

**ADDENDUM NO. 1  
JANUARY 2, 2024**

Project: Ventura Inner Harbor Dredging: Two Locations

TO: Plan Holders

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Acknowledge receipt of this Addendum in the space provided on the Bid Proposal Form. Failure to do so may subject Bidder to disqualification.

**CHANGE TO PRE-BID CONFERENCE**

The mandatory virtual pre-bid conference has been rescheduled to January 17<sup>th</sup> at 1 PM (same time, one day later). The virtual pre-bid conference will still use the same login/call in information:

<https://us02web.zoom.us/j/83164168000?pwd=UzZGTkNQRkZkNnhQTDRVYVN1QTI4UT09>

Bidders can also use this short link if entering into the browser manually:

<http://bit.ly/venturaportdistrict>

Bidders can also join by phone:

+1 669 444 9171 US Meeting ID: 831 6416 8000 Passcode: 1414

Bidders experiencing issues attempting to call in should call Todd Mitchell at (805) 621-7169.

**LAST DATE TO SUBMIT RFI's**

The last date to submit Requests for Information (RFIs) related to the bid shall be midnight January 23, 2024. RFIs submitted after that date may not be answered.

**CHANGE TO BID FORM**

Due to a limitation imposed in the revised by the new US Army Corps of Engineers Regional General Permit (Corps Dredging Permit), there is a significant possibility that the dredging volume will be limited to 48,000 cubic yards based upon the state of the Santa Clara River.

Therefore, the bid form has been adjusted to reflect this limitation. Please see the attached Bid Form page B-4 that replaces the original Bid Form page B-4.

**CHANGES TO PLANS AND SPECIFICATIONS**

Similar to the change in the Bid Form, the Ventura Port District assumes that the Santa Clara River condition may not be met at the time of dredging and therefore the contractor should assume the quantity available to dredge will be limited to 48,000 cubic yards due to the Corps Dredging Permit. In the event the permit conditions allow for additional removal, the District will have the option of issuing a change order to increase the volume to be dredged using the unit price provided in the Bid Form, Page B-4.

## **RFI INQUIRIES/RESPONSES:**

*Could you please clarify the date all work shall be completed by?*

*There is conflicting information within the solicitation documents. Section SC-1 Beginning and Completion of Work states that "The Contractor ...shall complete all work under the contract no later than March 15, 2024." Section SC-2A Liquidated Damages for Delays states "shall be applicable if the work is not completed prior to March 15, 2024."*

*However, section 16 - 02 31 00 Plans and Specifications states: "The District requires the inner harbor dredging project to be completed by May 1, 2024 or as limited by the conditions of the dredging permits for the methodology proposed, whichever is earlier." It also states in the Contractor Selection section that "The lowest responsive and responsible bidder proposing a methodology compliant with these permits and completing the work before May 1, 2024 (or sooner, as applicable under the requirements of the permits) shall be selected."*

Response:

*Thank you for your inquiry. The completion date for the project is modified as follows:*

### **Section SC-1 Beginning and Completion of Work**

*The paragraph is deleted in its entirety and replaced with:*

The Contractor may begin work at any time after the date set forth in the Notice to Proceed and shall complete all work under the contract no later than Thursday, May 23rd, 2024. All work includes the completed dredging and placement of all dredge material and the demobilization of all equipment from the work site, including the water area and beaches.

### **Section SC-2A Liquidated Damages for Delays**

*The last paragraph in this section deleted in its entirety and replaced with:*

It is therefore stipulated and agreed that if all the work included in the contract is not completed on or before the date of completion as provided in Section SC-1 entitled BEGINNING AND COMPLETION OF WORK, or within such extensions of time as may be granted, the Contractor shall pay to the Owner in accordance with the provisions of Section 5-3 of the General Conditions, as agreed, fixed and liquidated damages of 25% of the contract value up to \$250,000 shall be applicable if the work is not completed prior to May 23, 2024. The work is defined to include the dredging and placement of all dredge material and the demobilization of all equipment from the work site, including the water area and beaches.

