

OUTFALL LAND SECTION AND OCEAN OUTFALL BOOSTER STATION (OOBS) PIPING REHABILITATION

Final Environmental Impact Report
State Clearinghouse No. 2011081022



Prepared for
Orange County
Sanitation District

February 2012



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Sanitation District

February 2012



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CHAPTER 1

Introduction

This Final Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.). The Final EIR incorporates, by reference, the Draft EIR prepared by Orange County Sanitation District (Sanitation District) for the Outfall Land Section and OOBs Piping Rehabilitation project (State Clearinghouse No. 2011081022) as it was originally published and the following chapters, which include revisions made to the Draft EIR.

1.1 CEQA Requirements

CEQA Guidelines specify that the Final EIR shall consist of the following:

- The Draft EIR or a revision of that draft;
- Comments and recommendations received on the Draft EIR;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The response of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final EIR document for the Outfall Land Section and OOBs Piping Rehabilitation project includes:

- The written and oral comments received on the Draft EIR along with a response to each comment (Chapter 2);
- Revisions made to the Draft EIR in response to comments received (Chapter 3); and
- Minor revision to the text included as part of the record by the Sanitation District (Chapter 4).

1.2 Public Participation Process

1.2.1 Notice of Preparation

Beginning on August 8, 2011, the NOP was circulated for 30 days and mailed to approximately 200 interested parties, including local, State, and federal agencies. Copies of the NOP were also made available for public review in the newspaper and at the Sanitation District Administrative

Office Building, Huntington Beach Central Library, Huntington Beach Banning Library, Newport Beach Public Library, and the Sanitation District's web site: www.ocsd.com.

The NOP provided a general description of the facilities associated with the proposed Project, a summary of the probable environmental effects of the proposed Project to be addressed in the Draft EIR, and figures of the proposed Project location and proposed Project components. The NOP provided the public agencies and interested parties with the opportunity to review the proposed Project and provide comments or concerns on the scope and content of the environmental review document. The NOP comment period ended on September 8, 2011. A total of 17 comment letters were received. These comment letters were included in Appendix A of the Draft EIR.

1.2.2 Public Scoping Meeting

CEQA recommends conducting early coordination with the general public, appropriate public agencies, and local jurisdictions to assist in developing the scope of the environmental document. Pursuant to CEQA Guidelines §15083, a public scoping meeting was held on August 25, 2011, at the Orange County Sanitation District Administrative Office Building, Board Room. A public notice was placed in the Orange County Register on August 7 and August 12, 2011, informing the general public of the availability of the NOP and the scoping meeting. Attendees were provided an opportunity to express their comments or concerns regarding potential effects of the proposed Project and the issues to be included in the Draft EIR.

1.2.3 Notice of Availability of the Draft EIR

The Notice of Availability (NOA) of the Draft EIR was posted with the County Clerk in Orange County and the State Clearinghouse on December 14, 2011. The Draft EIR was circulated to federal, state, and local agencies and interested parties who requested a copy of the Draft EIR. Copies of the Draft EIR were made available to the public at the following locations:

- Orange County Sanitation District, Administrative Office Bldg., Engineering Planning Department, 10844 Ellis Avenue, Fountain Valley, CA 92708
- Huntington Beach Central Library – 7111 Talbert Avenue, Huntington Beach, CA
- Huntington Beach Banning Library – 9281 Banning Avenue, Huntington Beach, CA
- Newport Beach Public Library – 1000 Avocado Avenue, Newport Beach, CA

The Draft EIR was circulated for public review from December 14, 2011 through January 27, 2012. All comments received on the Draft EIR are addressed in this Response to Comments document which, together with the Draft EIR and changes and corrections to the Draft EIR, constitute the Final EIR.

1.2.4 Public Hearing

The Sanitation District staff held a public hearing on January 12, 2012 at the Orange County Sanitation District Administrative Office Building, Board Room. Attendees were provided an opportunity to express their comments or concerns regarding the contents of the Draft EIR.

1.3 Final EIR Certification and Approval

As the Lead Agency, the Sanitation District must provide the Final EIR to commenting agencies at least 10 days prior to consideration for approval. Prior to considering the project for approval, Sanitation District Board of Directors will review and consider the information presented in the Final EIR and will certify that the Final EIR has been adequately prepared in accordance with CEQA at its regularly scheduled Board Meeting on **February 22, 2011 at 6:30 PM**. Once the Final EIR is certified, the Sanitation District may proceed to consider project approval (CEQA Guidelines §15090). Prior to approving the Project, the Sanitation District shall make Findings regarding any significant, unavoidable environmental effects identified in the Final EIR, and if necessary, adopt a Statement of Overriding Considerations regarding these impacts (CEQA Guidelines §15091, §15093). The Sanitation District will certify the EIR and file a Notice of Determination (NOD) with Orange County Clerk-Recorder and the State Clearinghouse.

CHAPTER 2

Response to Comments

2.1 Summary

The Outfall Land Section and OOBS Piping Rehabilitation Project Draft Environmental Impact Report (EIR) for the Orange County Sanitation District (Sanitation District) was completed and released for public review on December 14, 2011 pursuant to California Environmental Quality Act (CEQA) requirements. The public review period lasted 45 days and officially closed on January 27, 2012. A total of 18 comment letters were received on the Draft EIR in addition to two commenters provided comments during the public hearing held on January 12, 2012.

This document provides the comment letters received and responses to these comments. The comment letters are followed by responses to each comment. Any changes made to the Draft EIR to address comments raised in a comment letter are specifically identified in the response to comments. The comments are referenced by the commenting party for each letter received and are numbered in sequential order. For example, the first comment in the first letter is NAHC-1. **Table 2-1** on the following page lists the comments received on the EIR during the comment period.

The Final EIR for the Outfall Land Section and OOBS Piping Rehabilitation Project consists of the response to comments document and the Draft EIR. Attachment A of this document contains the Mitigation Monitoring and Reporting Program (MMRP) which includes each mitigation measure identified in the Draft EIR, and as modified in response to comments received on the Draft EIR.

**TABLE 2-1
COMMENTS RECEIVED ON THE DRAFT EIR**

ID No.	Commenting Party	Agency/Organization/Interested Party	Date Received	Page Number
Agency				
NAHC	Dave Singleton	Native American Heritage Commission	December 16, 2011	2-4
Caltrans	Christopher Herre	CA Department of Transportation	December 20, 2011	2-9
CDC	Syndi Pompa	CA Department of Conservation	January 20, 2012	2-10
DTSC	Al Shami	CA Department of Toxic Substances Control	January 24, 2012	2-12
CDPR	Joseph Milligan	CA Department of Parks and Recreation	January 24, 2012	2-13
USFWS	Karen A. Gobel	US Fish and Wildlife Service	January 25, 2012	2-17
HB	Jennifer Villasenor	City of Huntington Beach	January 25, 2012	2-20
OCPW	Michael Balsamo,	Orange County Public Works	January 25, 2012	2-23
CDFG	Edmund Pert	CA Department of Fish & Game	January 26, 2012	2-28
SWRCB	Ahmad Kashkoli	State Water Resources Control Board	January 26, 2012	2-32
NB	Patrick Alford	City of Newport Beach	January 27, 2012	2-49
CSLC	Cy R. Oggins	California State Lands Commission	January 27, 2012	2-51
ACOE	Stephen M. Estes	Department of the Army	January 31, 2012	2-56
Interested Parties				
DS	Don Schulz	Surfrider Foundation	January 9, 2012	2-58
S&SA	Cheryl Egger	Sea & Sage Audubon	January 17, 2012	2-59
SCGC	Jeanette Garcia	Southern California Gas Company	January 18, 2012	2-61
JG	Judith Gielow	Costa Mesa Resident	January 25, 2012	2-62
OCC	Colin Kelly	Orange County Coastkeepers	January 27, 2012	2-63
Public Hearing Comments on January 12, 2012				
DK	Dave Coffman	Resident		
BM	Bill McCarthy	Resident		

2.2 Comment Letters

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



December 16, 2011

Mr. Jim Burror, Engineering Planning

NAHC

Orange County Sanitation District

10844 Ellis Avenue
 Fountain Valley, CA 92708

Re: SCH#2011081022 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project" located in the Huntington Beach area; Orange County, California

Dear Mr. Burror:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance, to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. This area of Orange County is known to the NAHC to be very culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California

NAHC
1

Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

NAHC
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NAHC
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NAHC
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NAHC
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NAHC
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To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

NAHC
6

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contacts

Orange County
December 16, 2011

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3098 Mace Avenue, Aapt. D Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011081022; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Outfall Land Section and OOBs Piping Rehabilitation Project; located in the Huntington Beach area; Orange County, California.

California Native American Contacts

Orange County
December 16, 2011

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net
(714) 323-8312

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebroles1@gmail.com
(949) 573-3138

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabirelino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011081022; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Outfall Land Section and OOBs Piping Rehabilitation Project; located in the Huntington Beach area; Orange County, California.

