning	41
	X. Mineral Resources	42
	XI. Noise	43
	XII. Population and Housing	45
	XIII. Public Services	46
	XIV. Recreation	47
	XV. Transportation/Traffic	48
	XVI. Utilities and Service Systems	49
4	MANDATORY FINDINGS OF SIGNIFICANCE	51
5	SUMMARY OF RGP 67 MITIGATION MEASURES	53
6	REFERENCES AND PREPARERS	57

Maps

1.	VICINITY MAP OF LAD COASTAL JURISDICTION	6
2.	STATE WATER QUALITY PROTECTION AREAS (ASBS) FOR SO. CAL	26

Appendices

A	AGENCY LETTERS.
B	DRAFT RGP 67 PUBLIC NOTICE
C	LIST OF ACRONYMS
D	GRUNION WALKER SCALE
E	ANNOTATED COMMENT LETTERS

CHAPTER 1
Introduction

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared by the State Water Resources Control Board (State Water Board) staff to evaluate the potential environmental effects of the proposed Regional General Permit No.67 (RGP 67) by the U.S. Army Corps of Engineers (Corps), Los Angeles District (LAD) pursuant to a water certification action. This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 *et seq.*

An IS is conducted by a lead agency to determine if a project may have a significant effect on the environment [CEQA Guidelines §15063(a)]. If there is substantial evidence that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) must be prepared, in accordance with CEQA Guidelines §15064(a). However, if the lead agency determines that revisions in the project plans or proposals made by or agreed to by the applicant mitigate the potentially significant effects to a less-than-significant level, a Mitigated Negative Declaration may be prepared instead of an EIR [CEQA Guidelines §15070(b)]. The lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071.

1.2 LEAD AGENCY

The lead agency is the public agency with primary approval authority over the proposed project. In accordance with CEQA Guidelines §15051(b)(1), "the lead agency will normally be an agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." The lead agency for the proposed project is the State Water Board. The contact person for the lead agency is:

Bill Orme, Environmental Scientist
Water Quality Certification and Wetlands Unit
Division of Water Quality, State Water Board
1001 I Street, 15th Floor, #55C

Sacramento, CA 95814
Questions or comments regarding this IS/MND should be submitted to Bill Orme at the above address.

1.3 Purpose and Document Organization

The purpose of this document is to evaluate the potential environmental effects of discharges authorized by the proposed LAD RGP 67, which are subject to a water certification action by the State Water Board.

This document is organized as follows:

- Chapter 1 - Introduction.
  This chapter provides an introduction to the project and describes the purpose and organization of this document.

- Chapter 2 - Project Description.
  This chapter describes the reasons for the project, scope of the project, and project objectives.

- Chapter 3 – Initial Study Checklist.
  This chapter presents the Environmental Checklist (Initial Study) of environmental effects, identifies, and evaluates the significance of potential environmental impacts. Mitigation measures are incorporated, where appropriate, to reduce potentially significant impacts to a less-than-significant level.

- Chapter 4 - Mandatory Findings of Significance
  This chapter identifies and summarizes the overall significance of any potential impacts to natural and cultural resources, cumulative impacts, and impact to humans, as identified in the IS.

- Chapter 5 –Summary of RGP Mitigation Measures
  This chapter summarizes the mitigation measures incorporated into the project as a result of the Initial Study.

- Chapter 6- References.
  This chapter identifies the references and sources used in the preparation of this IS/MND. It also provides a list of those involved in the preparation of this document.

1.4 SUMMARY OF FINDINGS

Chapter 3 of this document contains the Environmental Checklist (Initial Study) that identifies the potential environmental impacts (by environmental issue) and a brief discussion of each impact resulting from implementation of the proposed project. Based on the Initial Study and supporting environmental analysis provided in this document, the proposed LAD RGP 67, as limited by the State Water Board's proposed certification conditions, would result in less-than-significant impacts for the following issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

In accordance with §15064(f)(2) of the CEQA Guidelines, a MND shall be prepared if the proposed project will not have a significant effect on the environment after the inclusion of mitigation measures in the project. Based on the available project information and the environmental analysis presented in this document, there is no substantial evidence that, after the incorporation of mitigation measures, the proposed project would have a significant effect on the environment. It is proposed that a MND be adopted in accordance with the CEQA Guidelines.

CHAPTER 2
Project Description

2.1 INTRODUCTION

The Corps' Regulatory Branch, LAD proposes to streamline the Regulatory procedures in place for permitting of beach nourishment activities (i.e., discharging fill material to eroding beaches) subject to the Corps' authority under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA) within the LAD. Beach nourishment projects help address the problems of sediment deficits and coastal erosion on local beaches in the area. In addition, these projects provide an opportunity for the beneficial reuse of dredged material in accordance with State policies and the Corps' program for Regional Sediment Management (RSM).

2.2 PROJECT LOCATION

RGP 67 includes beach nourishment activities involving discharges of dredged or upland source material on the coastline within the Corps' LAD. This jurisdiction includes the coastal area extending from Morro Bay south to the border with Mexico.

For a map of the LAD boundaries, visit the website:
http://www.spl.usace.army.mil/regulatory/lad.jpgThe

2.3 BACKGROUND AND NEED FOR THE PROJECT

Beach nourishment activities derive material from dredge projects and from upland sources. LAD seeks to streamline the regulatory framework and standardize Special Conditions (Conditions) across LAD, thereby protecting aquatic resources and simultaneously decreasing the processing time for projects meeting the requirements for authorized projects. LAD proposes to establish a RGP whereby projects meeting the Conditions may proceed under a project-specific LAD Notice to Proceed (NTP). All other projects, or those receiving significant comments from public agencies, would require a Standard Individual Permit.

2.4 PROJECT OBJECTIVES

The major objectives of this project are to:

1. Streamline the LAD Regulatory procedures for permitting of beach nourishment activities subject to the Corps' authority under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act;
2. Address sediment deficits and coastal erosion on local beaches; and
3. Provide an opportunity for beneficial reuse of dredged material in concert with State policies and the Corps' program for RSM.

2.5 DESCRIPTION OF RGP 67

RGP 67 is designed to obtain surplus sand from upland construction, development, or dredging projects in the region and place it on local beaches for nourishment purposes. The purpose is to capitalize on opportunities to obtain beach-quality sand from construction projects and other sources when it becomes available. In order to qualify for RGP 67 and subsequent issuance of a NTP, an applicant would be required to submit the following information as part of a complete application:

1. A Draft Sampling and Analysis Plan (SAP) for tiered testing pursuant to the Inland Testing Manual ([ITM] *Evaluation of Dredged Material Proposed for Discharge in the Waters of the U.S.-Testing Manual, U.S. Environmental Protection Agency [USEPA] reference 823-B-98-004, Corps' Office of Water, February 1998).*
2. A Report on the Aesthetic Qualities of the proposed discharge material, with a comparison to those qualities of the receiving beach in a qualitative fashion.
3. A Draft Sensitive Aquatic Resource (SAR) Survey, including a pre- and post-project Mitigation and Monitoring Reporting Plan (MMRP) for any Special Aquatic Site (SAS) impacts in the vicinity.
4. A Sediment Budget Analysis that would demonstrate the need for placement.
5. A Biological Impact Report to document how the project would meet the RGP 67 activity restrictions to avoid impacts to plants and animals listed or proposed for listing as threatened or endangered under the federal or California Endangered Species Acts.
6. A Transport and Discharge Plan that details the operational procedures for the transport and discharge for all sediments.

