



## Notice of Preparation and Scoping Meeting for the Lower Newport Harbor Confined Aquatic Disposal (CAD) Facility Construction Project (PA2019-020) Environmental Impact Report

**DATE:** November 18, 2019

**TO:** Reviewing Agencies and Other Interested Parties

**FROM:** City of Newport Beach, Community Development Department, 100 Civic Center Drive, Newport Beach, CA 92660

**PROJECT TITLE/SUBJECT:** Notice of Preparation (NOP) of an Environmental Impact Report (EIR) and Notice of Public Scoping Meeting for the Lower Newport Harbor Confined Aquatic Disposal (CAD) Facility Construction Project (PA2019-020).

**PROJECT APPLICANT:** City of Newport Beach (City)

**NOTICE OF PREPARATION REVIEW PERIOD:** November 18, 2019, through January 17, 2020 (60 days)

**SCOPING MEETING:** December 4, 2019, at 6:00 p.m. in the Friends Room of the Newport Beach Public Library, 1000 Avocado Avenue, Newport Beach CA

### **REQUEST FOR COMMENTS ON THE SCOPE OF THE ENVIRONMENTAL IMPACT REPORT:**

The purpose of this NOP is to notify potential Responsible Agencies (Agencies) that the Lead Agency, the City, will prepare an EIR for the proposed Lower Newport Harbor CAD Facility Construction Project (Project) and to solicit comments and suggestions regarding: (1) the scope and content of the EIR and (2) the environmental issues and alternatives to be addressed in the EIR (California Environmental Quality Act [CEQA] Guidelines Section 15082). This NOP also provides notice to interested parties, organizations, and individuals of the preparation of the EIR and requests comments on the scope and contents of the environmental document. An Initial Study (IS) has been prepared to support the NOP.

### **PROJECT LOCATION:**

The Project Site is located in Newport Beach, which is located at the western edge of Orange County (County) adjacent to the Pacific Ocean, and is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast. The Project Site encompasses approximately 844 acres of Lower Newport Harbor, encompassing the navigational channels and the proposed CAD facility. Lower Newport Harbor is a small craft harbor offering a wide range of recreational boating activities ranging from single-person kayaks to larger sailing and motor vessels capable of trans ocean navigation. Local beachfront and harbor-front communities support water-use recreational services.

### **PROJECT DESCRIPTION:**

The City and U.S. Army Corps of Engineers (USACE) are conducting dredging within Lower Newport Harbor in Newport Beach. Newport Harbor is one of the largest recreational harbors in the United States, necessitating maintenance dredging to remove sediment that accumulates over time and impedes navigation. Because dredging will expose sediment that is unsuitable for open ocean disposal, dredging is not feasible without also identifying a practicable management option for the unsuitable sediment. Therefore, the City is proposing to construct a CAD facility as a solution for sediment dredged from within Lower Newport Harbor not suitable for open ocean placement or nearshore disposal. The location of the CAD facility would be within the anchorage east of Lido Isle as shown below in Figure 1.

Following initial construction of the CAD facility, the City and its residents would have an opportunity to place material dredged from outside the federal navigation channels into the CAD for a period of up to 10 years with agency approval under the City's Regional General Permit (RGP) 54 or individual permit. A more detailed project description is provided in the attached project summary.



**Figure 1: Proposed Project Location, Lower Newport Harbor, Newport CA**

**AVAILABILITY OF THE NOTICE OF PREPARTION AND INITIAL STUDY:**

The City has prepared a NOP and IS to provide an overview of the Project. The City has made a determination that a full-scope EIR, inclusive of all environmental topics, is required for the proposed Project. The NOP and IS can be accessed online at: <http://www.newportbeachca.gov/ceqa>. Copies are also available for review at the City of Newport Beach Public Works Department, 100 Civic Center Drive, Newport Beach, CA 92660, and at the following locations:

Newport Beach Public Library  
 Central Library  
 1000 Avocado Avenue  
 Newport Beach, CA 92660

Newport Beach Public Library  
 Mariners Branch  
 1300 Irvine Avenue  
 Newport Beach, CA 92660

Newport Beach Public Library  
 Balboa Branch  
 100 East Balboa Boulevard  
 Newport Beach, CA 92660

Newport Beach Public Library  
 Corona del Mar Branch  
 410 Marigold Avenue  
 Corona del Mar, CA 92625

**NOTICE OF PUBLIC SCOPING MEETING:**

The City will conduct a public scoping meeting in conjunction with this NOP in order to present the Project and the EIR process and to receive public comments and suggestions regarding the scope and content of the EIR. The meeting will be held on December 4, 2019, at 6:00 p.m. in the Friends Room of the Newport Beach Public Library, 1000 Avocado Avenue, Newport Beach, CA 92660.