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592

Caltrans



*Flex your power!
Be energy efficient!*

Fax & Mail**December 20, 2011**

Jim Burror
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, California 92708

File: IGR/CEQA
SCH#: 2011081022
Log #: 2853
SR 1

Subject: Availability of Draft Environmental Impact Report (EIR).

Dear Mr. Burror,

Thank you for the opportunity to review and comment on the **Availability of Draft Environmental Impact Report (EIR)**. For the proposed outfall land section and ocean outfall booster pump station piping rehabilitation. The proposal is to rehabilitate the land portion of its outfall system which presently is discharging wastewater (treated effluent to Pacific Ocean through a 120" diameter, five mile outfall).

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. In the event of any activity in Caltrans' right-of-way, an encroachment permit will be required. Applicants are required to plan for sufficient permit processing time, which may include engineering studies and environmental documentation.

Caltrans
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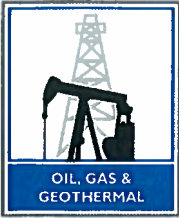
Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to contact Ed Khosravi at ed_khosravi@dot.ca.gov or at

949-724-2338.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Herre".

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review



DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE conservation.ca.gov

January 10, 2012

CDC

Rob Thompson c/o Jim Burror
Orange County Sanitation District/Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED OUTFALL LAND SECTION AND OCEAN OUTFALL BOOSTER PUMP STATION (OOBS) PIPING REHABILITATION – SCH # 2011081022

Dear Mr. Burror:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division), Cypress office, has reviewed the above referenced project. Our comments are as follows.

The proposed project is located within the administrative boundaries of the Newport, West oilfield. There are twenty-six (26) plugged and abandoned oil wells within your proposed project boundaries. There are three (3) plugged and abandoned oil wells that are very close to your proposed excavation area. These wells are identified on Division map 136 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

CDC
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The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

CDC
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The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations.

If any structure is to be located over or in the proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the Public Resources Code (PRC) authorizes the State Oil and Gas Supervisor (Supervisor) to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in the proximity of the well could result in a hazard.

CDC
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An operator must have a bond on file with the Division before certain well operations are allowed to begin. The purpose of the bond is to secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond. The operator must also designate an agent, residing in the state, to receive and accept service of all orders, notices, and processes of the Supervisor or any court of law.

CDC
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Written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intent (notice) to perform any well operation is reviewed on engineering and geological basis. For new wells and the altering of existing wells, approval of the proposal depends primarily on the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing approved drilling and cementing techniques.

CDC
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The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

CDC
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The Division recommends that adequate safety measures be taken by the project manager to prevent people from gaining unauthorized access to oilfield equipment. Safety shut-down devices on wells and other oilfield equipment must be considered when appropriate.

CDC
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If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's Cypress district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

CDC
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Sincerely,



Syndi Pompa
Associate Oil & Gas Engineer - Facilities

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2012 JAN 11 AM 9:09

OCSU
MAIL ROOM



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

January 24, 2012

DTSC

Mr. Jim Burror
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, California 92708

**DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR OUTFALL LAND SECTION
AND OCEAN OUTFALL BOOSTER PUMP STATION PIPING REHABILITATION
(SCH# 2011081022)**

Dear Mr. Burror:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The proposed Project will consist of inspection, condition assessment, and rehabilitation of corroded components of the land section of the existing 120-inch diameter, primary five-mile outfall (Long Outfall) system extending from Surge Tower No. 2 (Surge Tower 2) within the Sanitation District's Plant 2 to the Beach Box located on Huntington State Beach. Specifically, the proposed Project includes five project elements that comprise the Long Outfall System rehabilitation: (1) rehabilitation of Surge Tower 2, (2) rehabilitation of the land section of the Long Outfall, (3) abandonment of the Long Outfall metering ports and vaults, (4) replacement of the existing effluent flow meter on the Long Outfall and (5) rehabilitation of the Beach Box".

DTSC sent you comments on Notice of Preparation Report for the above-mentioned project on 9/6/2011, which should be addressed. Based on the review of the submitted document DTSC has no further comments.

DTSC
1

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program



DEPARTMENT OF PARKS AND RECREATION

Orange Coast District • 3030 Avenida del Presidente • San Clemente, CA 92672
949-492-0802 • FAX 949-492-8412

Ruth Coleman, Director

Transmitted via email to: Jburror@ocsd.com

January 24, 2012

CDPR

Rob Thompson
C/O Jim Burror
Orange County Sanitation District
Engineering/Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

In Re: Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation
Draft Environmental Impact Report – SCH No. 2011081022

Dear Mr. Burror:

The Orange Coast District, California Department of Parks and Recreation, as landowner and operator of Huntington State Beach, has reviewed the Draft Environmental Impact Report (DEIR) for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project. Thank you for allowing us the opportunity to review and provide feedback on this document. Our concerns for this project remain similar to those previously stated in the Notice of Preparation (NOP) response letter dated September 6, 2011.

CDPR
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While many of our concerns were addressed in the DEIR, please note that we do not support full closure of the bike path for any duration of time. Temporary closures or traffic breaks of the bike path along with flagmen and signage may be considered. We insist that a safe route for the public be maintained at all times. Further, we discourage any activity that temporarily alters the current footprint of the Huntington State Beach Least Tern Natural Preserve and any other activity that does not support the mission of the California State Parks.

CDPR
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CDPR
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State Parks requires all of their facilities be made whole or improved at the end of the project to including fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping. Mitigation shall be required for any activities impacting the resources at Huntington State Beach. We will work with you to develop a right-of entry permit for any activities on State Park property which will outline access, staging, cultural, natural and environmental protection if/when the project is approved by all governing agencies.

CDPR
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According to the DIER, the preferred alternative of the Orange County Sanitation District (OCSD) is alternative two – no use of a bypass structure. While alternative two is less impacting to our properties, operations, is shorter in duration and research provided in the DIER shows no significant impact to water quality, we insist water quality standards for public contact be maintained at all times by way of monitoring and testing if this is the permitted alternative.

CDPR
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Water quality is a primary concern for public safety involving water contact sports and marine/terrestrial habitat. If water quality issues such as beach warnings, cautions and closures can be avoided utilizing alternative two through full secondary treatment, enhanced disinfectant and continual monitoring then this appears to be the most viable option.

The California Least Tern (CLT) Natural Preserve is annually one of the top 5 colonies statewide in production of this endangered species. Great care and appropriate timing is needed to avoid impacts to the breeding colony. The USFWS names the breeding season for this species as April 1 to Sept. 1 of each year. If construction work extended into the breeding season, sound walls and other appropriate protections for the colony would be needed. This Natural Preserve contains Western snowy plovers throughout the year and CLT during the breeding season. Daily biological monitors will be required to ensure impact avoidance. All work for this project should be conducted so as not to enhance known predators to the least terns. Black rats in jetty rocks should not be afforded lunch food debris for example. Coyotes should not be attracted to the site as they have also been problematic. CLT's nested within the limits of Alternative one's project proposal and as such will need to be fully mitigated for this endangered species' breeding and loafing areas.

CDPR
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Proposed work SE of the CLT colony needs to be carefully defined and mitigations assigned. CNPS 1B1 plants grow in abundance, as well as rare foredune habitat plants that should be avoided if possible and if impacted fully mitigated at the end of the project.

CDPR
7

A review of the easements and identified boundaries of HSB and the Sanitation District need to be clearly defined. A survey of the corners and alignments should be reviewed during planning and before any earth work is conducted.

CDPR
8


Construction activities, access routes, and laydown areas all need to consider visitor activity in and around this popular location. Separation of construction activities from the bike path needs careful consideration. A safe detour shall be provided for public access. After construction activities, the final surface needs to be "barefoot friendly."

CDPR
9

We appreciate efforts to preserve the viability of Huntington State Beach as well as recreational opportunities. We look forward to working with you during all aspects of this project.

Should you have any questions or need additional information, please do not hesitate to contact Park and Recreation Specialist Julie Tobin at 949-607-9510 and/or via email to Jtobin@parks.ca.gov.

Sincerely,



Joseph Milligan
Park Superintendent III
North Sector, Orange Coast District

Attachment (1): Response to NOP dated September 6, 2011

Copy via email to: Clarissa Sampaga, DPR – Natural Resources Division
Copy via email to: State Clearing House
Copy via email to: CA Dept. of Water Resources



DEPARTMENT OF PARKS AND RECREATION

Orange Coast District • 3030 Avenida del Presidente • San Clemente, CA 92672
949-492-0802 • FAX 949-492-8412

Ruth Coleman, Director

Transmitted via email to: Jburror@ocsd.com

September 6, 2011

CDPR ATTACHMENT

Jim Burror, Engineering Supervisor
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

In Re: Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation
Notice of Preparation of Draft Environmental Impact Report – SCH No. 2011081022

Dear Mr. Burror:

We appreciate the opportunity to provide feedback on the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation – Notice of Preparation (“NOP”) of Draft Environmental Impact Report (“EIR”) SCH No. 2011081022. The California Department of Parks and Recreation (“State Parks”), as defined by the California Environmental Quality Act (“CEQA”) and its implementing regulations, is a State Agency (Pub. Res. Code § 21082.1) a Responsible Agency (Pub. Rec. Code § 20169) and a Trustee Agency (CEQA Guideline 15386) for the resources affected by this proposed project within units of the State Park System. State Parks’ mission in part is to provide for the health, inspiration and education of the people of California by preserving the state’s extraordinary biodiversity, protecting its most valued natural and cultural resources and creating opportunities for high quality outdoor recreation.