To obtain permit approval, the project would have to:

- Document in the SAP that the proposed material for beach discharge is comprised of at least 80 percent sand (percent fines [silt and clay fraction] cannot exceed 20 percent) and that the fines fraction of the discharge

material is within 10 percent of the sand on the receiving beach (e.g., if fines on beach are 5 percent, fines in discharge cannot exceed 15 percent);

- Test clean per the requirements of the ITM or be categorically excluded from testing according to 40 Code of Federal Regulations (CFR) 230.60 (a) and (d);
- Have no significant negative aesthetic impact on the receiving beach. The State Water Board will require that this also applies to adjacent ocean waters;
- Not adversely impact any SAS and/or provide adequate mitigation and post-project monitoring to address such impacts in consultation with National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries);
- Meet the restrictions on impacts to endangered species (see Section 2.5, Pre-Discharge Condition #7);
- Prove a need for the discharge with sediment budget analyses;
- Provide a Coastal Consistency Certification from the California Coastal Commission.
- The State Water Board will also require that discharges comply with applicable provisions of the California Ocean Plan and the Regional Water Board Water Quality Control Plans (Basin Plans).

The Corps would prepare a Pre-Construction Notification (PCN) transmittal containing detailed information pursuant to the list above, and this transmittal would be provided to the following agencies for a 15-day comment period: the California Coastal Commission ; California Department of Fish and Game (CDFG); State Water Board; appropriate Regional Water Quality Control Board (Regional Water Board), Coastal Sediment Management Workgroup (CSMW), U.S. Environmental Protection Agency (USEPA), NOAA Fisheries, and the U.S. Fish and Wildlife Service (USFWS). The State Water Board will also require that the California State Lands Commission (CSLC) be included in the PCN transmittal as a condition of the certification. If any adverse impacts to Essential Fish Habitat (EFH) or threatened or endangered species were identified, the Corps would initiate the required consultations with the resource agencies and consider the need for alternate permitting strategies. Projects not meeting the above criteria, and where issues cannot be resolved informally, would be required to submit an application for a Standard Individual Permit.

The State Water Board will reserve the Regional Water Boards' right to require project-specific certification if special requirements must be enforced to meet water quality objectives.

For projects meeting all criteria and not involving substantial resource issues and/or

concerns from resource agencies, the Corps would issue a NTP.

Proposed Special Conditions of RGP 67

The permittee must meet the following Conditions of RGP 67:

Pre-Discharge Conditions:

1. Discharges of fill beach material shall be limited to the volume and grain size distribution specified on a case-by-case basis. The fill material cannot be less than 80 percent sand, and the fines fraction (silt and clay) must be within 10 percent of the sand on the receiving beach (e.g., if fines on beach are 5 percent, fines in discharge cannot exceed 15 percent). No discharge of fill material is authorized until the Corps has provided a Final NTP according to the requirements below.

   A Draft Sampling and Analysis Plan (SAP) for Tiered testing pursuant to the ITM must be submitted to the Corps, USEPA, and the Regional Board for approval. The SAP would address tiered testing requirements and sieve analyses. The applicant would be required to examine the source material (upland or dredged) and the receiving beach. In some cases, for dredging projects, the source material may have been separately surveyed as part of a separate CWA Section 404/RHA Section 10 authorization for the dredging project itself. The applicant is required to conduct bulk chemistry testing of the material pursuant to the agency approved SAP and submit those results to the Corps, USEPA and the Regional Water Board.

   The applicant will prepare a source and receiver site grain size profile using the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP).

2. If source material is to be dredged from RHA Section 10 waters of the U.S., separate authorization under RHA Sections 10 and/or CWA Section 404 will be required. If source material is to be dredged/excavated from non-RHA Section 10 waters of the U.S., separate authorization under CWA Section 404 may be required.

3. Materials derived from upland sources must be placed "wet" via slurry discharge or located by direct placement through mechanical methods that avoid "pushing" the material along beach. "Wet" is defined as placement where the toe of any mound of material is below Mean Sea Level (MSL), and the highest point is at the Mean High Tide (MHT) line. Any material not

dispersed via tidal action at the next high tide will be mechanically reworked until it is dispersed.

4. A Draft Sensitive Aquatic Resource Survey, including a pre- and post-project monitoring plan and proposal for mitigation for any impacts in the vicinity, will be submitted to the Corps, USEPA, Regional Water Board, and NOAA. The State Water Board will also require that the CDFG and the CSMW be included with the agencies receiving these reports. The survey would identify the habitat types immediately adjacent to and downcoast of the proposed discharge, as well as delineate any SASs with potential to be impacted by the proposed discharge. For purposes of RGP 67, SASs are defined to include eelgrass beds, high-relief reef and low-relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass. If SASs are present in the project area, then a MMRP will be submitted for Corps' review and approval at least 30 days prior to work in waters of the U.S. No work in waters of the U.S. is authorized until the permittee receives written approval of the MMRP from the Corps. The MMRP would detail pre- and post-project monitoring of potential affects to SASs. The MMRP would be subject to iteration and comment from the Corps, NOAA Fisheries, appropriate Regional Board, and other reviewing agencies. The MMRP would identify monitoring protocol, reporting protocol, and contingency operations to evaluate potential changes in turbidity/sedimentation, water quality, and biology within the proposed discharge site and the adjacent offshore area. The State Water Board will require that the following marine resources also be identified in the SAR survey and addressed in the MMRP: (1) locations of potentially affected Areas of Special Biological Significance (ASBS); (2) pismo clam (*Tivela stultorum)* beds, and (3) grunion (*Leuresthes tenuis*) spawning beds if discharge occurs between March 1st and August 31st. Discharges of sediment shall not occur directly into an ASBS without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS.

5. The applicant is required to report on the aesthetic qualities of the proposed discharge, with a comparison to those qualities of the receiving beach in a qualitative fashion. The State Water Board will require that the project shall have no significant negative aesthetic impact on the receiving beach and/or adjacent ocean waters. Impacts to ocean water shall be discussed in the Aesthetics Report required by RGP 67.

6. A detailed Sediment Budget Analysis is required that would demonstrate the need for placement of the beach nourishment material at the location

proposed based on (1) the location being identified in a regional or agency plan (e.g., the CSMW) as an acceptable receiver site, or (2) an analysis of known sediment budget data for the receiving beach from a reasonably recent study that demonstrates a net loss of sediment deposition over the project area

7. A Biological Impact Report is required to document how the project would meet the following RGP 67 activity restrictions to avoid impacts to plants and animals listed or proposed for listing as threatened or endangered under the federal or California Endangered Species Acts:
    a. No activities authorized under RGP 67 will be conducted within 500 yards of breeding Western snowy plover, *Charadrius alexandrinus nivosus,* from March 1st through September 30th.

    b. No activities authorized under RGP 67 will adversely impact EFH, including the burying of kelp or other marine vegetation that provides a forage base for Western snowy plover. EFH means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq).

    c. No activities authorized under RGP 67 will be conducted within 1000 yards of a California least tern, *Sterna antillarum browni,* breeding colony from April 1st through September 30th.

    d. Activities will avoid wintering concentrations of Western snowy plovers.

    e. Activities will avoid impacts to light-footed clapper rail habitat, *Rallus longirostris levipes,* and shall not occur within 500 yards of occupied rail habitat during the breeding season.

    f. No activities will occur within any estuary or lagoon.

    g. In order to avoid impacts to the grunion, *Leuresthes tenuis*, dredging and deposition of material will normally be restricted to the period between September 1st and February 28th. (Grunion are nearshore fish that lay their eggs on sand beaches during extreme nighttime high tides between March and August). If dredging or deposition outside this window is required, applicants will be required to assess a schedule of predicted runs according to a grunion calendar produced by the CDFG and not discharge less than 24 to 72 hours prior to a predicted run. Discharges will not be allowed immediately following a documented run. (In addition, mitigation measure Bio-2 includes other requirements including consultation with CDFG when discharging to a beach with grunion present-see Chapter 3, Section IV. Biological

Resources).