### **Section 16 Plans & Specifications: Inner Harbor Dredging in Two Locations Schedule**

*The paragraph is deleted in its entirety and replaced with:*

The District requires the inner harbor dredging project scope of work to be completed by Thursday, May 23, 2024, or as limited by the conditions of the dredging permits for the methodology proposed, whichever is earlier. The scope of work is defined to include the dredging and placement of all dredge material and the demobilization of all equipment from the work site, including the water area and beaches.

## Contractor Selection

*The last paragraph is deleted in its entirety and replaced with:*

**The lowest responsive and responsible bidder proposing a methodology compliant with these permits and completing the work before Thursday, May 23, 2024 (or sooner, as applicable under the requirements of the permits) shall be selected.**

*Further, the District suggest that bidders closely review the constraints imposed by the US Army Corps of Engineers Regional General Permit under the section Disposal Operations, items #20 through 31, with special attention to Sections 22 and 22a:*

22. Disposal of material dredged from the inner harbor shall be conducted below the mean high water line along the 2,500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being at least 300 feet away from the location at which the river flows into the ocean or in three low spots within the harbor depicted on the attached drawings (Figures 2 and 3). The material to be dredged from the inner harbor and disposed within the river mouth deposition area shall be discharged only during out-going tides or when the river flow, as measures in the vicinity of the Victoria Bridge, is 100 cubic feet per second or greater. The material to be disposed in the low spots within the harbor shall be discharged using a hydraulic pipeline either placed in the bottom portion of the pits or by floating the pipe on the surface with a 90-degree elbow and approximately 4 feet of pipe extending below the surface to direct material downward into the pit to minimize turbidity. However, if the permittee can demonstrate that the hydraulic pipeline method would be infeasible within the low spots, the permittee may request the Corps consider a different method of disposal within the low spots. A different method shall not be utilized without prior approval of the Corps.
- 22a. Irrespective of Disposal Operations Special Condition 22; a maximum of 48,000 cubic yards of dredge material from the Inner Harbor maybe deposited in the deposition area between the South Groin and river mouth regardless of the rate of flow in the Santa Clara River and/or the condition of the river mouth provided that **this activity is accomplished either concurrently with or within 10 days of the commencement or 10 days of the completion of the Corps' annual maintenance dredging of the Ventura Harbor federal entrance channel and a temporary beach berm is constructed per Disposal Operations Special condition 22b.**

### **Excerpt from USACE Dredging Permit:**

Disposal operations within designated critical habitat of the Western snowy plover shall be limited to the period from October 15 to March 31 to avoid adverse effects to nesting Western snowy plovers and California least terns.

However, disposal operations are allowable in the area extending 1,500 feet south of the harbor's south jetty from September 1 to October 15 of each given year because it is located outside designated critical habitat and would have no effect on plover or terns. To further ensure that the operations will have no effect on plover, the permittee shall limit the number of vehicle trips across the river mouth, or on the beach south of the estuary, to installation, emergency maintenance, and pipeline removal activities. The permittee shall also limit beach re-contouring to the footprint of the pipeline.

**Excerpt from the Regional Water Quality Control Board Permit:**

- b. Dredging activities including removal and placement shall not impact any threatened or endangered species in the area, including the Western Snowy Plover and California Least Tern.
- c. Beach monitoring shall be performed during all activities on the beach, including pipeline installation, grading, and pipeline removal.

**California Coastal Commission Coastal Development Permit:**

Please take note of Page 4 of the Notice of Intent (provided as an attachment to this Addendum).

## BID SHEET

Bidder understands, acknowledges, and agrees that it must submit bids on all of the following bid items to qualify. **Bidder understands that the bid item will be awarded to only one lowest responsible and responsive bidder possessing the ability to perform successfully under the terms and conditions of this solicitation as selected by the Owner in its sole and absolute discretion.** The awarding or rejection of bids by the Owner shall be further subject to Section 5 of the Notice Inviting Bids.

