



HUGH NGUYEN
CLERK-RECORDER

BIRTH AND DEATH RECORDS
FICTITIOUS BUSINESS NAMES
MARRIAGE LICENSES/RECORDS
NOTARY REGISTRATION
ORANGE COUNTY ARCHIVES
PASSPORTS
PROPERTY RECORDS

RECEIVED BY
COMMUNITY
DEVELOPMENT

JUL 09 2021

CITY OF
NEWPORT BEACH

CITY OF NEWPORT BEACH
100 CIVIC CENTER DR PO BOX 1768
NEWPORT BEACH, CA 92658-8915

Office of the Orange County Clerk-Recorder
Memorandum

SUBJECT: NOTICE OF DETERMINATION - EIR

The attached notice was received, filed and a copy was posted on 05/26/2021

It remained posted for 30 (thirty) days.

Hugh Nguyen
Clerk - Recorder
In and for the County of Orange

By: Jorge V. Ramos Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county *** in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted ***** within 24 hours of receipt** in the office of the County Clerk. Each notice shall remain posted for a period of 30 days.

*** Thereafter, the clerk shall return the notice to the local **lead** agency *** within a notation of the period it was posted. The local **lead** agency shall retain the notice for not less than nine months.

Additions or changes by underline; deletions by ***



ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



3445.25

* \$ R 0 0 1 2 8 5 6 6 4 9 \$ *
202185000396 4:02 pm 05/26/21
410 SC4A Z02
0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

LOWER NEWPORT BAY CONFINED AQUATIC DISPOSAL (CAD)
CONSTRUCTION PROJECT (PA2019-020)

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

FILED

MAY 26 2021

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: SV DEPUTY

POSTED

MAY 26 2021

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: SV DEPUTY

30-05/26/2021-0387

FILED IN THE OFFICE OF THE ORANGE
COUNTY CLERK-RECORDER ON May 26, 2021

Posted May 26, 2021 Removed _____

Returned to agency on _____

DEPUTY SANDRA VALENCIA LOPEZ

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

POSTED

FILED

MAY 26 2021

MAY 26 2021

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

HUGH NGUYEN, CLERK-RECORDER

BY: JN DEPUTY

BY: JN DEPUTY

Notice of Determination

To:

Office of Planning and Research
 U.S. Mail: P.O. Box 3044
 Sacramento, CA 95812-3044

County Clerk
 County of Orange
 Public Services Division
 Santa Ana, CA 92702

Street Address:
 1400 Tenth St, Rm 113
 Sacramento, CA 95814

From:

City of Newport Beach Planning Division
 100 Civic Center Drive
 P.O. Box 1768
 Newport Beach, CA 92658-8915
 (949) 644-3200



SUBJECT: FILING ON Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

30-05/26/2021-0387

State Clearinghouse Number (if submitted to State Clearinghouse): #2019110340

Project Title: Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (PA2019-020)

Project Applicant: City of Newport Beach
 Attention: Chris Miller

Project Location – Specific: Lower Newport Bay, City of Newport Beach, Orange County

Project Location – City: Newport Beach Project Location – County: Orange

Project Description: Under the proposed Project, the City of Newport Beach would construct a confined aquatic disposal (CAD) facility in the central portion of Lower Newport Bay between Bay Island, Lido Isle, and Harbor Island where dredged sediment unsuitable for open ocean disposal or nearshore placement can be contained.

This is to advise that the City of Newport Beach, 100 Civic Center Drive, Newport Beach, CA 92660

(Lead Agency or Responsible Agency)

has approved the above described project on May 25, 2021 and has made the following determinations regarding the above described project.