**RESPONDING TO THIS NOTICE:**

The City requests your careful review and consideration of this notice, and it invites any and all input and comments from interested Agencies, persons, and organizations regarding the preparation of the EIR. Pursuant to CEQA Section 21080.4, Agencies must submit any comments in response to this notice no later than 60 days beginning November 18, 2019 and ending at close of business on January 17, 2020. All comments or other responses to this notice should be submitted in writing to:

Chris Miller, Public Works Manager  
 City of Newport Beach, Public Works Department  
 100 Civic Center Drive  
 Newport Beach, California 92660  
[cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)  
 949.644.3043

## Lower Newport Harbor Confined Aquatic Disposal (CAD) Facility Construction Project (PA2019-020)

### PROJECT SUMMARY

The City is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed Project. Section 15161 of the CEQA Guidelines states that an EIR "...should focus primarily on the changes in the environment that would result from the development of the project. The EIR shall examine all phases of the project including planning, construction, and operation."

#### Existing Setting

The Project Site is located in Newport Beach, which is located at the western edge of Orange County, adjacent to the Pacific Ocean, and is bordered by Costa Mesa to the northwest, Huntington Beach to the west, Irvine to the northeast, and unincorporated portions of Orange County to the southeast. The Project Site encompasses approximately 844 acres of Lower Newport Harbor, encompassing the navigational channels and the proposed CAD facility. Lower Newport Harbor is a small craft harbor offering a wide range of recreational boating activities ranging from single-person kayaks to larger sailing and motor vessels capable of trans ocean navigation.

#### General Plan and Zoning

The Project Site is designated as TS (Tidelands and Submerged Lands) land use designation of the Land Use Element of the General Plan. The Project Site is not located within a Zoning District since it is located within the City's harbor area.

#### Background

Newport Harbor requires periodic maintenance dredging to remove sediment that accumulates over time and impedes navigation and full use of the harbor. Lower Newport Harbor was last dredged between May 2012 and January 2013, when 600,000 cubic yards (cy) of sediment was removed. Unsuitable sediment was placed at the Port of Long Beach's Middle Harbor Fill Site, and clean sediment was placed at the LA-3 ocean disposal material disposal site (ODMDS). Prior to that (1998 to 1999), approximately 270,000 cy of sediment were removed from the Main Channel and the Upper Bay Channel and disposed of at the LA-3 ODMDS.

Maintenance dredging is necessary to remove approximately 1.2 million cy of sediment that has accumulated in the federal navigation channels for navigational safety and to allow continued use of the harbor for recreational activities. Sediment spoils from dredging are typically disposed of based on sediment characteristics at a variety of locations. The preferred sediment management alternative for clean sediment is beach nourishment. Sediment that is clean but not compatible with the receiver beach or nearshore area, and for which no other beneficial reuses are available, may be placed at an ODMDS. For sediment that is unsuitable for ocean disposal, the preferred management alternative is beneficial reuse in a fill project (nearshore confined disposal facility [CDF]). In the absence of a CDF, CAD sites have been shown to be an effective long-term management solution for contaminated sediment. A CAD facility is constructed underwater by placing contaminated sediment inside a depression, allowing it to settle, and capping it with clean sediment, typically to an elevation that matches the surrounding grade. In 2009, the City performed a CAD feasibility study<sup>1</sup> and determined that constructing a CAD in Lower Newport Harbor was the best alternative for managing the City's contaminated sediment. Therefore, the City is proposing to construct a CAD facility within the federal navigation channels.

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<sup>1</sup> Anchor QEA (Anchor QEA, LLC), 2009. *Lower Newport Bay CAD Site Feasibility Study*. Prepared for the City of Newport Beach. April 2009.

## **Description of Project**

The proposed Project includes the following elements:

- Dredging of approximately 300,000 cy of sediment to construct a CAD facility located in the central portion of the harbor between Lido Isle and Bay Island
  - The CAD facility will accommodate approximately 106,900 cy of unsuitable material.
- Disposal of an additional 50,000 cy in the CAD facility for a period of up to 10 years; only material dredged from Lower Newport Harbor would be permitted for disposal within the CAD facility
- Maintenance dredging of suitable and unsuitable material

Potential CAD site locations were selected based on preliminary feedback from the City's Harbor Commissioners. The Harbor Commissioners recommended siting the CAD facility adjacent to or within locations where sediment was determined unsuitable and would require placement in the CAD facility. While the recommendation was integral to the siting process, other factors were evaluated that included analysis of geotechnical data to demonstrate compliance with current engineering standards and practices, feasibility to design and construct the CAD facility based on the volume of sediment to be managed in the CAD, logistics during construction, disruption to existing harbor moorings and anchorages, and public outreach. Technical support for the design and operation of the CAD facility is included in the Basis of Design Report.