### BID ITEM NO. 1

Furnish all labor, equipment, materials and incidentals necessary to perform the **mobilization and demobilization** for the **VENTURA INNER HARBOR DREDGING: TWO LOCATIONS** project and any additional related equipment and services for the project in accordance with the drawings and specifications prepared by the Ventura Port District **for the lump sum price of**

\$ \_\_\_\_\_ or \_\_\_\_\_ dollars.  
(in words)

### BID ITEM NO. 2

Furnish all labor, equipment, materials and incidentals necessary for **dredging of the Pierpont Basin** as part of the **VENTURA INNER HARBOR DREDGING: TWO LOCATIONS** project and any additional related equipment and services for the project in accordance with the drawings and specifications provided in this bid package for **the unit price of**

\$ \_\_\_\_\_ **per cubic yard** with an estimated volume of **44,000** cubic yards for a  
total of \$ \_\_\_\_\_ or \_\_\_\_\_ dollars.  
(in words)

### BID ITEM NO. 3

Furnish all labor, equipment, materials and incidentals necessary for **dredging of the Area D** as part of the **VENTURA INNER HARBOR DREDGING: TWO LOCATIONS** project and any additional related equipment and services for the project in accordance with the drawings and specifications provided in this bid package for **the unit price of**

\$ \_\_\_\_\_ **per cubic yard** with an estimated volume of **4,000** cubic yards for a  
total of \$ \_\_\_\_\_ or \_\_\_\_\_ dollars.  
(in words)

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CALIFORNIA 93001-2801  
PH (805) 585-1800  
WWW.COASTAL.CA.GOV



December 19, 2023

Permit Application No.: 4-16-0333-A1

## **NOTICE OF INTENT TO ISSUE AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

On December 13, 2023, the California Coastal Commission granted to **Ventura Port District** an amendment to Permit No. 4-16-0333, subject to the attached conditions. The development originally approved by the permit consisted of: **Implement a Maintenance Dredging Program in the outer and inner areas of Ventura Harbor through April 18, 2026.**

**Maintenance dredging of the Inner Harbor, to design depths, would entail up to 100,00 cu. yds. of material to be dredged annually from the navigation channels, berthing areas, and sand traps within the harbor and deposited; (1) within surf zone near the mouth of Santa Clara River, (2) three interior depressions within the interior of the harbor; and/or (3) in the 4,000 feet of nearshore area off of McGrath State Beach. Of the proposed 100,000 cu. yds. of material to be dredged, up to 2,500 cu. yds. of fine-grained material may be dredged from the mouth of the Arundell Barranca and/or the Olivas Park storm drain with a shore-based clam shell, with deposition outside of the coastal zone.**

**Maintenance dredging to the Outer harbor, to design depths, would entail up to 600,000 cu. yds. of material to be removed annually from the entrance channel and offshore sand traps and deposited: (1) within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty, including South Beach, the area near the Santa Clara River mouth, and McGrath, state Beach; (2) within the surf zone north of the harbor, entrance in Cells 1 and 2 of the Pierpont**

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**Groin Field; (3) in the 4,000 feet of nearshore area off of McGrath, State Beach; and/or (4) the 1,000 feet of nearshore area off of San Buenaventura State Beach south of the Ventura Pier.**

**Dredging would be accomplished by means of hydraulic dredging with pipeline deposition into designated surf zones areas or alternately by means of clamshell or hopper dredging with deposition in the nearshore waters. A shore-based clam shell may also be used to dredge up to 2,500 cu. yds. of material at the mouth of the Arundell Barranca and/or the Olivas Park storm drain, with deposition outside of the coastal zone. The dredging and deposition period will run from after Labor Day in September to Memorial Day in May of the following year, subject to timing constraints for resource protection.**

**At: Ventura Harbor, City of San Buenaventura; Beach deposition sites in the cities of San Buenaventura & Oxnard (Ventura County).**

**Changes approved by this amendment consist of: Modifications to the Maintenance Dredging Program in the outer and inner areas of Ventura Harbor to: (1) add beach deposition of fine sediments within a temporary sand berm/containment dike that is approximately 100-ft.-wide, 300-ft.-long, and 5-ft.-tall maximum, constructed near the mean high water line using a maximum of 1,000 cubic yards of native beach sand and dredge material; (2) modify the dredged material disposal locations, including to remove the nearshore area south of Ventura pier; (3) modify the requirements for disposal of finer grain sediment near the Santa Clara River; and (4) extend the project term expiration to October 10, 2028. The amendment also includes minor revisions and clarifications to special conditions to reflect project modifications, more specifically described in the application filed in the Commission offices.**

Unless changed by the amendment, all conditions attached to the existing permit remain in effect.