We have an interest and concern about the contemplated land use in the vicinity of parks in Orange County, namely Huntington State Beach (“HSB”) – home to the HSB Least Tern Natural Preserve. The long term health of HSB is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

As this project may impact HSB, the park visitors and those resources that State Parks is mandated to protect, we submit the following comments for consideration and ask that these issues be addressed.

Biological Resources – Huntington State Beach Least Tern Natural Preserve: (1) The area at HSB is defined by the California State Parks Commission as the “Huntington State Beach Least Tern Natural Preserve” and should be named as such. (2) The California Least Tern Natural Preserve is annually one of the top 5 colonies statewide in production of this endangered species. Great care and appropriate timing is needed to avoid impacts to the breeding colony. The USFWS names the breeding season for this species as April 1 to Sept. 1 of each year. If construction work extended into the breeding season, sound walls and other appropriate protections for the colony would be needed. (3) This Natural Preserve contains Western snowy plovers throughout the year and California least terns during the breeding season. Daily biological monitors will be required to ensure impact avoidance. (4) All work for this project should be conducted so as not to enhance known predators to the least terns. Black rats in jetty rocks should not be afforded lunch food debris for example. Coyotes should not be attracted to the site as they have also been problematic. (5) California least terns nested within the limits of Alternative 1 project proposal and as such will need to be fully mitigated for this endangered species’ breeding and loafing areas.

Biological Resources – Vegetation- Wetland/Riparian: (1) Mapping of impacts should be more clearly defined to better locate inland impacts to the Huntington Beach Wetlands restoration areas and mitigations needed. (2) Proposed work SE of the CLT colony needs to be carefully defined and mitigations assigned. CNPS 1B1 plants grow in abundance, as well as rare foredune habitat plants that will need to be fully mitigated at the end of the project.

Hydrology/Water Quality: (1) Any condition that necessitates emergency diversions of effluent into the Santa Ana River should be avoided.

Land Use: A review of the easements and identified boundaries of HSB and the Sanitation District need to be clearly defined. A survey of the corners and alignments should be reviewed during planning and before any earth work is conducted. A Right-of-Entry permit will be required if work takes place on any portion of HSB.

Recreation: Any alternative that closes beaches at the popular surfing and swimming area should be avoided.

Traffic/Circulation: (1) Construction activities, access routes, and laydown areas all need to consider visitor activity in and around this popular location. Separation of construction activities from the bike path needs careful consideration. (2) After construction activities, the final surface needs to be barefoot friendly.

Cumulative Impacts: State Parks requires all of their facilities be made whole or improved at the end of the project to including fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping.

We appreciate efforts to preserve the viability of Huntington State Beach as well as recreational opportunities. Please include careful analysis to assess the possibility of impacts to Huntington State Beach and other down-coast resources in your draft EIR.

Should you have any questions or need additional information, please do not hesitate to contact Park and Recreation Specialist Julie Tobin at 949-607-9510 and/or via email to Jtobin@parks.ca.gov.

We appreciate the opportunity to comment on this project.

Respectfully,



Rich Haydon
Acting District Superintendent
Orange Coast District

Copy via email to: Clarissa Sampaga, DPR – Natural Resources Division
Copy via email to: State Clearing House
Copy via email to: CA Dept. of Water Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011



In Reply Refer To:
FWS-OR-12B0019-12TA0147

JAN 25 2012

Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, California 92708

USFWS

Subject: Comments on the Draft Environmental Impact Report for Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation, Orange County, California

Dear Mr. Burror:

The U.S. Fish and Wildlife Service (Service) has reviewed the above referenced Draft Environmental Impact Report (DEIR) for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation in the City of Huntington Beach (City), Orange County, California. The DEIR was received on December 14, 2011. The proposed project is the inspection, assessment, and rehabilitation of the land portion of the outfall system near Huntington State Beach.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect federally listed threatened or endangered species or their critical habitats. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. Take incidental to otherwise lawful activities can be permitted under the provisions of section 7 (Federal consultations) and section 10 (private permits) of the Act.

Our primary concerns with respect to this project are the extent of potential effects to the federally endangered California least tern (*Sternula antillarum browni*, "tern") and the federally threatened western snowy plover (*Charadrius nivosus nivosus*, "plover"). A portion of the project proposes to impact habitat within the Least Tern Natural Preserve (Preserve), as well as habitat just outside the Preserve, both of which are used by least terns and snowy plovers.

USFWS
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Comments and Recommendations

We offer the following comments and recommendations regarding project-associated biological impacts based on our review of the DEIR.

Based on our review of the DEIR we recommend Alternative 2. The extent of disturbance to habitat for tern and plover is much greater for Alternative 1 than Alternative 2. We have the following specific concerns with Alternative 1:

1. Under Alternative 1, the top 6 inches of sand covering 3.55 acres of nesting habitat for the tern will be grubbed, stockpiled, and re-spread, following completion of the project (mitigation measure 4.3-1g). The re-grading necessary for the placement of the dewatering wells could result in sand placement and weed growth that reduces the suitability of the site for tern nesting. Alterations that lead to unsuitable habitat conditions could decrease tern productivity in the breeding season following project construction. In addition, Alternative 1 proposes to impact 0.26 acre of habitat within the tern Preserve. In contrast, Alternative 2 is only anticipated to disturb 0.12 acre of tern habitat, all outside the fenced Preserve.
2. Alternative 1 proposes to conduct work outside of the breeding season; however, the work requires 7 months to be completed. Any delays in the schedule would push the work into the breeding season, thus resulting in possible impacts to least terns, including reduction in available nesting habitat and potential disturbances associated with the operation of heavy machinery immediately adjacent to nesting habitat. Alternative 2 is anticipated to be completed in 4 to 6 weeks; therefore, it is unlikely to require work be completed during the tern nesting season.
3. Alternative 1 requires the operation of heavy machinery on the beach. Heavy machinery increases the potential for beach contamination, as well as increases impacts to wintering plovers on the beach due to the movement of heavy machinery. In the winter months, plovers loaf and forage on the beaches. The operation of heavy machinery on the beach could disrupt foraging activities and/or cause the plovers to abandon their winter roosting area.

USFWS
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One potential negative aspect of Alternative 2 is that discharge from the sewage treatment plant will be 1 mile offshore for 4 to 6 weeks while the project is being completed. No changes in local water quality conditions are anticipated due to initial dilution, enhanced disinfection, and enhanced secondary treatment methods. However, predicted changes in water quality are dependent on current conditions and other environmental conditions at the time of project construction. The discharge itself will have a low concentration of dissolved oxygen (an effluent of 1.5 mg/L, decreasing the receiving water by 0.2 mg/L), a high level of ammonia (an effluent of 24.3 mg/L, increasing the receiving water up to 0.67mg/L), and has the potential to result in a local increase in algae (section 4.10.8). We are concerned that changes in water quality conditions may have a temporary and localized effect on the distribution of forage fish for the

USFWS
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tern. To minimize the potential for impacts on tern foraging, we recommend the project is initiated immediately following the tern breeding season, thus allowing the ocean the maximum amount of time to recover from any potential effects of the project on water quality before the next breeding season.



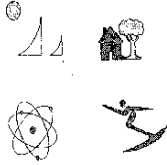
We appreciate the opportunity to comment on the DEIR for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project. Should you have any questions pertaining to these comments, please contact Christine Medak of my staff at (760) 431-9440, extension 298.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Singer".

for Karen A. Goebel
Assistant Field Supervisor

cc:
Matt Chirdon (California Department of Fish and Game)



City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING
www.huntingtonbeachca.gov

Planning Division
714.536.5271

Building Division
714.536.5241

January 25, 2012

HB

Jim Burror
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

Subject: Notice of Availability of an Environmental Impact Report for Orange County Sanitation District (Ocean Outfall Booster Pump Station Piping Rehabilitation Project)

Dear Mr. Burror:

The City of Huntington Beach has reviewed the Draft Environmental Impact Report (EIR) for the subject project and recommends that the following comments be addressed in the Final EIR that will be prepared for this project.