8. A detailed description of the transport and discharge operations authorized by RGP 67 will be submitted to the Corps at least 30 days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:

    a. Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.

    b. A schedule showing when the beach nourishment project is planned to begin and end.

    c. A debris management plans to prevent disposal of large debris at all discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

    d. The volume of material to be excavated and discharged.

    e. If permittee has used RGP 67 previously, then provide a list of previous discharges for all locations by site, date, and volume, as well as the total volume of material, which has been excavated.

<u>During Construction Activity:</u>

9. 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.

10. 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. (In addition, mitigation measure Hazmat-1 requires a Spill Prevention, Containment and Countermeasures Plan be prepared that specifies fueling procedures, equipment maintenance procedures, and containment and cleanup measures to be followed in the event of a spill-see Chapter 3, Section VII, Hazards).

11. If a violation of any permit condition occurs during discharge operations, the permittee shall report such violations to the LAD's Regulatory Branch within twenty-four (24) hours after the violation occurs. If the permittee retains any

contractors to perform any activity authorized by RGP 67 or to monitor compliance with this permit, the permittee shall instruct all such contractors that notice of any permit violations must be provided to the permittee immediately so the permittee can report the violation as required. The State Water Board will require that any violations of the permit conditions be reported to the appropriate Regional Water Board within 24 hours.

Post-Discharge Conditions:

12. The permittee shall send one (1) copy of a post-discharge report documenting compliance with all general and special conditions defined in RGP 67 to the following agencies: LAD's Regulatory Branch,California Coastal Commission; CDFG; State Water Board; appropriate Regional Water Quality Control Board, CSMW, USEPA; NOAA Fisheries, and the USFWS. The post-discharge report shall be sent within 30 days after completion of the discharge operations authorized in RGP 67. The State Water Board will require one (1) copy of the post-discharge report be sent to the Regional Water Board within 30 days after completion of the discharge operations authorized in RGP 67. Also, the State Water Board will require that the reports be submitted in electronic format. Survey and monitoring location information shall be georeferenced with latitude and longitude, or UTMs.

    The post-discharge report shall include:

    a. All information collected by the permittee as required by the special conditions of RGP 67. The report shall indicate whether all general and special permit conditions were met. Any violations of RGP 67 shall be explained in detail.

    b. The post-discharge report shall include the following information:

        i. Corps' permit number.
        ii. Total cubic yards disposed at each discharge site.
        iii. Modes of transportation and discharge.
        iv. Form of discharged material and percent sand, silt and clay in the dredged material.
        v. Actual start date and completion date of transport and discharge operations.
        vi. Monitoring results.

13. The permittee will submit the results of post-project monitoring of any SASs, as specified in the MMRP (see #4 above), within 30 days of the discharge as part of the post-discharge reporting requirements (see #11 above). Based on pre- and post-project monitoring results, the Corps will determine the level of impact and if additional resource monitoring is warranted. The State Water Board will also require that any additional monitoring and/or mitigation plans be developed by the Corps in consultation with the appropriate Regional Water Boards, CDFG, USFWS and NOAA Fisheries. If additional monitoring is required, the Corps will notify the permittee of this requirement and the permittee shall submit a supplemental monitoring plan for Corps' review and approval within 30 days of notification by the Corps. If the Corps determines no impacts, the monitoring program may be terminated at that time.

14. Based on pre- and post-project monitoring results, the Corps will determine if mitigation is required for impacts to aquatic resources. Any required mitigation would be the responsibility of the permittee and failure to implement Corps specified mitigation would result in enforcement proceedings.

2.6 Project Construction Period

The construction period for dredging and deposition of material under RGP 67 would be limited to September 1st to February 28th to avoid impacts to the grunion. If dredging outside this window is required, permittees will be required to implement avoidance measures as described above (see Pre-Discharge condition 7(g.) above)

2.7 Consistency with Local Plans and Policies

Any beach nourishment activity pursued pursuant to RGP 67 would require Coastal Consistency Certification from the California Coastal Commission.

2.8 Discretionary Approvals

The Corps has approval authority for the proposed RGP 67. The following are the Responsible and Trustee Agencies:

• State Water Board • Regional Water Boards--Regions 3, 4, 8, and 9	• Water Quality Certification • State Waste Discharge Requirements for a specific discharge (possibly); • Water Quality Certification for a specific discharge (possibly) • Review/approval of various RGP requirements
• California Coastal Commission	• Consistency Determination--Certification of Consistency with Coastal Zone Management Act • Coastal Development Permits (possibly)
• State Office of Historic Preservation	• Responsible for administration of federally and State mandated historic preservation programs
• USEPA	• Review/approval of project-specific pre-discharge RGP conditions
• USFWS	• Responsible for Endangered Species Act consultations
• NOAA Fisheries	• Responsible for EFH consultations

CHAPTER 3
Environmental Checklist

PROJECT INFORMATION

1.	Project Title:	General Permit 67 for Opportunistic Beach Nourishment in Southern California by the Regulatory Branch, Los Angeles District (LAD), US Army Corps of Engineers (Corps)
2.	Lead Agency Name & Address:	State Water Resources Control Board Division of Water Quality-Surface Water Regulatory Branch 1001 I Street Sacramento, California 95814
3.	Contact Person & Phone Number:	Bill Orme, (916) 341-5464
4.	Project Location:	Coastal jurisdiction of LAD, Corps
5.	Project Proponent Name & Address:	Regulatory Branch, LAD, Corps P.O. Box 532711 Los Angeles, California 90053-2325 (contact : Joshua L. Burnam)
6	General Plan Designation:	N/A
7.	Zoning:	N/A
8.	Description of Project:	The Regulatory Branch, LAD, Corps proposes to streamline the Regulatory procedures for permitting of beach nourishment activities within the LAD to address sediment deficits and coastal erosion on local beaches and provide a beneficial reuse of dredged material in concert with State policies and the Corps' Regional Sediment Management Program.
9.	Surrounding Land Uses & Setting:	Activities to be considered for opportunistic beach nourishment may occur in or next to any coastal waters in the LAD which meet permit requirements and conditions
10.	Required Agency Approvals :	See Chapter 2, Section 2.8

1. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	☒ None

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared. ☐

I find that, although the original scope of the proposed project **COULD** have had a significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared. ☒

I find that the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared. ☐

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents. ☐

I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required. ☐

Will Orme — 5/21/2006

Bill Orme
Environmental Scientist
State Water Resources Control Board

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers, except "No Impact", that are adequately supported by the information sources cited. A "No Impact" answer is adequately supported if the referenced information sources show that the impact does not apply to the project being evaluated (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on general or project-specific factors (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must consider the whole of the project-related effects, both direct and indirect, including off-site, cumulative, construction, and operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether that impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate when there is sufficient evidence that a substantial or potentially substantial adverse change may occur in any of the physical conditions within the area affected by the project that cannot be mitigated below a level of significance. If there are one or more "Potentially Significant Impact" entries, an Environmental Impact Report (EIR) is required.