The amendment is being held in the Commission offices until fulfillment of the Special Condition 1-19 imposed by the Commission. Once these conditions have been fulfilled, the amendment will be issued.

For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on December 13, 2023.

If you have any questions regarding how to fulfill the "prior to issuance" Special

December 19, 2023

Permit Application Number: 4-16-0333-A1

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TO COASTAL DEVELOPMENT PERMIT**

Conditions for CDP No. 4-16-0333-A1, please contact the Coastal Program Analyst identified below.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

A handwritten signature in black ink, appearing to read 'R. W. D.' followed by a stylized flourish.

Walt Deppe  
Coastal Program Analyst

cc: Commissioners/File

**ACKNOWLEDGMENT**

The undersigned permittee acknowledges receipt of this Notice of the California Coastal Commission determination on Permit No. 4-16-0333-A1 and fully understands its contents, including all conditions imposed.

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Date

Permittee

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



## **NOTICE OF INTENT TO ISSUE AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

### **STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **SPECIAL CONDITIONS:**

#### **1. Timing and Implementation of Project Operations.**

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, temporary construction of beach berm, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited in all of the following locations:

- (a) Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Wildlife, or the State Park Resource Protection Area from March 15 through August 31 to avoid disturbance during the breeding season of the Least Tern.
- (b) On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.

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- (c) On any part of the beach in those portions of the project area where California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods, as documented by the surveys conducted pursuant to **Special Condition Five (5)**. In the event that sediment needs to be placed below the high tide line from March 14 to August 31, the applicant shall submit evidence, for the review and approval of the Executive Director, that surveys for grunion have been conducted pursuant to **Special Condition Eight (8)** at the project site and that no grunion were found. No work shall occur below the high tide line between March 14 and August 31 without the authorization of the Executive Director.
- (d) Within federally designated critical habitat of the Western Snowy Plover from March 1 through September 30 to avoid adverse effects to nesting Western Snowy Plovers, or in any other area where snowy plovers may be, if they are exhibiting nesting or reproductive activity, as documented by the surveys conducted pursuant to **Special Condition Eight (8) and Special Condition Fourteen (14)**.

### **2. Dredging and Disposal Operation Plan.**

The applicant shall submit a dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. The plan shall include at a minimum:

- (a) Site map showing the area of the Ventura Harbor to be dredged and receiver site(s). Nearshore disposal areas shall be plotted in latitude and longitude coordinates. All maps shall be drawn to scale.
- (b) Detailed description of the dredging operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be deposited at the receiver site(s).
- (c) Description (e.g., size, type, capacity) of equipment to be used, including bin capacity when hopper and/or clamshell dredging is utilized.
- (d) Schedule of the dredging operation's proposed beginning and ending dates.
- (e) Results of a grain size and chemical analysis, pursuant to Special Condition Three (3).
- (f) Evidence that local agencies were apprised of the availability of sand resources and the target destination for the current year's dredging operation.

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- (g) Explanation of receiver site(s) priority.
- (h) All relevant monitoring reports required pursuant to this permit.
- (i) Debris management plan to prevent disposal of solid debris at receiver site(s).  
The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

### **3. Sediment Analysis.**

Physical (grain size) analysis shall be conducted of a representative sample of the sediments to be dredged from the Outer Harbor areas, consistent with the Environmental Protection Agency (EPA) and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment and consistent with EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines. Testing of Outer Harbor sediment shall be conducted and approved prior to the initiation of the dredging operation. If sampling reveals that any Outer Harbor sediment does not meet beach replenishment standards, the applicant shall cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Chemical and physical (grain size) analysis shall be conducted of representative samples of the sediments to be dredged from the Inner Harbor, consistent with the EPA/USACE SC-DMMT SAP/R testing guidelines and most recent RWQCB waste discharge requirements. Re-testing of Inner Harbor sediment shall be conducted a minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and RWQCB guidelines. If the EPA or RWQCB determine that the sediment exceeds any contaminant threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a major spill, release, or similar event that has the potential to result in contamination of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