Project Description

- *Page 3-16 3rd paragraph:* The EIR states that the Sanitation District anticipates that other repairs to the land section of the Long Outfall would be minimal, but that a thorough inspection of the Long Outfall would be completed as part of the proposed project. If additional work is required, when would it be completed? Would it be completed with the proposed project and what construction methods would be utilized in completing the additional repairs? HB 1
- *Pages 3-13 and 3-35:* Page 3-13 states that construction of the bypass structure for Alternative 1 would occur over a four month period, while Page 3-35 states that construction of the bypass structure for Alternative 2 would require six months. Please clarify the construction schedule for the bypass structure. HB 2

Aesthetics

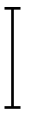
- *Page 4.1-20 Alternative 1 – Activities on Plant 2:* The EIR analysis includes a mitigation measure to ensure that nighttime lighting activities would not result in significant impacts. Mitigation Measure 4.1-3b recommends coordination with the City of Huntington Beach “concerning nighttime activities.” However, there is no further discussion in the EIR regarding the mitigation measure, what the coordination might entail, or what specifically it HB 3

would achieve in terms of reducing lighting impacts. Please provide a more detailed description of the intended result of the recommended coordination identified in the mitigation measure (i.e. – compliance with City code requirements for lighting levels, approval of lighting plans, building and electrical permits, etc.) for purposes of reducing impacts.

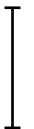


Hydrology and Water Quality

- *Page 4.8-5 CWA Section 401:* The EIR notes that a water quality certification would be required from the San Diego RWQCB. Please clarify if this is supposed to refer to the Santa Ana RWQCB.
- *Page 4.8-7 City of Huntington Beach Municipal Code:* Please clarify what agency the initials *SWTCB* are referring to. Also, please note that work within the State areas, such as the State beach, will not be under the City’s jurisdiction.



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Marine Environment

- *Page 4.10-26 Enhanced Disinfection Treatment:* The third paragraph intends to provide information on where to find a summarization of the effluent FIB concentrations during fall 2010 and during enhanced treatment testing in 2011. However, the reference source is listed as not found. Please clarify the appropriate reference document for locating this information.



HB
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Land Use and Planning

- *Page 4.9-8 Coastal Element:* The EIR correctly states that the Coastal Element was certified by the Coastal Commission in 1985. It goes on to state that it was then approved by the City Council and received final certification from the Coastal Commission (CCC) in 1999. To clarify, the 1999 CCC certification was for an update to the originally certified 1985 Coastal Element and does not represent the final certification for the 1985 Coastal Element.



HB
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Noise

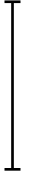
- *Page 4.11-19 Mitigation Measures:* The City of Huntington Beach does not currently implement the noise variance process described in Mitigation Measure 4.11-1a. As such, it is recommended that the mitigation measure be deleted. However, the impact should remain identified as significant and unavoidable as currently concluded in the draft EIR.



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Recreation

- *Page 4.12-1 Recreational Facilities:* The City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks. Enclosed is a current list of City parks and acreages. Please update accordingly throughout section (pages 4.12-1 and 4.12-4).



HB
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- *Page 4.12-7 City of Huntington Beach Local Coastal Program:* The EIR correctly states that the Coastal Element was certified by the Coastal Commission in 1985. It goes on to state that it was then approved by the City Council and received final certification from the Coastal Commission (CCC) in 1999. To clarify, the 1999 CCC certification was for an update to the originally certified 1985 Coastal Element and does not represent the final certification for the 1985 Coastal Element.

HB
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- *Page 4.12-10:* The EIR states that the temporary loss of 32 parking spaces would not be significant because it represents a small portion of the total number of spaces and the work would be done in the off-peak season. Additionally, the EIR states that the closure of SAR Mouth Beach and bikeways would temporarily displace users to other available beaches and bikeways. The EIR also states that the construction would occur during the off-peak season when the number of beachgoers is significantly reduced such that the increase in use from the displaced users would not be significant.

HB
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Although the City does not necessarily disagree with these statements, data showing the average availability of parking spaces during the off-peak season relative to the 32 space loss as well as data showing the drop in average number of beachgoers during the off-peak season relative to the anticipated increase from displaced users would provide beneficial context to support these statements.

Traffic

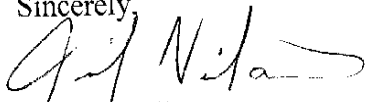
- *Page 4.13-9 Significance Criteria:* The EIR lists inadequate parking capacity as part of the significance criteria for assessing potential impacts. However, there does not appear to be a separate discussion for this particular impact, although there is some discussion of parking under discussion of other impacts. Please clarify the significance level of this particular impact.
- *Page 4.13-10 Emergency Access:* The EIR does not discuss the project's potential to impact Marine Safety access.

HB
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13

Thank you for the opportunity to comment on the Draft EIR for the proposed project. The City of Huntington Beach looks forward to receiving the Final Environmental Impact Report when it becomes available.

Sincerely,



Jennifer Villasenor
Senior Planner

Cc: Scott Hess, Planning and Building Director
Mary Beth Broeren, Planning Manager

NCL 11-061

January 25, 2012

Mr. Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, California 92708

OCPW

SUBJECT: Notice of Availability of a Draft Environmental Impact Report – Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation

Dear Mr. Thompson:

The County of Orange has reviewed the Notice of Availability of a Draft Environmental Impact Report for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation located in the City of Huntington Beach and offers the following comments:

Flood Programs/SAR:

Santa Ana River Project (SARP) engineering staff has reviewed the NCL 2011-061, the Notice of Availability of a Draft Environmental Impact Report for Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation and has the following comments.

Page 8 of the Executive Summary, Hazards and Hazardous Materials discusses the discharging of water from a dewatering system into the Santa Ana River as well as installing a fence along both sides of the river to prevent beach goers from crossing the river for Alternative 1. The Orange County Flood Control District has a permit to lease a parcel from the California State Lands Commission. The lease is for a parcel at mouth of the Santa Ana River and has a number of conditions associated with it. Placing a fence restricting public access is a violation of that lease. Secondly, creating a hazard to the public by potentially creating hazardous currents in the ocean from the dewatering system discharge could place OCFCD in the position of violating the conditions of its lease and incurring liability from the public that may access OCFCD property whether it is owned in fee or leased. Thirdly, any hazardous material that leaks or is spilled during the construction activity occurring near or within the California State Land Commission parcel must be cleaned up immediately and notification must be made to Orange

OCPW
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ensure OCFCD is not liable for any of the work done by the Orange County Sanitation District and OCFCD remains in compliance with the conditions of its lease.

↑ OCPW
1

Page 13 of the Executive Summary, Recreation discusses the need for the Sanitation District to coordinate with various agencies regarding bicycle and pedestrian detour plans. Please also include Orange County Public Works – OC Flood, Santa Ana River Project Unit.

↑ OCPW
2

Page 3-8 of the Project Description describes the work necessary for Alternative 1. The excavation work for the bypass and the sand filters may encroach on OCFCD right of way and the dewatering system will encroach into OCFCD right of way. As the plans are developed please delineate all right-of-way on the plans. All work that is to be done within OCFCD right of way must be done upon an encroachment permit.

↑ OCPW
3

Page 3-36 lists the permits potentially require. Please include under County of Orange an encroachment permit for the dewatering system, excavation of the Beach Box bypass system and the sand filter. Please note that the County of Orange will only provide a Letter of No Objection regarding the dewatering discharge in to the Santa Ana River if the California State Lands Commission approves the discharge. The discharge will occur within California State Lands Commission right of way which OCFCD leases.

↑ OCPW
4

The EIR discusses various scenarios related to the closure of different bikeways depending on the alternative implemented. The project limits include an area that is heavily used by pedestrians and cyclists year round. Orange County would request that all work be done to minimize the closure of any bikeway. If the closure of any bikeway is necessary a detailed detour plan is required. The safety of the patrons who use the trails must be given the first priority when developing detour plans.

↑ OCPW
5

All OCFCD improvements disturbed, damaged, vandalized or removed as a result of the construction activities within, upon, under or over OCFCD right-of-way shall be repaired, restored or replaced at OCFCD's expense in conformance with Orange County Public Works Standard Plans and to the satisfaction of the Director of OC Public Works or his designee.

↑ OCPW
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OC Flood/SAR/Trails

General Comment

The Santa Ana River Class I Bikeway and parallel Riding and Hiking are two of the County's most important commuter and recreational bikeway and trail facilities. The bikeway serves weekday commuters and evening and weekend cyclists. The trail serves walkers, runners, joggers and equestrian riders year-round. The bikeway and trail also have the distinction as being one of the first recreational routes designated (in 1976) by the Secretary of Interior as a National Recreational Trail (Trail #80). The importance of the bikeway and trail to residents and visitors to Orange County can not be understated.

↑ OCPW
7

4.12 Recreation / 4.12.1 Environmental Setting

Page 4.12-3

Modify the following sentence from;

“There are two types of bicycle lanes categorized within the City” Class I and Class II.” to
“There are two types of bicycle facilities within the City: Class I Bikeways and Class II Bike Lanes”

In the fourth sentence remove the word “of” after the word “comprise”

In the last paragraph, second sentence, please use “Santa Ana River” instead of SAR.