4. A "Mitigated Negative Declaration" (Negative Declaration: Less Than Significant with Mitigation Incorporated) applies where the incorporation of mitigation measures, prior to declaration of project approval, has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact with Mitigation." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR (including a General Plan) or Negative Declaration [CCR, Guidelines for the Implementation of CEQA, § 15063(c)(3)(D)]. References to an earlier analysis should:

   a) Identify the earlier analysis and state where it is available for review.

   b) Indicate which effects from the environmental checklist were adequately analyzed in the earlier document, pursuant to applicable legal standards, and whether these effects were adequately addressed by mitigation measures included in that analysis.

   c) Describe the mitigation measures in this document that were incorporated or refined from the earlier document and indicate to what extent they address site-specific conditions for this project.

6. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist or appendix (e.g., general plans, zoning ordinances, biological assessments). Reference to a previously prepared or outside document should include an indication of the page or pages where the statement is substantiated.

7. A source list should be appended to this document. Sources used or individuals contacted should be listed in the source list and cited in the discussion.

8. Explanation(s) of each issue should identify:
   a) the criteria or threshold, if any, used to evaluate the significance of the impact addressed by each question **and**
   b) the mitigation measures, if any, prescribed to reduce the impact below the level of significance.

ENVIRONMENTAL ISSUES

I. AESTHETICS.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

a-c) A beneficial effect on scenic vistas is anticipated by placing sand on eroded beaches and creating greater sand cover. Discharge of opportunistic fill materials might have an effect on the aesthetic quality of the receiving beach due to variations in color and grain size. The proposed RGP 67 is predicated on discharges having no negative aesthetic impact on the receiving beach. A report comparing the aesthetic qualities of the discharge material to the receiving beach is required in the RGP 67 application. Projects with a negative impact on aesthetics would not qualify for RGP 67 (see Section 2.5 Project Description, item 2). During the construction period, there would be some decrease in the visual appeal of the project area due to the presence of heavy equipment. Turbidity of ocean waters could also occur if sediments are discharged into the surf-zone. However, since these impacts would be temporary, the impact would be less than significant.

d) Since any night-time construction lighting would be temporary, the visual impact would be less than significant.

II. AGRICULTURAL RESOURCES.

WOULD THE PROJECT*:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

* In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model for use in assessing impacts on agricultural and farmland.

Discussion

a-c) The beach nourishment activities associated with RGP 67 do not involve any change of use and will have no effect on any category of California Farmland, conflict with zoning for agricultural use or any Williamson Act contract, or result in the conversion of farmland to non-agricultural use. No impact.

III. AIR QUALITY.

WOULD THE PROJECT*:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Conflict with or obstruct implementation of the applicable air quality plan or regulation?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations (e.g., children, the elderly, individuals with compromised respiratory or immune systems)?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

* Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make these determinations.

Discussion

a) The project activities will not be a significant source of air pollutants and therefore will not conflict with or obstruct implementation of any applicable air quality plans or regulations. No impact.

b, c) The proposed project would not emit air contaminants at a level that, by themselves, would violate any local, State, or federal ambient air quality standard (AAQS), or contribute to a permanent or long-term increase in any air contaminant. However, project construction would generate short-term emissions of fugitive dust (PM10) and involve the use of equipment that would emit ozone precursors (i.e., reactive organic gasses [ROG] and nitrogen oxides, or NOx). Increased emissions of PM10, ROG, and NOx could contribute to existing non-attainment conditions and interfere with achieving the projected attainment standards. Consequently, construction emissions would be considered a potentially significant short-term adverse impact. The Corps requires the RGP applicant submit a detailed transport and discharge plan for review and approval which discusses all transport and discharge procedures (see section 2.5, Project Description, Pre-Discharge Conditions). This transportation and discharge plan and the implementation of the following mitigation measure would reduce potential impact to a less than significant level:

MITIGATION MEASURE AIR-1
• All trucks hauling sand or other loose materials shall be covered or required to maintain at least two feet of freeboard. • All equipment engines shall be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements. • All operations shall be conducted in compliance with County Air Quality Management District requirements.

d) It is likely that some children, the elderly, and those suffering from respiratory problems may reside in the project vicinity. The project would generate dust and equipment exhaust emissions for the brief period of construction. However, due to coastal winds, limited construction period, restriction of public access to the construction site, and minor emissions at the project site, harmful exposure is unlikely. These conditions, in conjunction with Mitigation Measure AIR-1 above, would reduce the potential adverse impact to a less than significant level.

e) The proposed work would not result in the long-term generation of odors. Construction-related emissions could result in a short-term generation of odors, including diesel exhaust and fuel or solvent vapors. These odors might be considered objectionable; however, because construction activities would be short-term, odorous emissions would dissipate rapidly in the air, with increased distance from the source. Any odors associated with the fill material from upland areas would be short-term since it will be discharged into the surf-zone to be reworked by the ocean currents(see Section 2.5 Project Description, Pre-Discharge Conditions, item 3). Less than significant impact.

IV. BIOLOGICAL RESOURCES.

Sensitive biological resources that may occur in the southern California coastal environment are discussed in this section. Sensitive biological resources include the plants and animals that have been given special recognition by federal, State, or local resource agencies and organizations. Also included are habitats that are listed as critical for the survival of a listed species or have special value for animal species, and plant communities that are unique or of limited distribution.

Plants

A SAS, as identified in 40 CRF 230, Subpart E, is a geographic area, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. Important sensitive habitats on the coast include eelgrass beds and high and low relief reefs vegetated with indicator species such as giant and feather boa kelp, large sea fans, sea palms, and surfgrass. A SAS survey is required for the project area, and impacts would be assessed by the Corps on a case-by-case basis. Surveys would be designed to identify the habitat types immediately adjacent and downcoast of the proposed discharge, as well as to delineate any SASs with potential to be impacted by the proposed discharge. The plan would also need to propose pre- and post-project monitoring procedures to monitor potential affects to SASs, if any exist in the project area. The State Water Board will also require that locations of potentially affected ASBSs be identified in the SAS survey and addressed in the monitoring plan. Discharges of sediment shall not occur directly into an ASBS without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS.

Proposed activities could result in adverse impacts to EFH, which are those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq). These impacts would result from habitat and organism burial due to sediment deposition. Offshore mobile organisms, such as fishes, generally will avoid the turbidity plumes and are more adapted to high-energy natural sediment transport-processes such as waves and storms. However, some organisms are not able to easily adapt to increased turbidity, for example, light sensitive plant resources. These typically include high relief reef and low relief vegetated reefs, with indicator species including giant and feather boa kelp, large sea fans, sea palms, and surf-grass. While these resources may be present offshore of proposed discharge sites, it is not likely that proposed projects would decrease light passage through the water column more than would naturally occurring storms. Consequently, project-associated turbidity should not adversely affect these biological resources.