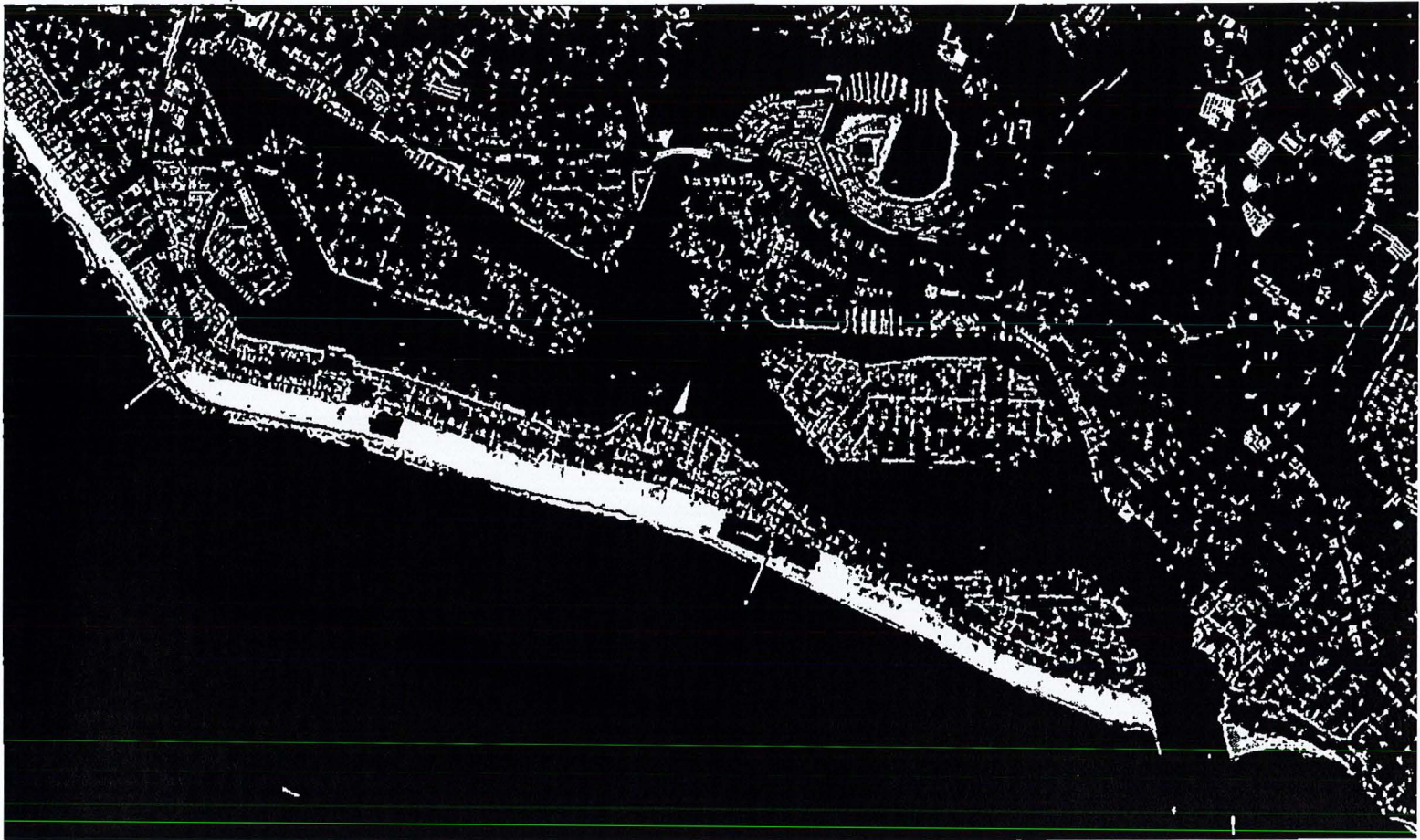
1. The project (will will not) have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (was was not) adopted for this project.
5. A statement of Overriding Considerations (was was not) adopted for this project.
6. Findings (were were not) made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 100 Civic Center Drive, Newport Beach, CA 92660

Signature (Public Agency): Name/Title: Chris Miller, Public Works Manager
 Contact Phone No.: (949) 644-3043

Date 5/26/2021 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference: Sections 21000-21174, Public Resources Code.