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### **4. Dredge Spoil Compatibility.**

- A. The dredged material shall meet all applicable federal and state beach nourishment or dredge spoil discharge requirements and comply with the grain size requirements for the locations as cited below.
- B. Dredged material meeting EPA and Regional Water Quality Control Board criteria for beach replenishment, and for which an average of 65% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with the approved project plans:
  - (1) Cells 1 and 2 of the Pierpont Groin Field;
  - (2) South Beach or surf zone of the Santa Clara River, specifically South of the South Jetty of the Ventura Harbor entrance, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach);
  - (3) Surf zone at McGrath State Beach; and/or
  - (4) Nearshore area at McGrath State Beach;
- C. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements, and for which an average of less than 65% of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with the approved project plans:
  - (1) Inner Harbor Depressions;
  - (2) Surf zone of the Santa Clara River, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area;

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- (3) Nearshore area at McGrath State Beach;
  - (4) Within a temporary sand beach berm/containment dike, only as consistent with **Special Condition Nineteen (19)**, constructed near or just above the mean high water line and located south of the Ventura Beach South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area; and/or
  - (5) Upland or offshore disposal locations approved by the Executive Director consistent with the SC-DMMT (should the disposal site be located in the Coastal Zone, a coastal development permit shall be required).
- D. Fine-grained material dredged by a shore-based clam shell from the mouth of the Arundell Barranca and/or the Olivas Park storm drain must be deposited outside of the coastal zone.
- E. Dredged material that does not meet the physical or chemical standards for beach replenishment or spoil discharge shall not be discharged at any of the deposition sites. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

### **5. Nearshore Disposal Project Monitoring.**

Maintenance dredging may be conducted using a clamshell or hopper dredge with nearshore disposal off of McGrath State Beach. To evaluate the appropriateness of nearshore disposal and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- (a) The applicant shall measure and document the response of adjacent shorelines to the placed nearshore berm in shallow water and the prevailing environmental conditions, and document the dispersion and migration of the nearshore berm in shallow water itself. The monitoring program parameters shall correspond to the Maintenance Dredging Monitoring Plan for Nearshore Disposal, including

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pre- and post- dredge surveys of the beach profiles and bathymetry. A baseline survey of the nearshore project area shall take place no earlier than four (4) weeks prior to any dredging operation. As described in the Monitoring Program, data shall be collected for a period of one year, a minimum of quarterly, after any disposal operation at a nearshore site. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. Modifications to the monitoring program are subject to review and approval of the Executive Director.

- (b) The Executive Director may waive the full year post-dredging monitoring requirement, if the applicant submits evidence, subject to the Executive Director's review and approval, which shows that the nearshore berm has completely dispersed.

### **6. Shoreline Monitoring Program.**

- A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:
  - (1) An indication of beach width and sand volume changes to the beaches adjacent to all approved deposition sites south of the South Jetty of the Ventura Harbor entrance, to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach). The applicant shall utilize geospatial mapping and imagery, to the extent feasible, to prepare the summary of beach width and sand volume changes.
  - (2) Data detailing the annual quantity, location, and date of dredged material placement.
  - (3) An annual summary of conditions at the Santa Clara River estuary mouth.
- B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, and electronically to the

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Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

### **7. Caulerpa Surveys and Monitoring.**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga of the genus *Caulerpa*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
  - (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries.
- D. If *Caulerpa* species are found within the project or buffer areas, the permittee shall not proceed with the project until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or (2) the permittee has revised the project to avoid any contact with *Caulerpa*. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

### **8. Sensitive Species Surveys and Monitoring.**

- A. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to commencement of dredging or discharge activities. The environmental resource specialist shall conduct a survey of the project site, to

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determine presence and behavior of sensitive species, one day prior to commencement of installation or removal of the discharge pipeline, or any grading activities on the beach. In the event that any sensitive wildlife species (including but not limited to California least tern, western snowy plover, California grunion) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