In addition to inhibiting light, turbidity and deposition result in the physical burial of benthic species and habitat. Monitoring data from the Ponto Beach discharge in 1998 (University of Southern California & California Department of Boating and Waterways, *The Fate of Fine Sediments In A Suspension Plume: Ponto Beach, California: A Report of Findings*, April 1998), for 10,000 cubic yards of sediment with 18 percent fines discharged directly into the surf-zone, indicated that only a fine layer of sediment covered the ocean floor. Based on these results, the proposed discharges may result in a small amount of burial, typically less than an inch, over the inter- and sub-tidal floor, of SASs. Buried habitat would be recolonized over time (weeks to a few years depending on habitat type). Mitigation pursuant to the Southern California Eelgrass Mitigation Policy (NOAA Fisheries Service, Southwest Regional Office,1991) may be required if eelgrass beds are located offshore and/or downcoast of the site and subsequent monitoring determines there has been an adverse effect on the bed. The Corps would make more detailed project-specific determinations for each proposed use of RGP 67 and include that information in a PCN transmittal, including the results of required pre-project SAS surveys (required for a complete application). Projects with greater than minimal effects to SASs would not be eligible for RGP 67.

Animals

Grunion Fishery: The grunion, *Leuresthes tenuis*, is a local species known to occur predominantly along the southern California coast. Grunion use sandy beaches for spawning, between late March and early September. If construction overlaps with grunion activity, pre-project surveys would be conducted to identify beach suitability for grunion activity. Based on the survey findings, appropriate measures would be taken to avoid impacts on the grunion spawn. As such, the proposed RGP 67 would not affect spawning activities.

Commercial/Recreational Fishery Concerns: Lobster. Regionally, lobster is the most important commercial species in terms of value and one of the top species hunted by recreational divers. Although project impacts are not predicted to have direct impacts on the fisheries, it could have indirect impacts if surfgrass or hard-bottom habitat is impacted. Juvenile lobster use the near-shore environment for one to two years; they are dependent upon the surfgrass and hard-bottom reef habitats as a nursery area and a refuge from predation. Consequently, the effects of the beach nourishment activities could affect the overall success of juvenile lobsters. However, as indicated above, impacts to EFH resources are expected to be less than significant.

The California least tern, *Sterna antillarum browni* (State and federally endangered), and the California brown pelican, *Pelecanus occidentalis californianus*, (State and federally endangered), may use areas within the vicinity of proposed discharges. Pelicans nest from the Channel Islands of southern California southward along the Baja California coast and in the Gulf of California to coastal southern Mexico. The pelicans build nests of sticks on the ground, typically on islands or offshore rocks. The only breeding population in United States waters is the Southern California Bight (SCB) population, which consists of breeding birds on the Channel Islands and several islands off Baja California: West Anacapa Island,

Santa Barbara Island, Isla Coronado Medio, and Isla Coronado Norte. Between breeding seasons, pelicans from other populations join SCB birds in wandering along the west coast of North America as far north as British Columbia. They feed by diving into the water for fish within three feet of the surface, or surface feed while swimming. Least terns also forage for fish by diving in head-first for a variety of small fish in areas with water usually less than 60 feet in depth. They nest colonially on beaches and mudflats and prefer undisturbed areas that are sparsely vegetated, flat, with loose sandy substrate. Today, the breeding range of these terns is limited to San Francisco Bay and a few areas along the coast from San Luis Obispo County to San Diego County. During the winter months, they head south to the Pacific coast of Central America. When feeding, California least terns often follow schools of fish north and may be seen fishing off the southern coast of Oregon. The beach nourishment activities generally would consist of temporary placements of fill on beach sites as opportunities occur, which would produce short term increases in turbidity in the project vicinity. Turbidity would be expected to be short-lived since the offshore hydrodynamic environment favors prompt plume dispersion. It has been found in a number of studies that beach nourishment projects on high-energy beaches quickly equilibrate with the current wave regime. Finer sediments are promptly winnowed from the nourishment material, causing only a short period of elevated turbidity. It is generally agreed that localized and transitory nature of beach nourishment turbidity is directly related to the use of material that is low in clay and silt and resembles as closely as possible the indigenous beach sand. (Coastal Sediment Compatibility and Impact Study, 2004). Therefore, water quality impacts would be short-term and less than significant and would not affect foraging opportunities for either species. Additionally, it is not expected that temporary turbidity increases would effect prey populations supporting these species. The Corps would make more detailed project-specific determinations for each proposed use of RGP 67 and include that information in a PCN transmittal.

The Western snowy plover, *Charadrius alexandrinus nivosus* (federally threatened), is a resident to southern California. The plover nests typically in flat, open areas with sandy or saline substrates. Snowy plovers forage on invertebrates in the wet sand and amongst the surf-cast kelp within the inter-tidal zone; in the dry, sandy areas above the high tide; on saltpans; and along the edges of salt marshes and salt ponds. Snowy plovers typically forage in areas with little or no human activity; plovers generally avoid areas of high activity, especially where human use is relatively high. As project beaches are routinely maintained by earth-moving equipment and support relatively high recreational use, the potential impact area is not expected (or not known) to support foraging habitat for the Western snowy plover. The Corps would make more detailed project-specific determinations for each proposed use of RGP 67 and include that information in a PCN transmittal.

The light-footed clapper rail, *Rallus longirostris levipes* (State and federally endangered), is found only in southern California from Santa Barbara County south to San Diego County. The light-footed clapper rail (rail) inhabits coastal saline emergent wetlands dominated by pickleweed and cordgrass. The rail nests in the lower zones of the marsh where cordgrass is abundant and tidal sloughs are nearby. These birds are difficult to observe in the dense salt marsh habitats they prefer. The rail forages in higher marsh vegetation, along vegetation and

mudflat interface, and along tidal creeks. The project beaches, as mentioned above, are not likely to include salt marsh habitat. However, the Corps will make more detailed project-specific determinations for each proposed use of RGP 67 and include that information in a PCN transmittal.
The tidewater goby, *Eucyclogobius newberryi* (federally endangered), a fish that occurs in tidal streams associated with coastal wetlands in California, is not expected to be impacted by any short-term increases in turbidity that would result from proposed discharges. Therefore, preliminary determinations indicate that project activities would have no effect on the goby. The Corps would make more detailed project-specific determinations for each proposed use of RGP 67 and include that information in a PCN transmittal.

The Corps has completed consultation for RGP 67 under Section 7 of the Endangered Species Act. The USFWS concurred with the Corps' findings that the proposed RGP 67 is not likely to adversely affect federally threatened or endangered species. The Corps has agreed to include the following conditions in RGP 67:

- No activities will be conducted within 500 yards of breeding Western snowy plover from March 1st through September 30th.
- No activities will adversely impact EFH, including the burying of kelp or other marine vegetation that provides a forage base for Western snowy plover.
- No activities will be conducted within 1000 yards of a California least tern breeding colony from April 1st through September 30th.
- Activities will avoid wintering concentrations of Western snowy plovers.
- Activities will avoid impacts to rail habitat and avoid conducting activities within 500 yards of occupied rail habitat during the breeding season.
- No activities within any estuary or lagoon.
- In order to avoid impacts to the grunion, dredging and deposition of material should be restricted to the period between September 1st and February 28th. If dredging or deposition outside this window is required, applicants will be required to assess a schedule of predicted runs according to a grunion calendar produced by the CDFG and not discharge less than to 24 to 72 hours prior to a predicted run. Discharges will not be allowed immediately following a documented run (in addition, mitigation measure Bio-2 requires consultation with CDFG when discharging to a beach with grunion present).