May 20, 2021

Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (PA2019-020)

State Clearinghouse Number: 2019110340



Final Environmental Impact Report

Prepared for the City of Newport Beach

May 20, 2021

Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (PA2019-020)

State Clearinghouse Number: 2019110340

Final Environmental Impact Report

Prepared for

City of Newport Beach
Public Works Department
100 Civic Center Drive
Newport Beach, California 92660

Prepared by

Anchor QEA, LLC
9700 Research Drive
Irvine, California 92618

TABLE OF CONTENTS

1	Introduction	1
1.1	Final Environmental Impact Report Purpose and Organization.....	1
1.1.1	FEIR Purpose.....	1
1.1.2	Final Environmental Impact Report Organization.....	2
1.1.3	California Environmental Quality Act Baseline.....	2
1.1.4	Project Purpose and Objectives.....	6
1.2	Project Description	7
1.2.1	Need for Dredging.....	8
1.2.2	Project Construction.....	8
1.3	Regulatory.....	9
1.4	Project Alternatives.....	12
1.4.1	Alternatives Considered but Eliminated	13
1.4.2	Alternatives Carried Forward for Analysis.....	13
1.4.3	Comparison of Alternatives.....	16
1.5	Summary of Impacts and Mitigation Measures	17
1.5.1	Mitigation Measures	23
2	DEIR Comments and Responses	26
2.1	Draft Environmental Impact Report Distribution.....	26
2.2	Public Comments Received.....	26
2.2.1	Comments on the DEIR.....	26
2.2.2	Comments Received at the Harbor Commission Meeting.....	28
2.3	Master Responses.....	28
2.3.1	Master Response 1: Coordination with Stakeholders	29
2.3.2	Master Response 2: Hazardous Waste Risks.....	30
2.3.3	Master Response 3: Supporting Reports.....	31
2.3.4	Master Response 4: Recreational Impacts.....	32
2.3.5	Master Response 5: Alternative Disposal Strategies.....	33
2.4	Response to Agency Comments	35
2.4.1	Response to the Santa Ana Regional Water Quality Control Board (RWQCB).....	35
2.4.2	Response to the California Coastal Commission (CCC).....	45
2.4.3	Response to the California Department of Fish and Wildlife (CDFW)	52
2.4.4	Response to the Orange County Public Works (OC).....	61
2.4.5	Response to the City of Irvine (IRV)	63

2.5	Response to Organization Comments.....	65
2.5.1	Response to the California Cultural Resource Preservation Alliance (CRPA).....	65
2.5.2	Response to the Orange County Coastkeeper (CK).....	67
2.6	Responses to Individual Comments.....	82
2.6.1	Brent Mardian, Pi Environmental.....	82
2.6.2	Sandy Asper.....	94
2.6.3	Greg Brown.....	97
2.6.4	Stacey Brown.....	100
2.6.5	Mary Buckingham.....	102
2.6.6	Jacquelyn Chung.....	104
2.6.7	Ronda Clark.....	107
2.6.8	Brooke Coldren.....	109
2.6.9	Robert Coldren.....	111
2.6.10	Mark Conzelman.....	113
2.6.11	Shana Conzelman.....	116
2.6.12	Tom Fischbeck.....	118
2.6.13	Steve Gelb.....	120
2.6.14	Carol Green.....	123
2.6.15	Sharon Grimes.....	125
2.6.16	Joelle Hamontree.....	127
2.6.17	Randall Hause.....	129
2.6.18	Laurie Hunter.....	133
2.6.19	Jim Huyck.....	135
2.6.20	Dennis Lockard.....	137
2.6.21	Violet Lorenzen.....	140
2.6.22	Julie Luckey.....	142
2.6.23	Palmer Luckey.....	144
2.6.24	James E. "Kimo" McCormick.....	146
2.6.25	Diana Miner.....	149
2.6.26	Pete Rabbitt.....	151
2.6.27	Harry Railton.....	153
2.6.28	Camille Rizko.....	157
2.6.29	Debbie Robson.....	159
2.6.30	Gail Rosenstein.....	162
2.6.31	Brooke Sharp.....	164