OCPW
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Page 4.12-4

In the first sentence of the first paragraph after “two Class I” please add the word “Bikeways”; after “two Class II, and three Class III Bikeways” change the word “Bikeways” to Bike Lanes. The correct name for the “Equestrian and Hiking Trail System” is the “Regional Riding and Hiking Trail System”. Please change.

In the last sentence under the heading “Equestrian and Hiking Trail System” please note that the Santa Ana River Regional Riding and Hiking Trail *is within* the Project vicinity. The trail (a 4’ wide decomposed granite (DG) surface) was installed along the west edge of the Santa Ana River Class I Bikeway from Hamilton / Victoria south to the just above Coast Highway. It appears the trail (and bikeway) will likely be impacted by work on the Air Vac 12+05 site. If the trail is impacted by the project, it will need to be restored to 4 inches of DG over 6 inches of base. Protect in place as much of the trail as possible.

OCPW
9

4.1.2.3 Impacts and Mitigation Measure

Page 4.12-9

In the first paragraph on this page please note that the Santa Ana River Regional Riding and Hiking Trail adjoins the Santa Ana River Class I Bikeway. Any damage to the trail or the bikeway by the staging of equipment will need to be repaired by the project to the satisfaction of OC Parks Senior Maintenance Supervisor, Alicia Raish.

In the third paragraph the text states the bikeway would be closed around the Beach Box. Please include the length of time for the closure in this paragraph.

OCPW
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Page 4.12-9

It is not clear whether the project’s use of the Santa Ana River Bikeway as a staging site (at Air Vac Station 12+05) will close the bikeway and the public’s access to Coast Highway; please clarify.

The project proposes to close the Santa Ana River Class I Bikeway to Huntington Beach State Park and the Coastal Bikeway leading to Seal Beach. The project also proposes to close access to the "bikeway loop" connecting users from the Santa Ana River to the bikeway along Coast Highway east to Newport Beach.

The proposed bikeway detour for these closures, shown on Figure 4.12-3, although mostly off-road, is very long, indirect, and may not serve users displaced by the 2 closures. We request the District reconsider allowing the 2 connections to remain open (when possible) to be managed by flag-persons.

We would ask that the District look for ways to:

- Shorten the time the bikeway connection to the State Park and Newport Beach is closed.
- Consider reopening the bikeway connection to the State Park and the loop when portions of the project conclude or slow.
- Use flag-persons to manage vehicle and cyclist traffic as has successfully been done by USACE contractors building the Santa Ana River Mainstem Project.

OCPW
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Bikeway Detour

The County (OC Parks) and OC Public Works would like to comment on a more detailed bikeway detour plan before one is implemented.

Please contact John Spencer, P.E. at 714-647-3965 if you have questions regarding this request.

OCPW
12

Environmental Resources:

In response to your request for input on the subject project, Environmental Resources has reviewed the document, and offers the following comment:

1. Reference is made on Page 4.8-10 to an individual NPDES dewatering permit to be obtained for the construction-term discharge of up to 30 million gallons per day to the mouth of the Santa Ana River. However, Mitigation Measures 4.8-1a and 1b on Page 4.8-12 make no mention of this NPDES permit. As it seems likely additional provisions mitigative of potential water quality impacts will be imposed on the District by the Regional Water Board in its issuance of this permit, Measure 4.8-1b should be revised to make specific reference to this NPDES permit to be obtained.

OCPW
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If you require any additional information, please contact Grant Sharp at (714) 955-0674.

County Property Permits:

County Property Permits (CPP) has reviewed the draft EIR for Orange County Sanitation District located in the City of Huntington Beach.

Based on the information provided, CPP has determined Orange County Sanitation District will need to apply for an encroachment permit from CPP.

Any access or construction within Orange County Flood Control District's right-of-way shall require an encroachment permit from County Property Permits. General information and an encroachment permit application may be obtained from our website at <http://ocplanning.net/PlanCheckForms.aspx>.

Thank you for the opportunity to review this plan submittal. Please direct any questions regarding this memo to Amit Verma at (714) 667-8838.

Sincerely,



Michael Balsamo
Manager, OC Community Development
OC Public Works/OC Planning
300 North Flower Street
Santa Ana, California 92702-4048
Michael.Balsamo@ocpw.ocgov.com

MB/mmc

cc: Lance Natsuhara, Flood Programs/SAR
Jeff Dickman, Flood Programs/SAR/Trails
Chris Crompton, Environmental Resources
Mahrooz Ilkhanipour, County Property Permits



January 26, 2012

CDFG

Mr. Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708
Phone (714) 593-7335
Fax #: (714) 962-5018

Subject: Comments on the Draft Environmental Impact Report for Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation, Orange County, SCH# 2011081022

Mr. Burror:

The California Department of Fish and Game (Department), has reviewed the Draft Environmental Impact Report (DEIR), dated December 14, 2011, for the above referenced project located in Orange County within the limits of the City of Huntington Beach, Orange County, California. The Department met on the proposed project site on October 18, 2011 to review the project setting and discuss the proposed project. The comments provided herein represent our concerns regarding the proposed Project's potential impacts on sensitive biological resources. The Department appreciates the opportunity for early consultation.

The Department is a Trustee Agency and a Responsible Agency pursuant of the California Environmental Quality Act (CEQA; See §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) (Fish and Game Code (FGC) §2050 *et seq.*) and FGC Section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program (NCCP).

The proposed project would consist of inspection, condition assessment, and rehabilitation of corroded elements of the land section of the existing Long Outfall System extending from Surge Tower 2 within the Sanitation District's Plant 2 to the Beach Box located on Huntington State Beach. Plant 2 is an existing, developed wastewater treatment facility consisting of wastewater treatment structures, offices, pavement, and ornamental landscaping. Plant 2 is accessed from Brookhurst Street that runs in a northwest/southeast manner and is surrounded by urban development and residences on the north and west sides. The Santa Ana River (SAR) and the SAR Bikeway border Plant 2 to the east. The Talbert Marsh is adjacent to Plant 2's southern boundary and is separated from the marsh by the Talbert Marsh bike trail that is located between Plant 2 and Talbert Marsh.

The project purpose consists of four rehabilitation project elements to implement while the Long Outfall is out of service. The elements include: rehabilitation of Surge Tower 2; inspection and rehabilitation of the land section of the Long Outfall; abandonment of the Long Outfall metering ports and vaults; and replacement of the existing effluent flow meter on the Long Outfall. The

rehabilitation elements would be conducted within Plant 2, near the Air Vac Station 12+05, and on Huntington State Beach near the Beach Box. The land portion of the Long Outfall would be out of service for 4 to 6 weeks while each of these components is implemented.

A portion of the proposed project would affect the California Least Tern Natural Preserve Area and is anticipated to result in the temporary loss of suitable breeding habitat for the CESA and Endangered Species Act (ESA)-listed endangered, and California Fully Protected (FGC §3511) California least tern (*Sterna antillarum browni*). Additionally, the project would occur adjacent to suitable foraging and or breeding habitat for the CESA-listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), and ESA-listed endangered and California Species of Special Concern western snowy plover (*Charadrius alexandrinus nivosus*). The proposed project would effect one known population of a California rare plant, coast woolly-heads (*Nemacaulis denudata* var. *denudata*), a California Rare Plant Rank 1B.2¹. Coast-woolly heads is an annual plant documented to occur within and adjacent to the California Least Tern Preserve Area.

The Department offers the following comments and recommendations to assist Orange County Sanitation District (OCSD) in avoiding or minimizing potential project impacts on biological resources.

Alternative analysis

1. A DEIR should include a reasonable range of Alternatives which feasibly attain most of the basic project objectives but which avoid or substantially lessen potentially significant project-related effects. The range of alternatives does not need to be exhaustive, but is required to set forth only those alternatives necessary to permit a reasoned choice. The Department cannot compare the relative merits of the proposed Alternatives (DEIR Chapter 7) to the project (as defined in DEIR pg. 3-3 to 3-6) because they are the "No Project Alternative" and the same "Alternative 1" and "Alternative 2" presented as the project in Project Description (see DEIR Chapter 3). The "No Project Alternative" attains none of project objectives and results in greater impacts to environmental setting (DEIR pg. 7-7) therefore it is not a reasonable alternative. The Alternatives considered should avoid or substantially lessen any significant effects when compared to the project, as required by CEQA guidelines section 15126.6(b). The final EIR (FEIR) should include a reasonable range of Alternatives that attain most of the project objectives, but need not achieve all project objectives, and include the rationale for selecting the Alternatives.