BIOLOGICAL RESOURCES

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a sensitive, candidate, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands, as defined by §404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a, b) The potential exists for adverse impacts to SASs and EFH's. However, as discussed above, projects with greater than minimal effects to these resources would not be eligible for RGP 67. Turbidity plumes from discharge activities may cause adverse impacts as discussed above. The following mitigation would reduce the potential for adverse impacts from these incidents to a less than significant level:

MITIGATION MEASURE BIO-1

- Turbidity would be monitored by a qualified observer from a high vantage point (likely lifequard tower) during each day of construction. The observer would map and photograph the extent of turbidity, and note environmental conditions such as wind, weather, rain events, wave activity, etc. If significant water quality impacts are evident, then the dredging operation will be modified or suspended as follows.
  1. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:
     a. the monitor shall immediately advise the Regional Water Board, Corps, CDFG, and NOAA Fisheries contacts identified below by telephone or email;
     b. the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge;
     c. if turbidity persists on the third day, the monitor shall commence daily water testing for water clarity and reporting to the Regional Water Board and other agency contacts identified below. Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMRP or, if this is not submitted, then as part of a Turbidity Monitoring Plan in the RGP 67 application.
  2. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

Grunion spawn on sandy beaches between March and August during middle-of-the night spring high tides. Their eggs incubate in the sand and hatch in approximately two weeks when the next spring high tide occurs. Grunion have the potential to be affected by beach replenishment if eggs are buried by fresh material, thus preventing the eggs from hatching. The following mitigation measure will insure significant impacts are avoided:

MITIGATION MEASURE BIO-2

- If discharges occur between March 1st and August 31st, applicant will comply with the following:
    1. Determine beach habitat suitability for grunion spawning:
        a. Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than 5 inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat
    2. If beach is potentially suitable for grunion spawning:
        a. The applicant shall consult with CDFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., e halting or re-directing work or creating protective berms). The measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps for review and comment prior to the start of discharge.
        b. A qualified monitor will observe the beach for grunion spawning on the dates of predicted runs (according to the annual CDFG grunion spawning calendar) beginning two to three weeks prior to discharge and extending through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least three hour duration monitoring period.
        c. If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale (Appendix D), and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 2.a above to avoid significant impacts to grunion spawning.
        d. A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.

The California least tern and the California brown pelican may be adversely impacted by a reduction in foraging opportunities from project discharges that cause turbidity. However, turbidity increases would be short-term and have a less-than-significant impact on the foraging opportunities of both species and would not be expected to effect prey populations supporting the species. In addition, California least tern breeding colonies will be protected by RGP 67 conditions.

As reviewed above, the Western snowy plover is not likely to be present in areas of high human activity that would typically be served by RGP 67. Further, no activities will adversely impact snowy plover breeding or wintering concentrations based on RGP 67 conditions.

Rail habitat could be adversely impacted. However, according to RGP 67 conditions, impacts to rail habitat will be avoided and rail breeding activity will be protected by RGP 67 conditions (500 yard buffer).

c) Pursuant to RGP 67 conditions, no activities will occur within any estuary or lagoon. Therefore, there will be no impacts to wetlands.

d) No fish or wildlife movement or native nursery site use will be impeded by the project. Mobile organisms such as fish are expected to avoid potential turbidity plumes. There would be rapid recolonization of marine habitat that was buried. As reviewed above, construction will avoid impacts to grunion runs. Breeding sites of the Western snowy plover, California least tern, and rail will be protected in accordance with RGP 67 conditions. Impacts to wildlife movement and nursery sites from this project would be less than significant.

e,f) Beach nourishment activities authorized by RGP 67 will not conflict with any local policies or ordinances protecting biological resources. In addition, these activities will not conflict with any habitat conservation plans or natural community conservation plans.

V. CULTURAL RESOURCES.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Cause a substantial adverse change in the significance of a historical resource, as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Discussion

a-c) The Corps will follow the resource management protocols identified in Section 106 of the National Historic Preservation Act of 1966, as amended, pursuant to which the Corps will identify all historic and prehistoric sites in a project area utilizing both archival research and field-surveys in accordance with the Phase I study procedures of Section 106. If the Corps determines there are sites eligible for listing in the National Register of Historic Places located within the area for any proposed discharge, the Corps will then initiate Phase II procedures of Section 106 including consultation with the State Historic Preservation Officer. If the proposed discharge cannot be made to avoid impacting cultural resources, then a Phase III mitigation will be employed if the Corps elects to proceed with RGP 67. Otherwise, the project proponent would be required to submit an application for a Standard Individual Permit. Less than significant impact.

VI. GEOLOGY AND SOILS.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area, or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable, as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems, where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐

Discussion

a) This project would not expose people or structures to potential adverse effects from rupture of earthquake faults, seismic ground shaking/ground failure, or landsides beyond existing conditions because the project would only add sand to an existing beach and no new building development would occur. Therefore, there is no impact.

b) The beach nourishment activities pursuant to RGP 67 will not involve any new construction or any extensive ground disturbing activities that could result in erosion and soil loss. Instead, these activities will result in potential positive impacts to sediment deficits and coastal erosion on beaches.

c) The activities authorized by RGP 67 should not be in areas that are considered to be unstable, although liquefaction, lateral spreading, subsidence, or landslides could possibly occur in some areas. However, this project would not change existing conditions, nor construct any new development that would put people at additional risk. Therefore, there is no impact.

d,e) N/A

f) The beach nourishment activities pursuant to RGP 67 will avoid any unique paleontological features within the project area that are identified by the California Coastal Commission as part of the Coastal Consistency Certification process. Unique geological features will not be impacted above baseline conditions since beach nourishment is a natural occurring process along the coast. Therefore, the impacts would be less than significant.

VII. HAZARDS AND HAZARDOUS MATERIALS.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials, substances, or waste into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites, compiled pursuant to Government Code §65962.5, and, as a result, create a significant hazard to the public or environment?	☐	☐	☐	☒
e) Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport? If so, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) Be located in the vicinity of a private airstrip? If so, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury, or death from wildland fires, including areas where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Discussion

a-c) Construction activities may require the use of certain potentially hazardous materials, such as fuels, oils, and solvents. These materials are generally used for construction equipment and would be contained within vessels engineered for safe storage. Large quantities of these materials would not be stored at the construction site. Hazardous emissions from construction equipment would be minimal (see Air Quality above). A safety flag perimeter of the construction area during disposal activities will be established and the area will be monitored to protect the public from construction hazards and equipment. However, spills, upsets, or other construction-related accidents could result in a release of fuel or other hazardous substances into the

environment. The following mitigation measure would reduce the potential for adverse impacts from these incidents to a less than significant level:

MITIGATION MEASURE HAZMAT-1
• All equipment shall be inspected for leaks immediately prior to the start of beach operations, and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.. • The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.. • Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully permitted or authorized designation..

d) There are no known hazardous materials sites located on potential beach nourishment project areas. Therefore, no impact would occur.

e,f) Since project activities will maintain existing public beaches, any safety hazards to the public due to airport or airstrip proximity are pre-existing conditions. Therefore, this project will have no impact.

g) All construction activities associated with the project would occur in public beach areas and would not restrict access to or block any public road. Access to the beach nourishment area would be restricted to authorized personnel only during construction. Therefore, the impact of this project on any emergency response or evacuation plan would be less than significant.

h) Beach nourishment areas present a low fire risk. The construction area will be monitored regularly and therefore the risk of potential adverse impacts would be less than significant.