- B. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to any dredging or discharge activities from March through August. The environmental resource specialist shall conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Wildlife. If any grunion spawning activity and/or if grunion are present in or adjacent to (within 100 yards of) the project site in any life stage, no construction, maintenance, or any grading and grooming activities on the beach or other project activities shall occur until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed at any of the above sites. If material is in the process of being placed, the material shall be rough graded and returned to contours that will enhance the habitat for grunion prior to the run period. Furthermore, placement activities shall cease in order to determine whether grunion are using the beach during the following run period. The resource specialist shall provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.
- C. The applicant shall immediately submit documentation, prepared by the biologist or environmental specialist, which indicates the results of each pre-construction survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.
- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach, including during the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities



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outside of the scope of Coastal Development Permit 4-16-0333 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-16-0333. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

### **9. Operational Responsibilities.**

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (a) At the completion of each year's dredging and deposition, but prior to the timing restrictions specified in Special Condition One (1) above, the sand deposited on the beach shall be rough graded to natural beach contours to restore the dynamic shoreline habitat and to facilitate recreational use.
- (b) All pipeline operations and vehicle traffic shall be limited to the 50-foot wide corridor along the proposed pipeline route.
- (c) All vehicle traffic associated with placement of the pipeline, including the movement of sections of the pipeline, must be preceded by a designated individual walking ahead of the equipment being moved to ensure that no snowy plovers or other sensitive species are at risk from vehicle or equipment movement.
- (d) No pipes or any other equipment shall be stored on the beach consistent with timing constraints identified pursuant to Special Condition One (1).
- (e) The disposal pipeline, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), access routes, and equipment corridor, shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. These operations shall avoid the dune slope along the upper beach while maintaining the maximum buffer possible with a minimum 25-foot buffer from dune vegetation. The buffer may only be reduced with approval from the Executive Director in limited cases, including when beach nourishment activities are being conducted to reinforce the dune slope or when the beach is in an eroded condition that requires reduction of the buffer for safe operations. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack

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shall be moved to the side during discharge operations, pipeline placement, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.

- (f) At no time shall disposal or associated activities interfere with the breaching or retention of flow within the Santa Clara River estuary in such a way as to cause or threaten flooding on adjacent lands.
- (g) Daily inspections and removal of unnatural debris deposited in the dredge spoils, including but not limited to plastic debris, shall be conducted during all dredging and subsequent beach grading operations. Any of this debris collected shall be disposed of outside the coastal zone.

### **10. Operation Staging.**

- A. At least two (2) weeks prior to commencement of any dredging operation, the applicant shall submit to the Executive Director for review and approval, final staging plans that include the following:
  - (1) A map of the location of the project construction headquarter(s).
  - (2) Site plans for all construction staging areas and access routes, including stockpile areas for pipe and the access corridor necessary for placement of the pipeline.
  - (3) Special staging and parking needs for heavy equipment.
- B. The plan shall be consistent with the following criteria:
  - (1) Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations.
  - (2) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.

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- (3) Construction equipment shall not be cleaned on the beach or in the beach parking lots.
  - (4) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
  - (5) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
  - (6) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
  - (7) Stockpiled materials shall be located as far from beach areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the high tide line.
  - (8) Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.
- C. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

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### **11. Agency Coordination.**

No less than sixty (60) days prior to commencement of each dredging operation, the applicant shall provide notice to local agencies and any other known interested parties of the volume and quality of shoal material. Those parties that shall receive notice include, but are not limited to, the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corps of Engineers, Regional Water Quality Board, BEACON, and the Executive Director of the Coastal Commission. If any party requests to use the dredged material which meets beach replenishment requirements, and if the Executive Director determines that the proposed beach nourishment will not have adverse impacts on coastal resources and that these materials are not more appropriate at alternative disposal sites, the applicant shall make the dredged material available to that party, for transport and use for beach nourishment, at that party's expense. If that party proposes to place the dredged material in the Coastal Zone in a location other than those authorized in this permit, the placement of that material shall require an amendment to this permit or a new coastal development permit.

### **12. Public Access Program.**

Prior to issuance of this coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during dredging and discharge operations.

### **13. Required Approvals.**

Prior to commencement of any sediment management activities authorized by this coastal development permit, the applicant shall provide evidence to the Executive Director of receipt of all necessary State and Federal permits including the U.S. Army Corps of Engineers, the California State Lands Commission, and the California Regional Water Quality Control Board.