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Project Description

- 2.) Compliance with the legislative intent of CEQA is predicated on a complete and accurate project description of the proposed project. The proposed project (DEIR pg. 3-3) without a commitment to a definitive description, likely provides an incomplete assessment of project-related environmental impacts. The proposed project description (DEIR pg. 3-3 to 3-6) is vaguely defined because it includes two different modes of construction (Alternatives 1-2)

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¹ In March, 2010, DFG changed the name of "CNPS List" or "CNPS Ranks" to "California Rare Plant Rank" (or CRPR). This was done to reduce confusion over the fact that CNPS and DFG jointly manage the Rare Plant Status Review groups (300+ botanical experts from government, academia, NGOs and the private sector) and that the rank assignments are the product of a collaborative effort and not solely a CNPS assignment. The old name gave the false impression that CNPS solely assigned the ranks and had excessive influence on the regulatory process. We did this in consultation and agreement with the CNPS Executive Director and the CNPS Board of Directors. Nothing about the actual process of rare plant review or rank assignment has changed and the same committee of experts from many organizations in addition to DFG and CNPS still review each change and ultimately assign the ranks.

affecting the project setting (see DEIR §4.1.1) which have different effects on biological resources. The lack of a stable project description lessens the public's ability to understand and comment on the proposed project and propose alternatives to the project that may avoid or minimize significant impacts on the environment.



The Department is supportive of a proposed project that avoids disturbances to sensitive habitat to the greatest extent feasible. The Department supports a project that would be conducted as described in the DEIR as "Alternative 2 Non-bypass use of the Short Outfall" with a modification to include the prioritization of the use of the Short Outfall as soon as feasible after the completion of the California least tern nesting and fledging season (approximately September 1). This appears to the Department to achieve the project objectives and avoid or minimize impacts to suitable breeding and foraging habitat for California least tern and habitat for California rare plants.

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Mitigation Measures

3.) The DEIR identifies that rare and/or sensitive plants are likely or known to occur within the project's construction limits and identifies that these impacts would remain significant without mitigation. The DEIR proposes mitigation measures 4.3-1g and 4.3-1h as mitigation for impacts to California rare and/or sensitive plants (i.e., coast woolly-heads). The FEIR should identify feasible mitigation measures or potential changes to the project that avoid or reduce each significant impact to the maximum extent feasible.

a.) Mitigation measure 4.3-1g proposes to salvage the top 6 inches of sand supporting vegetation in the temporarily impacted area at Huntington State Beach and re-spread the material over the temporary impact area after construction. This mitigation measure is not meaningful in avoiding or reducing the significant loss of rare plants on Huntington State Beach. The removal of soil containing a significant population of California rare plants may result in significant temporal and permanent habitat loss if conducted in the manner proposed. The restoration of native habitats is not always successful through passive restoration, and needs to be implemented seasonally for best results. Mitigation measure 4.3-1g does not commit to who will be implementing restoration, when the measures would be implemented, and how the restoration would be approved and conducted. Additionally, the mitigation measure should include monitoring and reporting on the effectiveness of the measure at compensating for disturbance. The FEIR should include revisions to mitigation measure 4.3-1g to include a designated representative at OCSD or their designee to oversee restoration, commitment to a timeframe to when restoration would occur, and a proposed draft restoration plan for mitigating impacts to California rare plants.

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b.) Mitigation measure 4.3-1h proposes collection of coast woolly-heads seed within temporary construction areas on Huntington State Beach and replanting within temporary construction impact areas when work is completed as feasible and in consultation with State Parks. Mitigation measure 4.3-1h does not commit to who will be implementing restoration/seed collection, when the measures would be implemented, and how the restoration/seed collection would be approved and conducted. Additionally, the mitigation measure should include monitoring and reporting on the effectiveness of the measure at compensating for disturbance that may result in permanent habitat conversion to non-native plant habitat. The FEIR should include revisions to include a designated representative at OCSD or their designee to oversee restoration, commitment to a timeframe to when restoration

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would occur, and a proposed draft restoration plan including contingency measures for compensatory mitigation to impacts to California rare plants.



Project Thresholds of Significance

4.) The DEIR does not disclose substantial evidence by which the significance of project related impacts to California rare plants are gauged. Rather the DEIR uses CEQA guidelines appendix G as a general threshold. A consequence of not disclosing substantial evidence of a rare plant significance threshold is that significant environmental impacts are not identified. For example, impacts to California rare plants are considered in the DEIR to be significant when directly disturbing known habitat on Huntington State Beach, but mitigation measures 4.3-1g and 4.3-1h do not provide compensation for indirect impacts that may occur later in time. Introduction of propagules and seeds of non-native plants and wind-dispersed seeds are more likely to be established on Huntington State Beach during and after ground disturbance.

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The FEIR should include a mitigation measure requiring a Weed Prevention and Eradication plan consisting of inspection of construction vehicles for non-native plant seeds and propagules prior to conducting work, monitoring and eradication during construction, and maintenance for up to 3 years after completion of construction in the project setting. Additionally, the FEIR should propose contingency plans, and consider alternative locations with similar habitat that may serve as appropriate locations for reference monitoring or supplemental compensatory mitigation. The Department is willing to coordinate with OCSD in proposing and identifying suitable off-site locations for coast woolly-heads.

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The Department appreciates this opportunity to comment on the referenced DEIR. Questions regarding this letter and further coordination on these issues should be directed to Staff Environmental Scientist, Mr. Matthew Chirdon, at (858) 764-4284 or via email at mchirdon@dfg.ca.gov.

Sincerely,

Edmund Pert
Regional Manager
South Coast Region

cc: Angela Wirsching, U.S. Fish and Wildlife Service, Carlsbad
Scott Morgan, State Clearinghouse, Sacramento



State Water Resources Control Board

JAN 26 2012

SWRCB

Mr. Jim Burror
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708-7018

Dear Mr. Burror:

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE ORANGE COUNTY SANITATION DISTRICT (DISTRICT); OUTFALL LAND SECTION AND OCEAN OUTFALL BOOSTER PUMP STATION PIPING REHABILITATION PROJECT (PROJECT); ORANGE COUNTY; STATE CLEARINGHOUSE NO. 2011081022

We understand the District maybe pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a State agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the environmental document prepared for the Project.

The CWSRF Program provides low-cost financial assistance for a wide variety of water quality improvement and enhancement projects that protect water quality and public health. It has grant funds under certain conditions with limited availability. The application period is continuous. For additional information, please refer to the State Water Board's CWSRF Program website at:
www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml.

The CWSRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Four enclosures are included that further explain the State Water Board's environmental review process and federal requirements for the CWSRF Program. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act, and must obtain Section 7 clearance from the U.S. Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that the State Water Board will consult with USFWS, and/or NMFS regarding all federal special status species the Project has the potential to impact if the Project is to be funded under the CWSRF Program.

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The District will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur on-site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board's Cultural Resources Officer (CRO) must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. Please contact the CRO, Ms. Cookie Hirn, at (916) 341-5690, to find out more about the requirements, and to initiate the Section 106 process. Note that the District will need to identify the Area of potential Effects (APE), including construction and staging areas and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal requirements pertinent to the Project under the CWSRF Program include the following:

- A. Compliance with the federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- C. Protection of Wetlands: Identify any portion of the proposed Project area that may contain areas that should be evaluated for wetlands or U.S. waters delineation by the U.S. Army Corps of Engineers (USACE), or require a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- E. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and a copy of the Federal Emergency Management Agency flood zone maps for the area.

- F. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

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Following are specific comments on the DEIR:

- 1. Section 4.3 – discuss District’s consultation result with the USFWS related to listed species (California least terns, Western snowy plover and Belding’s savannah sparrow).
- 2. Section 4.3 – review USFWS species list and discuss if any additional listed or special statues species have the potential to be impacted by the Project.
- 3. Discuss Project needs for consultation with the California Coastal Commission.

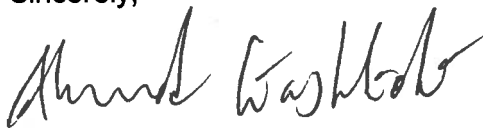
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Thank you again for the opportunity to review the District’s DEIR. If you have any questions or concerns, please feel free to contact me at 916-341-5855 or by email at akashkoli@waterboards.ca.gov, or contact Mr. Terry Singleton at 916-341-5686 or TSingleton@waterboards.ca.gov.

Sincerely,



Ahmad Kashkoli
Environmental Scientist

Enclosures (4)

- 1. Environmental Evaluation Form
- 2. Quick Reference Guide to CEQA -Plus Requirements for State Revolving Fund Loans
- 3. Instructions and Guidance for “Environmental Compliance Information”
- 4. Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2011081022)
P.O. Box 3044
Sacramento, CA 95812-3044

bcc: Ahmad Kashkoli, Division of Financial Assistance
Lisa Lee, Division of Financial Assistance
Michelle Helms, Division of Financial Assistance
Pete Mizera, Division of Financial Assistance
Madeleine Hirn, Division of Financial Assistance

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BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the area of potential effects (APE) for the project.
- The APE is three-dimensional and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any project excavations.
- The records search request should be made for an area larger than the APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of any cultural resource investigations. The purpose is to gather information from people with local knowledge that may be used to guide research.
- A project description and map should be sent to the Native American Heritage Commission (NAHC) requesting a check of their Sacred Lands Files. The Sacred Lands Files include religious and cultural places that are not recorded at the information centers.
- The NAHC will include a list of Native American groups and individuals with their response. A project description and maps should be sent to everyone on the list asking for information on the project area.
- Similar letters should be sent to local historical organizations.
- Follow-up contact should be made by phone if possible and a phone log should be included in the report.