### ***Construction***

The proposed Project includes construction of a CAD facility and periodic placement of sediment by the City and its residents, as authorized under RGP 54 or through an individual permit. The CAD facility has been designed to accommodate approximately 106,900 cy of sediment previously determined unsuitable for unconfined ocean disposal (generated by the federal maintenance project and the City's dredging project). Additionally, the CAD facility has been designed to accommodate an additional 50,000 cy of material dredged from other locations within the harbor and outside the federal navigation channels. In order to accommodate the total volume—including contingency—and construct the CAD facility, excavation of approximately 307,000 cy is required. This incorporates side slopes and other engineering design considerations to safely achieve the desired size and capacity. Excavation of the CAD facility would occur using mechanical or hydraulic dredge equipment and material either disposed in the nearshore environment or at an approved open ocean disposal site.

Once the CAD facility is constructed, unsuitable sediment will be dredged using mechanical equipment and placed within the CAD facility using a bottom-dump barge. Sediment within the CAD facility will then be covered with clean sediment dredged from the remainder of the federal navigation channels as part of USACE's maintenance dredging program. This clean sediment will serve as an interim cap to isolate the unsuitable material disposed as part of the federal navigation channels dredging project. Once the interim cap is placed, the City and its residents will have an opportunity for up to 10 years to place 50,000 cy of material in the CAD. Following the 10-year period, the City will ensure that a clean layer is placed as a final cap.

The City will be developing a sediment management plan in coordination with the resource and regulatory agencies to manage disposal of the material in the CAD facility, including interim placement of clean sand during the 10-year period, and the final cap. The final elevation of the CAD facility will be at -22 feet mean lower low water.

### ***Long-Term Disposal and Monitoring***

As previously stated, following construction of the CAD, up to 50,000 cy of additional material could be dredged from various areas of Lower Newport Harbor and placed in the CAD facility using for up to 10 years. Most dredging would occur mechanically or hydraulically with sediment placed in the CAD facility from a barge or through a pump.

An Operations Management and Monitoring Plan for the CAD facility will be developed for implementation by the City. The plan will describe the management and monitoring objectives for the CAD facility, a communications plan covering the entire CAD facility construction and sediment disposal process, construction monitoring and post-disposal monitoring plans, contingency plans, annual monitoring plans, and long-term management plans for the CAD facility once it has been capped.

### **Alternatives to the Proposed Project**

CEQA Guidelines Section 15126.6(a) requires that “an EIR describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives.” The alternatives, which will include the No Project Alternative and a Reduced Project Alternative, are introduced in the IS and will be analyzed as part of the EIR.

### **Discretionary Actions**

Development of the proposed Project would require discretionary approvals from the following Agencies:

- **City:** EIR and Approval in Concept; Authorization of Project and construction contracts
- **USACE:** Reviews and authorizes CAD under Section 404 of the Clean Water Act; Section 103 of the Marine Protection, Research, and Sanctuaries Act; and Section 10 of the Rivers and Harbors Act
- **California Coastal Commission:** Reviews EIR documents to ensure compliance with the Coastal Zone Management Act and consistency with the California Coastal Act. Performs a federal Consistency Determination. Reviews and considers issuance of a Coastal Development Permit.

**Santa Ana Regional Water Quality Control Board (RWQCB):** Reviews Project for authorization under the Porter-Cologne Water Quality Control Act, Waste Discharge Requirements, and Clean Water Act Section 401 State Certification of Water Quality and Section 402: National Pollutant Discharge Elimination System Permit.

### **Probable Environmental Effects of the Proposed Project**

The City has determined that the following environmental topics will be included and analyzed in the EIR for the proposed Project:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Recreation
- Tribal Cultural Resources

### **Anticipated Schedule**

The Project schedule, as currently envisioned, contemplates that the Draft EIR will be available for public review in spring of 2020. A 45-day public review period will be provided, after which responses to comments received will be prepared. The Newport Beach Harbor Commission will then hold a public hearing and make a recommendation on certification of the EIR to the City Council. Public hearings are anticipated to occur in mid-2020.

### **Conclusion**

The City of Newport Beach requests the public’s careful review and consideration of this NOP and IS, and it invites any and all input and comments from interested agencies and persons regarding the preparation and scope of the Draft EIR.