2.6.32	Greg and Louise Shaver	166
2.6.33	Cary Singleton	169
2.6.34	Will Singleton.....	172
2.6.35	Donald Swanson.....	175
2.6.36	John Thompson.....	177
2.6.37	Philip Thompson.....	179
2.6.38	Gina Vincent.....	181
2.6.39	Greg and Nancy Ward.....	183
2.6.40	Bob Yates.....	185
2.7	Harbor Commission Meeting	187
2.7.1	Alternatives to the Proposed Project.....	188
2.7.2	Impacts to Recreation.....	189
2.7.3	Hazardous Materials.....	189
2.7.4	Specific Comments	190
3	Modifications to the DEIR.....	194
3.1	Modifications Based on Public Comment	194
3.2	DEIR Modifications	194
3.2.1	Section 1 Introduction.....	194
3.2.2	Section 3.2 Biological Resources.....	197
3.2.3	Section 3.6 Greenhouse Gas	202
3.2.4	Section 3.8 Hydrology/Water Quality.....	203
3.2.5	Appendix B.....	204
3.2.6	Appendix E.....	204
4	References	205

TABLES

Table 1-1	Regulatory Agencies and Authority Applicable to the Proposed Project.....	11
Table 1-2	Comparison of Proposed Alternative Sites	15
Table 1-3	Comparison of Potential Impacts from Proposed Project and Alternatives (with Incorporation of Mitigation).....	16
Table 1-4	Summary of Proposed Project Impacts and Proposed Mitigation Measures.....	18
Table 2-1	Comments and Codes.....	27

FIGURES

Figure 1-1 Project Site and Vicinity 4
Figure 1-2 Federal Channels Maintenance Dredging Sediment Suitability Map 5
Figure 1-3 CAD Facility Construction Overview 6

APPENDICES

Appendix B Public Comments
Appendix E 2020 Harbor-Wide Eelgrass Survey

ABBREVIATIONS

µg/m ³	microgram per cubic meter
µm	micron
AB	Assembly Bill
AHIP	Affordable Housing Implementation Plan
APST	Aboveground Petroleum Storage Tank
AQMP	Air Quality Management Plan
ARB	California Air Resources Board
Basin Plan	Santa Ana River Basin Water Quality Control Plan
BMP	best management practice
BODR	Basis of Design Report
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAD	Confined Aquatic Disposal
Cal/OSHA	California Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAO	Cleanup and Abatement Order
CAPCOA	California Air Pollution Control Officers
CARB	California Air Resource Board
CCA	California Coastal Act
CCAA	California Clean Air Act
CCC	California Coastal Commission
CCR	California Code of Regulations
CDF	Confined Disposal Facility
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEMP	California Eelgrass Mitigation Policy
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	methane
CHRIS	California Historic Resources Information System
CHSC	California Health and Safety Code
City	City of Newport Beach

CLUP	Coastal Land Use Plan
CNDDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO _{2e}	CO ₂ equivalence
CRHR	California Register of Historical Resources
CSLC	California State Lands Commission
CSTF LTMS	<i>Los Angeles Contaminated Sediments Task Force: Long-Term Management Strategy</i>
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
cy	cubic yard
dB	decibel
dBA	A-weighted decibel
DEIR	Draft Environmental Impact Report
DMMP	<i>Los Angeles Dredged Material Management Plan Feasibility Study, Baseline Conditions (F3) Report</i>
DMMT	Dredge Material Management Team
DOT	U.S. Department of Transportation
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
EA	Environmental Assessment
EAP	Energy Action Plan
EFH	essential fish habitat
EIR	Environmental Impact Report
EO	Executive Order
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ESA	Endangered Species Act
FDA	U.S. Food and Drug Administration
Fed. Reg.	Federal Register
FEMA	Federal Emergency Management Agency
FGC	California Fish and Game Code
Final EIR	Final Environmental Impact Report