REPORT TERMINOLOGY

- A cultural resources report used for Section 106 consultation should use terminology consistent with the NHPA.

- This doesn't mean that the report needs to "filled" with passages and interpretations of the regulations, the SHPO reviewer already knows the law.
- If "findings" are made they must be one of the four "findings" listed in Section 106. These include:
 - "No historic properties affected" (no properties are within the APE, including the below ground APE).
 - "No effect to historic properties" (properties may be near the APE but the project will not impact them).
 - "No adverse effect to historic properties" (the project may affect historic properties but the impacts will not be adverse)
 - "Adverse effect to historic properties". *Note: the SHPO must be consulted at this point. If your consultant proceeds on his own, his efforts may be wasted.*

WARNING PHRASES IN ALREADY PREPARED CEQA REPORTS

- A finding of "**no known resources**", this doesn't mean anything. The consultant's job is to find out if there are resources within the APE or to explain why they are not present.
- "**The area is sensitive for buried archaeological resources**", followed by a statement that "**monitoring is recommended as mitigation**". Monitoring is not an acceptable mitigation. A reasonable effort should be made to find out if buried resources are present in the APE.
- "**The area is already disturbed by previous construction**", this may be true, but documentation is still needed to show that the new project will not affect cultural resources. As an example, an existing road can be protecting a buried archaeological site. Or, previous construction may have impacted an archaeological site that was never documented.
- No mention of "**Section 106**", a report that gives adequate information for CEQA may not be sufficient to comply with Section 106.

Please contact me with any questions.

Cookie Hirn
 SWRCB
 Cultural Resources Officer
 916-341-5690
Mhirn@waterboards.ca.gov

CLEAN WATER STATE REVOLVING FUND PROGRAM (CWSRF)
INSTRUCTIONS AND GUIDANCE FOR
"ENVIRONMENTAL COMPLIANCE INFORMATION"

Introduction:

Detailed information, including statutes and guidelines on the California Environmental Quality Act (CEQA), can be obtained at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html. In addition, State Water Resources Control Board (State Water Board) environmental staff is available to answer questions about the CEQA process. Please contact your assigned Project Manager to be directed to an appropriate environmental staff person for further clarification.

CEQA Information:

All projects coming to the State Water Board for funding are considered "projects" under CEQA because the State Water Board is providing discretionary approval for that funding.

The types of CEQA documents that might apply to an applicant's project include one or a combination of the following: 1. Notice of Exemption; 2. Initial Study and Negative Declaration (or Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program [MMRP]); or 3. Environmental Impact Report (EIR) with an MMRP. The applicant must determine the appropriate document for its project and submit the additional supporting information listed under the applicable section of the CEQA Checklist, Attachment 1, plus a completed copy of the Evaluation Form for Environmental Review and Federal Coordination, Attachment 2. Please submit two copies of all CEQA documents. If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated environmental document based on the results of that re-evaluation.

The applicant must ensure the CEQA document is specific to the project for which funding is being requested. Tier I CEQA documents, such as Program or Master Plan EIRs, may not be suitable for satisfying State Water Board requirements if these documents are not project-specific. Instead, the applicant should be submitting a Tier II CEQA document that is project-specific. If this Tier II CEQA document references pertinent environmental and mitigation information contained in the Tier I CEQA document, then the applicant must submit both documents. *[NOTE: Tier I and Tier II documents refer to documents as defined under CEQA. Although the same terminology is used, these documents do not relate to the Tier I and Tier II level of reviews under the CWSRF Program.]*

Each applicant, if it is a public agency, is responsible for approving the CEQA documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations, however, shall only be responsible for approving the applicable project mitigation measures identified in the MMRP. For purposes of State Water Board CWSRF Program, all public agencies applying for this funding shall file either a Notice of Exemption or a Notice of Determination with the Governor's Office of Planning and Research (State Clearinghouse) and the county clerk (-s). Stamped copies of these notices shall be submitted with all the applicable environmental documents.

If the CEQA document is linked to a National Environmental Policy Act (NEPA) document (such as an Environmental Assessment or an Environmental Impact Statement), then the applicant shall submit the additional corresponding NEPA items with either a Finding of No Significant Impact, or a Record of Decision made by the lead agency under NEPA.

Note that additional information may be requested from the applicant after review of all the environmental documents to ensure the State Water Board can complete its own CEQA compliance.
Federal Information:

CEQA requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies in the CEQA process will assist in minimizing changes to the project when funding is being requested from the State Water Board. For the items that follow the CEQA Checklist, the applicant shall provide the information and/or reference any applicable sections from the documents being submitted to assist with environmental staff's CEQA review, as well as to provide applicant guidance on any potential concerns, and to assist with federal coordination as needed.

1. Federal Endangered Species Act (ESA), Section 7:

For further information on the federal ESA relating to law, regulation, policy, and notices, go to <http://www.fws.gov/endangered/policy/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both state and federal ESA is required of projects having the potential to impact special status species. Although overlap exists between the federal and state ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, go to <http://www.dfg.ca.gov/habcon/cesa/>.

2. Essential Fish Habitat Consultation Process under the Magnuson-Stevens Fishery Conservation and Management Act:

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, is designed to manage and conserve national fishery resources. Essential Fish Habitat (EFH) consultations are only required for actions that may adversely effect EFH. With assistance from the State Water Board, the applicant needs to determine whether the proposed project may adversely affect EFH. National Marine Fisheries Service (NMFS) have maps and/or other information on the locations of EFH, as well as provide information on ways to promote conservation of EFH to facilitate this assessment. If the project may adversely affect EFH, the applicant must complete an EFH consultation.

The State Water Board will ask USEPA to send the applicant's documentation with a letter requesting an EFH consultation to NMFS. NMFS will respond informally or in writing. NMFS comments may include conservation measures for the project.

For more information, see the brochure at:

http://www.nmfs.noaa.gov/sfa/reg_svcs/Council%20stuff/council%20orientation/2007/2007TrainingCD/TabT-EFH/EFH_CH_Handout_Final_3107.pdf.

3. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources Information System Center. In addition, the Native American Heritage Commission (NAHC) will provide a list of Native American tribes to be contacted and that are culturally affiliated with a project area.

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082

4. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents so that another public review process will not be needed, should a conformity determination be required. The applicant should check with its air quality management district and review the Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact the environmental staff person through the assigned Project Manager.

5. Coastal Zone Management Act:

For affected areas, refer to <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>. For additional information please refer to <http://www.coastal.ca.gov/ccatc.html> and/or <http://www.bcdc.ca.gov/>.

6. Coastal Barriers Resources Act:

The Coastal Barriers Resources Act is intended to discourage development in the Coastal Barrier Resources System and adjacent wetlands, marshes, estuaries, inlets, and near-shore waters. Since there is no designated Coastal Barrier Resources System in California, no impacts from California projects are expected. However, should the applicant believe there may be impacts to the Coastal Barrier Resources System due to special circumstances, please use the following information as a guide.

During the planning process, the applicant should consult with the appropriate Coastal Zone management agency (e.g., City or County with an approved Local Coastal Program, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission) to determine if the project will have an effect on the Coastal Barrier Resources System. If the project will have an effect on the Coastal Barrier Resources System, the State Water Board must consult with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service (USFWS). Any recommendations from the Coastal Zone management agency and USFWS will be incorporated into the project's design prior to project approval for CWSRF financing.

For more information and to ensure that no modifications to Coastal Barrier Resources System have occurred, please visit: http://www.fws.gov/habitatconservation/coastal_barrier.html.

7. Farmland Protection Policy Act:

The Natural Resources Conservation Service provides information on the Farmland Protection Policy Act at <http://www.nrcs.usda.gov/programs/fppa>. Please see the following website regarding the Williamson Act <http://www.consrv.ca.gov/dlrp/lca>.

8. Floodplain Management - Executive Order 11988:

Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency determines or proposes to, conduct, support, or allow an action to be located in a floodplain. The agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains.

For further information regarding Floodplain Management requirements, please consult the following web link: <http://www.epa.gov/owow/wetlands/regs/eo11988.html>.

9. Migratory Bird Treaty Act (MBTA):

The MBTA, along with subsequent amendments to this Act, provides legal protection for almost all breeding bird species occurring in the United States and must be addressed in CEQA. The MBTA restricts the killing, taking, collecting and selling or purchasing of native bird species or their parts, nests, or eggs. The treaty allows hunting of certain game bird species, for specific periods, as determined by federal and state governments. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the following web link: <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

10. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process is usually through the U.S. Army Corps of Engineers (USACOE), can be lengthy and may ultimately require project alterations to avoid wetlands. Applicants must consult with USACOE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACOE Wetland Delineation Manual is available at: <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the Water Boards are involved in providing approvals through a Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

11. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or on a "wild and scenic river." A listing of designated "wild and scenic rivers" can be obtained at <http://www.rivers.gov/wildriverslist.html>. Watershed information can be obtained through the "Watershed Browser" at: http://cwp.resources.ca.gov/map_tools.php.