VIII. HYDROLOGY AND WATER QUALITY.

The proposed discharges of dredged or upland-derived fill materials for the purpose of beach nourishment would result in turbidity plumes of variable dimensions. The provisions of the proposed permit include bulk chemistry testing according to the Corps/USEPA Tiered Testing program (1998), and would ensure that materials suspended through discharge would not be contaminated. Turbidity impacts may cause short-term, less than significant impacts to water quality and wildlife habitat and would return to baseline conditions once discharges were complete. Local changes in pH or salinity may occur if the upland derived materials represent differing salt content than natural substrates. However, the extreme degree of dilution would ensure that localized changes in water quality would be short-term and less than significant and would return to baseline conditions once discharges were complete.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map, or other flood hazard delineation map?	☐	☐	☐	☒
h) Place structures that would impede or redirect flood flows within a 100-year flood hazard area?	☐	☐	☐	☒

		POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
i)	Expose people or structures to a significant risk of loss, injury, or death from flooding, including flooding resulting from the failure of a levee or dam?	☐	☐	☐	☒
j)	Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) As discussed above, beach nourishment operations would cause turbidity plumes of variable dimensions. The implementation of mitigation measure Bio-1 will ensure that the impacts from turbidity are less than significant. If turbidity plumes are extensive or fail to dissipate, then the project would be modified to reduce turbidity to acceptable levels. Modifications would involve the timing and amount of future discharges and/or changes in the discharge design. Also, local changes in pH or salinity may occur if the dredged material differs in salt content. However, these impacts would be short-term due to the extreme degree of dilution. The provisions of RGP 67 would ensure that the materials suspended through discharge would be clean, beach-quality sand material and beneficial for the environment and public. Therefore, any impacts would be reduced to less than significant.

b) Construction activities associated with this project are not expected to deplete groundwater supply or interfere with groundwater recharge. No impact.

c-e) Proposed work associated with beach nourishment would not alter current drainage patterns in a manner which would result in substantial on-or-off site erosion or siltation, or the amount or rate of runoff, or contribute to on- or off-site flooding. Beach nourishment should help reduce existing erosion problems. No activities will occur in lagoons or estuaries. Therefore, project activities would result in a less than significant adverse impact related to drainage patterns and runoff.

f) See (a-e) discussions above. Impacts to water quality would be less than significant.

g,h) Construction of structures are not planned as part of this project. No impact due to this project.

i) There are no dams or levees that would be added as part of this project. Therefore, there is no impact due to this project.

j) There would be no increased risk to the public or to property from inundation by a seiche, tsunami, or mudflow since this project would maintain beach areas that are currently open for public use. All coastal locations are potentially exposed to tsunamis and the project would not change this existing condition. No impact.

IX. LAND USE AND PLANNING.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with the applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) The project is restricted to beach nourishment activities. No communities will be divided. No impact.

b) The proposed activities will not necessitate or involve a change in land use classification. Discharges authorized by RGP 67 will require Coastal Consistency Certification from the California Coastal Commission. No impact.

c) No activities undertaken by the proposed RGP 67 will conflict with any habitat conservation plans or natural community conservation plans. If any such plans are identified in the application process for RGP 67, the Corps will consult with the appropriate agencies during the PCN period to ensure consistency with project activities (see Project Description, Section 2.5). No impact.

X. MINERAL RESOURCES.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Result in the loss of availability of a known mineral resource that is or would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Discussion

a,b) No loss of mineral resources or mineral resource recovery sites would occur as a result of beach nourishment activities. No impact.

XI. NOISE.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Generate or expose people to noise levels in excess of standards established in a local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☐	☐	☒
b) Generate or expose people to excessive groundborne vibrations or groundborne noise levels?	☐	☐	☒	☐
c) Create a substantial permanent increase in ambient noise levels in the vicinity of the project (above levels without the project)?	☐	☐	☐	☒
d) Create a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project, in excess of noise levels existing without the project?	☐	☐	☒	☐
e) Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport? If so, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f) Be in the vicinity of a private airstrip? If so, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Discussion

a) All noise associated with projects pursuant to RGP 67 are expected to take place during normal daily working hours and any restricted evening periods will be avoided as required by local general plans or ordinances, or other local, State, or federal standards.

b) Construction activity would not involve the use of explosives, pile driving, or other intensive construction techniques that could generate significant ground vibration or noise. Therefore, ground borne vibration or noise generated by the project would have a less than significant impact.

c) Once a beach nourishment project is completed, all related construction noise would disappear. Nothing within the scope of the proposed project would result in a substantial permanent increase in ambient noise levels. Therefore, no impact.

d) Discharge of dredged material can involve the use of heavy industrial equipment, including diesel-powered machinery. During construction, noise levels at and near the project area would fluctuate, based on the type and number of construction equipment and vehicles operating at any given time. Depending on the specific construction activities being performed, short-term increases in ambient noise levels could result, with a potential increase in annoyance to the public. However, as the work site will be flagged

off preventing pubic access to the area, the exposure to noise is expected to be less than significant.

e,f) These project activities may be located on beaches within an airport land use plan, within two miles of a public airport, or in the vicinity of a private air strip. In this case, however, the noise associated with the airport would be considered a pre-existing condition. The additional noise added by the construction activity pursuant to RGP 67 would be minor as discussed above. Less than significant impact.

XII. POPULATION AND HOUSING.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

a-c) The project does not contain a housing or infrastructure component, nor will it displace any housing or people. No impact.

XIII. PUBLIC SERVICES.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Result in significant environmental impacts from construction associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Discussion

a) The activities associated with RGP 67 consist of maintaining existing beaches. These activities are not expected to contribute to an increase of visitation, and the level of required services is expected to remain relatively static. No Impact.

XIV. RECREATION.

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
WOULD THE PROJECT:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

Discussion

a, b) The proposed project would maintain existing beaches by addressing sediment deficits and coastal erosion and accommodate current levels of public use. If these beaches receive higher use due to the improvements related to the beach fill discharges, it is not expected that this will cause a significant deterioration of existing facilities or that new facilities will be required. The activities do not include the construction or expansion of recreational facilities. Less than significant impact.

XV. TRANSPORTATION/TRAFFIC.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Cause a substantial increase in traffic, in relation to existing traffic and the capacity of the street system (i.e., a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, individually or cumulatively, the level of service standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Cause a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?	☐	☐	☐	☒
d) Contain a design feature (e.g., sharp curves or a dangerous intersection) or incompatible uses (e.g., farm equipment) that would substantially increase hazards?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion

a, b) Depending on the required construction activities, such as receiving upland source materials, increased vehicle traffic on local streets and highways is possible during proposed discharges. The project will not generate new vehicle trips to the project location once construction is completed. Less than significant impact.

c) The project will have no impact on air traffic.

d) This project does not have a transportation component and involves no change in use. No impact.

e) There will be no change in emergency access to the property or in use. No impact.

f) There is no public access component to this project. However, staging of construction equipment may temporarily reduce parking at some sites. Less than significant impact.

g) The project does not have a transportation component and will not conflict with any transportation policies. No impact.