FMP	Fishery Management Plan
g	ground acceleration rate based on both probabilistic and deterministic seismic ground motion
GHG	greenhouse gas
GHG Rx	Greenhouse Gas Reduction Exchange
GWP	global warming potential
H:V	horizontal to vertical ratio
Harbor Patrol	Orange County Sheriff's Department Harbor Patrol-Marine Operations Bureau
HHW	higher high water
HLW	higher low water
HMMMP	Hazardous Material Management Plan
HMTA	Hazardous Materials Transportation Act
HMTUSA	Hazardous Materials Transportation Uniform Safety Act
hp	horsepower
HRA	health risk assessment
HW	Hazardous Waste
IS	Initial Study
LA-3	LA-3 Ocean Dredged Material Disposal Site
LCP	Local Coastal Program
LHW	lower high water
LLW	lower low water
MATES	Multiple Air Toxics Exposure Study
MBTA	Migratory Bird Treaty Act
mg/L	milligram per liter
MLLW	mean lower low water
MMPA	Marine Mammal Protection Act
MMRP	Mitigation Monitoring and Reporting Program
MND	mitigated negative declaration
MRZ-1	Mineral Resource Zone 1
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSDS	material safety data sheet
mty	metric tons per year
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP/HCP	Natural Community Conservation Plan/Habitat Conservation Plan
NEPA	National Environmental Policy Act

NHTSA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NNCPC	North Newport Center Planned Community
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOP	Notice of Preparation
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTU	nephelometric turbidity unit
O ₃	ozone
ODMDS	ocean dredged material disposal site
OEHHA	Office of Environmental Health Hazard Assessment
OMMP	Operations, Maintenance, and Monitoring Plan
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
PL	Public Law
PM	particulate matter
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
proposed Project	Lower Newport Bay Confined Aquatic Disposal Facility Construction Project
re 1 μPa	relative to 1 micropascal of pressure
RGP 54	Regional General Permit 54
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
sf	square feet
SIP	State Implementation Plan
SMCA	State Marine Conservation Area
SMP	Sediment Management Plan

SO ₂	sulfur dioxide
SPCC	Spill Prevention, Control, and Countermeasure
SMCA	State Marine Conservation Area
SR	State Route
STFATE	Short-Term Fate
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TMDL	total maximum daily load
TPH	total petroleum hydrocarbon
TSS	total suspended solids
USACE	U.S. Army Corps of Engineers
USC	United States Code
USCG	U.S. Coast Guard
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	Underground Storage Tank
VOC	volatile organic compound
WEC	Watershed Executive Committee



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

RECEIPT NUMBER:
 30 — 05/26/2021 — 0387
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2019110340

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF NEWPORT BEACH	LEAD AGENCY EMAIL	DATE 05/26/2021
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 202185000396	

PROJECT TITLE

LOWER NEWPORT BAY CONFINED AQUATIC DISPOSAL (CAD) CONSTRUCTION PROJECT (PA2019-020)

PROJECT APPLICANT NAME CITY OF NEWPORT BEACH. ATTN: CHRIS MILLER	PROJECT APPLICANT EMAIL	PHONE NUMBER (949) 644-3200
PROJECT APPLICANT ADDRESS 100 CIVIC CENTER DRIVE	CITY NEWPORT BEACH	STATE CA
		ZIP CODE 92658

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|----------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,445.25 | \$ | 3,445.25 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,480.25 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,171.25 | \$ | 0.00 |
|
 | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input type="checkbox"/> County documentary handling fee | | \$ | |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash Credit Check Other TOTAL RECEIVED \$ 3,445.25

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE DEPUTY CLERK, CLAUDIA FRANCO
--	---

Orange County
Clerk-Recorder's Office
Hugh Nguyen

601 N. Ross Street
92701

County

Finalization: 20210000299090
5/26/21 4:02 pm
410 SC4A

Item	Title	Count
1	202	1
EIR: Environmental Impact Report		
Document ID	Amount	
DOC# 202185000396	3445.25	
Time Recorded 4:02 pm		

Total 3445.25

Payment Type	Amount
Check tendered # 1008000	3445.25

Amount Due 0.00

THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS

www.ocrecorder.com