### **14. Snowy Plover and Least Tern Monitoring.**

A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the south side of the Ventura Harbor entrance, including Harbor Cove Beach (or, if dredge material placement is proposed at a Pierpont Groin Field location for the

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season's activities, from the northernmost point at the Pierpont Groinfield deposition site), to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior within the survey areas, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year during which dredging was conducted within the past year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include, but not be limited to, the following components: 1) population and trend analysis; 2) analysis and illustration of population density and spatial distribution before, during, and after each dredging operation; 3) documentation of all known incidents of snowy plover and least tern disturbance (including incidents resulting in mortality, citing the probable cause of mortality) including dates, times, location, degree of plover disturbance (e.g., plover behavior such as moving, running, or flying from a disturbance or other actions such as elevating wings), source of disturbance (e.g., pedestrians, vehicles, dogs on or off leash, equestrians, predation, spills, dredging operations and support activities including pipeline installation and removal and any beach grading or grooming activities, or vandalism of unknown origin), length of time of disturbance, level of disturbance (i.e., how many plovers made to fly or move and how far plovers were displaced), and the approximate distance between the source and plovers which resulted in the disturbance; 4) analysis of any other activities with the potential to impact the species' population in the project area, such as use patterns (e.g., public recreation), weather patterns, and habitat changes; and 5) conclusions regarding the impact of the dredging operations on the snowy plover and least tern populations and habitat.

If the Executive Director determines that adverse impacts have occurred to the species' population or habitat as a result of the dredging operations, the Executive Director shall provide written notice to the applicant of such determination. The

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applicant shall cease work (if work is underway) and shall notify local resource agencies in a timely manner. The applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.

### **15. Water Quality Monitoring.**

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials. The monitoring program will be conducted each time dredged materials are deposited into or graded near the intertidal zone and will contain the following components:

- (a) The applicant shall retain the services of a qualified biologist(s) or environmental resources specialist(s) with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall monitor and document the turbidity of coastal waters during all project construction activities consistent with California Regional Water Quality Control Board (RWQCB) Monitoring and Reporting Program for this project. The applicant shall submit, for the review of the Executive Director, all weekly monitoring reports that indicate non-compliance with the waste discharge requirements outlined in the Monitoring and Reporting Program. The weekly reports shall be submitted within 10 days of completion of each weekly sampling period for which non-compliance is found. In addition, the applicant shall submit, for the review of the Executive Director, a final report, summarizing the weekly monitoring, within 30 days of the completion of each dredging operation.
- (b) Should the water quality monitoring program yield results that indicate sediment disposal into the intertidal zone causes a significant adverse impact on water quality or the marine environment the applicant is required to submit, for review and approval by the Executive Director, a mitigation plan exploring feasible alternatives, mitigation measures, and/or alternative disposal locations for sediment disposal in the intertidal zone prior to any future deposition activities in the intertidal zone. Should the mitigation plan identify mitigation measures and/or project alternatives to minimize water quality impacts which results in a substantial change in the proposed development approved by the Commission, an amendment to the permit or a new coastal permit shall be required.

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### **16. Assumption of Risk.**

By acceptance of Coastal Development Permit 4-16-0333, the applicant acknowledges and agrees (i) that the project site may be subject to hazards from erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

### **17. Project Term.**

All development approved pursuant to this coastal development permit shall be completed by October 10, 2028.

### **18. Eelgrass Survey.**

(a) Pre-Construction Eelgrass Survey:

- 1) A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed prior to commencement or re-commencement of any development authorized under this coastal development permit. The applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of eelgrass.
- 2) The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see [http://www.westcoast.fisheries.noaa.gov/habitat/habitat\\_types/seagrass\\_info/california\\_eelgrass.html](http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html)) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.

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- 4) If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit in order to address and allow eelgrass mitigation measures, as described in subsection B, below. However, no amendment or new permit is needed if the Executive Director determines that no amendment or new permit is required.