XVI. UTILITIES AND SERVICE SYSTEMS.

WOULD THE PROJECT:	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a) Exceed wastewater treatment restrictions or standards of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities?	☐	☐	☐	☒
Would the construction of these facilities cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities?	☐	☐	☐	☒
Would the construction of these facilities cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination, by the wastewater treatment provider that serves or may serve the project, that it has adequate capacity to service the project's anticipated demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations as they relate to solid waste?	☐	☐	☐	☒

Discussion

a-e) Water usage for activities performed under RGP 67 will be limited to the needs for workers and washing tools. The project will employ the use of chemical toilets on site if necessary. There will be no change to storm water drainage under the project. No impact.

f) There will be minimal solid waste generated from the project; all solid waste will be removed from the site and deposited in a landfill. Once the project is complete, there will be no change to solid waste disposal needs. Less than significant impact.

g) The project will comply with all applicable regulations relating to solid waste. No impact.

CHAPTER 4
Mandatory Findings of Significance

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO
WOULD THE PROJECT:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal?	☐	☒		☐
b) Have the potential to eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
c) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, other current projects, and probably future projects?)	☐	☐	☐	☒
d) Have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly?	☐	☒	☐	☐

DISCUSSION

a) The proposed project was evaluated for potential significant adverse impacts to water quality and other aspects of the natural environment. The beach nourishment activities undertaken pursuant to RGP 67 could have the potential to cause turbidity and adversely impact the marine environment. Project activities could also impact State and/or federally listed threatened or endangered species and/or EFH. However, the conditions of RGP 67 and the certification, and the full implementation of all mitigation measures would avoid or would reduce those impacts, both individually and cumulatively, to a less than significant level.

b) The proposed project was evaluated for potential significant adverse impacts to cultural resources. It is possible that work proposed in this project would have the potential to cause a significant adverse impact to cultural resources. However, RGP 67 provides that the Corps shall follow the resource management protocols identified in Section 106 of the National Historic Preservation Act of 1966, as amended. This would reduce those impacts, both individually and cumulatively, to a less than significant level.

c) The activities associated with RGP 67 would help reverse negative cumulative impacts that have resulted in sediment deficits and coastal erosion on public beaches.

Additionally, impacts from other environmental issues addressed in this evaluation do not overlap in such a way as to result in cumulative impacts that are greater than the sum of the parts. No impact.

d) Most project-related environmental effects have been determined to pose a less than significant impact on humans. However, possible impacts from construction emissions (Air Quality), and construction accidents (Hazards and Hazardous Wastes), though temporary in nature, have the potential to result in significant adverse effects on humans. These potentially significant adverse impacts would be reduced to a less than significant level if all conditions of RGP 67 and the mitigation measures incorporated into this project are fully implemented.

CHAPTER 5
Summary of RGP 67 Mitigation Measures

The provisions of RGP 67 include measures to reduce potential significant adverse environmental impacts to a less than significant level. These measures were outlined in Chapter 2, subsection 2.5.

The following additional mitigation measures would be incorporated as terms of the State Water Board 401 Certification:

AIR QUALITY

MITIGATION MEASURES AIR-1

- All trucks hauling sand or other loose materials would be covered or required to maintain at least two feet of freeboard.
- All equipment engines would be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
- All operations will be conducted in compliance with County Air Quality Management District requirements.

BIOLOGICAL RESOURCES

MITIGATION MEASURES BIO-1

- Turbidity would be monitored by a qualified observer from a high vantage point (likely lifeguard tower) during each day of construction. The observer would map and photograph the extent of turbidity, and note environmental conditions such as wind, weather, rain events, wave activity, etc. If significant water quality impacts are evident, then the dredging operation will be modified or suspended as follows:
  1. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:
     a. the monitor shall immediately advise the Regional Water Board, Corps, CDFG, and NOAA Fisheries by telephone or email;
     b. the discharger shall comply with any measures identified by the Regional Water Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge;
     c. if turbidity persists on the third day, the monitor shall commence daily water testing for water clarity and reporting to the Regional Water Board and other agency contacts identified below. Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e, until offshore and downcoast readings return to

ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMRP or, if this is not submitted, then as part of a Turbidity Monitoring Plan in the RGP 67 application.

2. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

MITIGATION MEASURES BIO-2

- If discharges occur between March 1st and August 31st, applicant will comply with the following:
  1. Determine beach habitat suitability for grunion spawning:
     a. Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than 5 inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat
  2. If beach is potentially suitable for grunion spawning:
     a. The applicant shall consult with DFG to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., e halting or re-directing work or creating protective berms). The measures shall be documented in the MMRP, if submitted, or as a separate Grunion Plan and transmitted to the Corps for review and comment prior to the start of discharge.
     b. A qualified monitor will observe the beach for grunion spawning on the dates of predicted runs (according to the annual CDFG grunion spawning calendar) beginning two to three weeks prior to discharge and extending through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least three hour duration monitoring period.
     c. If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale (Appendix D), and the

applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 2.a above to avoid significant impacts to grunion spawning.

d. A report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures shall be submitted as part of the post-discharge monitoring reporting required by RGP 67.

HAZARDS AND HAZARDOUS MATERIALS
MITIGATION MEASURES HAZMAT-1

- . All equipment shall be inspected for leaks immediately prior to the start of beach operations, and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area

- The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.

- Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully permitted or authorized designation.

The following measures will also be terms of the Certification:

- The following marine resources shall be identified in the SAR survey and addressed in the MMRP: (1) locations of potentially affected Areas of Special Biological Significance (ASBS); (2) pismo clam (*Tivela stultorum)* beds, and (3) grunion (*Leuresthes tenuis*) spawning beds if discharge occurs between March 1st and August 31st Discharges of sediment shall not occur directly into an ASBS without approval from a Regional Water Board pursuant to the California Ocean Plan, Section III (E). Turbidity plumes from sediment deposition outside of an ASBS shall not alter natural water quality or harm the marine aquatic life in an ASBS.

- The project shall have no significant negative aesthetic impact on the receiving beach and/or adjacent ocean waters. Impacts to ocean water shall be discussed in the Aesthetics Report required by RGP 67.

- The Corps shall include the Regional Water Boards, the California State Lands Commission, and the Coastal Sediment Management Workgroup in the PCN transmittal.

- During the PCN review period, Regional Water Boards may require project-specific certification.

- Discharges shall comply with applicable provisions of the California Ocean Plan and the Regional Water Board Basin Plans.

- Any violations of the permit conditions shall be reported to the appropriate Regional Water Board within 24 hours.

- One (1) copy of the post-discharge report shall be sent to the Regional Water Board within 30 days after completion of the discharge operations authorized in RGP 67.

- The CDFG and the CSMW shall be included with other agencies receiving the SAR survey, including the pre- and post-project monitoring plan and proposal for mitigation for any impacts in the vicinity.

- Any additional post-discharge monitoring and/or mitigation plans shall be developed by the Corps in consultation with the appropriate Regional Water Boards, CDFG, USFWS and NOAA Fisheries.

- The post-discharge reports shall be submitted in electronic format. Survey and monitoring location information shall be georeferenced with latitude and longitude, or UTMs.

CHAPTER 6
References and Preparers

6.1 REFERENCES

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