**(b) Post-Construction Eelgrass Survey:**

- 1) If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted.
- 2) The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see [http://www.westcoast.fisheries.noaa.gov/habitat/habitat\\_types/seagrass\\_info/california\\_eelgrass.html](http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html)) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey.
- 4) If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy (CEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).
- 5) The exceptions to the required 1.38:1 mitigation ratio found within CEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

**19. Beach Berm Method.**

The beach berm method of dredged material placement authorized by this permit, including the construction of any beach berm, active management of it, and subsequent beach restoration, shall be managed consistent with the operational



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responsibilities listed in **Special Condition Nine (9)** of this permit, as well as the following requirements:

- A. **Qualification.** The beach berm method for disposal of finer grain (more than 35% fines) dredged material placement allowed in **Special Condition 4.C(4)** of this permit shall not be allowed during a given dredging season if:
- 1) The alternatives available for disposal identified in **Special Condition 4.C(1)** (inner harbor depressions), **Special Condition 4.C(2)** (surf zone of Santa Clara River), **Special Condition 4.C(3)** (surf zone at McGrath State Beach), or **Special Condition 4.C(5)** (upland or offshore disposal) are determined to be feasible that season; or
  - 2) If the Executive Director has not approved the subsequent utilization of the beach berm method for disposal of dredged material placement following any review of its previous usage under Part E(4) of either this condition or **Special Condition Eighteen (18) of CDP 4-18-0390**.
- B. **Sediment Suitability.** The beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.
- C. **Best Management Practices.**
- 1) The applicant shall ensure that the dredged material placement (including the material within the berm basin and the berms themselves) shall be continually managed during operation to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas.
  - 2) The dredged material discharged into the berm shall be flushed out of the beach berm with assistance from machinery as necessary, toward the surf zone, while still suspended in a mixture with water, such that the amount of fine grain material that is left on the natural beach is minimized.
  - 3) At the completion of the berm disposal operations, the project footprint area on the beach shall be decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use,

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consistent with the timing constraints listed in **Special Condition One (1)**. In addition, if disposal operations using the beach berm method impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading.

- D. **Public Access Program Update.** **Prior to issuance of this coastal development permit amendment**, the applicant shall submit, for review and approval of the Executive Director, an updated public access program report, consistent with the requirements of **Special Condition Twelve (12)** of this permit, revised to address the beach berm method.
- E. **Monitoring and Review for Subsequent Use of Beach Berm Method.** To evaluate the effectiveness of the beach berm method for deposition of finer grained dredged material indirectly into the littoral system while avoiding impacts to the beach, the applicant shall measure and document the effects (if any) of the placement of finer grain sediments on the beach area from south of the Ventura Beach South Groin to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach).

**Prior to issuance of this coastal development permit amendment**, the applicant shall submit a berm method monitoring plan that contains the following requirements:

- 1) The berm method monitoring plan shall contain specific monitoring parameters that may include the geospatial mapping and imagery methods used for the Shoreline Monitoring Program in **Special Condition 6**, as well as visual observations and photo documentation of the beach. Methods to analyze the presence of any compacted hard pan layers within the monitoring area and to analyze grain size distribution on the beach and presence of finer grain sediment must also be included.
- 2) The berm method monitoring plan shall include methods for monitoring of the berm method during active operations, and a schedule for pre- and post-dredging monitoring during low-tides, including at least one pre-dredge observational survey and at least two more comprehensive post-dredge surveys (one immediately after the completion of deconstruction of the berm and beach restoration, and one approximately one month later, following a full spring/neap tidal cycle).

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- 3) The applicant shall provide a post-dredging monitoring report, in accordance with the approved berm method monitoring plan, to the Executive Director following completion of each use of the beach berm method, as soon as they are available, and no later than July 1 following the dredging season.
- 4) Subsequent utilization of the beach berm method for disposal of finer grain dredged material placement in **Special Condition 4.C(4)** shall require Executive Director review and approval, and shall be contingent upon the information contained within the post-dredging monitoring report(s) submitted, including that no adverse impacts to the beach area (including shoreline habitat, recreation and public access), result from use of this method.
- 5) Should adverse impacts to the beach area be observed, the Executive Director may require additional restoration of the beach using the methods described in **Part C.3** of this condition to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.