12. Safe Drinking Water Act, Source Water Protection:

For more information, please visit: <http://epa.gov/region09/water/groundwater/ssa.html>.

13. Environmental Justice – Executive Order No. 12898:

Identify and address any disproportionately high and adverse human health or environmental effects of the project's activities on minority and low-income populations. USEPA has defined environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Fair Treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative consequences of industrial, governmental, and commercial operations or programs and policies.

Meaningful Involvement means that: 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; 2) the public's contribution can influence the agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

The term "environmental justice concern" is used to indicate the actual or potential lack of fair treatment or meaningful involvement of minority, low-income, or indigenous populations, or tribes in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Your project may involve an "environmental justice concern" if the project could:

- a) Create new disproportionate impacts on minority, low-income, or indigenous populations;
- b) Exacerbate existing disproportionate impacts on minority, low-income, or indigenous populations; or
- c) Present opportunities to address existing disproportionate impacts on minority, low-income, or indigenous populations that are addressable through the project.

ENVIRONMENTAL¹ PACKAGE CHECKLIST FOR APPLICANT (What to Submit to Project Manager)

Required for all CWSRF Projects:

- Evaluation Form for Environmental Review and Federal Coordination with the substantiating information** (i.e. USFWS species list/biological assessment, cultural resources documentation, air quality data, flood map etc.)
- Project Report, Scope of Work and Map(s)**

Based on type of CEQA documents prepared for the project, provide additional information as identified in the following boxes.

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following:

- Notice of Exemption** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a **Negative Declaration**, submit a copy of the following:

- Draft and Final Initial Study/Negative Declaration (IS/ND)**
 - Comments and Responses to the Draft IS/ND
- Resolution approving the CEQA documents**
 - Adopting the Negative Declaration
 - Making CEQA Findings
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under a **Mitigated Negative Declaration**, submit a copy of the following:

- Draft and Final Initial Study/Mitigated Negative Declaration (IS/MND)**
 - Comments and Responses to the Draft IS/MND
 - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents**
 - Adopting the Mitigated Negative Declaration and the MMRP
 - Making CEQA Findings
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following:

- Draft and Final EIR**
 - Comments and Responses to the Draft EIR
 - Mitigation Monitoring and Reporting Plan/Program (MMRP)
- Resolution approving the CEQA documents**
 - Certifying the EIR and adopting the MMRP
 - Making CEQA Findings
 - Adopting a Statement of Overriding Considerations for any adverse environmental impact(s), if applicable
- Notice of Determination** (filed and date stamped by the county clerk and the Governor's Office of Planning and Research)

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or the Finding of No Significant Impact.

¹ If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg. subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

CWSRF No.: _____
Applicant Name: _____
Date: _____
Project Title: _____

1. **Federal Endangered Species Act (ESA):**

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species or their critical habitat that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

a. **Required documents: Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (from the United States Fish and Wildlife Service and the California Natural Diversity Database) for the project area.**

No. Discuss why the project will not impact any federally listed special status species:

Yes. Provide information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred for the project. Include any comments below.

2. Magnuson-Stevens Fishery Conservation and Management Act:

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may adversely affect essential fish habitat?

No. Discuss why the project will not impact essential fish habitat:

Yes. Provide information on essential fish habitat that could potentially be affected by this project and any proposed avoidance and compensation measures. Document any consultations with the National Marine Fisheries Service that may have occurred for the project. Include any comments below.

3. National Historic Preservation Act:

Identify the area of potential effects (APE), including construction, staging areas, and depth of any excavation. (Note: the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations).

- **Required documents: Attach a current records search with maps showing all sites and surveys drawn in relation to the project area, and records of Native American consultation.**

4. Federal Clean Air Act:

Identify Air Basin Name _____

Name of the Local Air District for Project Area: _____

Is the project subject to a State Implementation Plan (SIP) conformity determination?

No. The project is in an attainment or unclassified area for all federal criteria pollutants.

Yes. The project is in a nonattainment area or attainment area subject to maintenance plans for a federal criteria pollutant. Include information to indicate the nonattainment designation (e.g. moderate, serious, severe, or extreme), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

- If you checked “Yes” above, provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.

- Also, attach any air quality studies that may have been done for the project.

Pollutant	Federal Status (Attainment, Nonattainment, Maintenance, or Unclassified)	Nonattainment Rates (i.e., moderate, serious, severe, or extreme)	Threshold of Significance for Project Air Basin (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Ozone (O ₃)					
Carbon Monoxide (CO)					
Oxides of Nitrogen (NO _x)					
Reactive Organic Gases (ROG)					
Volatile Organic Compounds (VOC)					
Lead (Pb)					
Particulate Matter less than 2.5 microns in diameter (PM _{2.5})					
Particulate Matter less than 10 microns in diameter (PM ₁₀)					
Sulfur Dioxide (SO ₂)					

5. Coastal Zone Management Act:

Is any portion of the project site located within the coastal zone?

No. The project is not within the coastal zone.

Yes. Describe the project location with respect to coastal areas and the status of the coastal zone permit, and provide a copy of the coastal zone permit or coastal exemption:

6. **Coastal Barriers Resources Act:**

Will the project impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters? Note that since there is currently no Coastal Barrier Resources System in California, projects located in California are not expected to impact the Coastal Barrier Resources System in other states. If there is a special circumstance in which the project may impact a Coastal Barrier Resource System, indicate your reasoning below.

No. The project will not impact or be located within or near the Coastal Barrier Resources System or its adjacent wetlands, marshes, estuaries, inlets, and near-shore waters.

Yes. Describe the project location with respect to the Coastal Barrier Resources System, and the status of any consultation with the appropriate Coastal Zone management agency and the United States Fish and Wildlife Service:

7. **Farmland Protection Policy Act:**

Is any portion of the project located on important farmland?

No. The project will not impact farmland.

Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project boundaries is under a Williamson Act Contract and specify the amount of acreage affected:

8. **Flood Plain Management:**

Is any portion of the project located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

- **Required documents: Attach a floodplain map.**

No. Provide a description of the project location with respect to streams and potential floodplains:

Yes. Describe the floodplain, and include a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project:

9. Migratory Bird Treaty Act:

Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

No. Provide an explanation below.

Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

10. Protection of Wetlands:

Does any portion of the project boundaries contain areas that should be evaluated for wetland delineation or require a permit from the United States Army Corps of Engineers?

No. Provide the basis for such a determination:

Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

11. Wild and Scenic Rivers Act:

Identify watershed where the project is located: _____

Is any portion of the project located within a wild and scenic river?

No. The project will not impact a wild and scenic river.

Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

12. Safe Drinking Water Act, Sole Source Aquifer Protection: Is the project located in an area designated by the United States Environmental Protection Agency, Region 9, as a Sole Source Aquifer?

- No. The project is not within the boundaries of a sole source aquifer.
- Yes. Contact USEPA, Region 9 staff to consult, and identify the sole source aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer) that will be impacted:

13. Environmental Justice: Does the project involve an activity that is likely to be of particular interest to or have particular impact upon minority, low-income, or indigenous populations, or tribes?

- No. Selecting "No" means that this action is not likely to be of any particular interest to or have an impact on these populations or tribes. Explain.

- Yes. If you answer yes, please check at least one of the boxes and provide a brief explanation below:

- The project is likely to impact the health of these populations.
- The project is likely to impact the environmental conditions of these populations.
- The project is likely to present an opportunity to address an existing disproportionate impact of these populations.
- The project is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions of these populations.
- The project is likely to affect the availability of information to these populations.
- Other reasons, describe: _____

Briefly explain the answer:



CITY OF NEWPORT BEACH

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

January 27, 2012

Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

NB

RE: Draft Environmental Impact Report for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project

Dear Mr. Thompson,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation project. We understand that the proposed project consists of the inspection, condition assessment, and rehabilitation of corroded elements of the land section of the existing Long Outfall System extending from Surge Tower 2 within the Sanitation District's Plant 2 to the Beach Box located on Huntington State Beach. We also understand that there are two alternatives considered for diverting flows: Alternative 1, Bypass with no discharge to the Short Outfall and Alternative 2, Non-Bypass with discharge to the Short Outfall.

Section 4.1.3 should provide additional information on the design, materials, and height of the visual screen required by Mitigation Measure 4.1-1. Alternative 1 includes machinery as tall as 55 feet. It is unclear if the screening required by Mitigation Measure 4.1-1 would include this equipment.

NB
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The City recommends that Mitigation Measure 4.1-3b be revised to read:

4.1-3b: Prior to the commencement of rehabilitation activities, the Sanitation District shall coordinate with the City of Huntington Beach and the City of Newport Beach concerning nighttime activities.

NB
2

The description of the local setting in Section 4.3.1 does not mention the project's proximity to the Semeniuk Slough. The City of Newport Beach Coastal Land Use Plan identifies the Semeniuk Slough as an Environmental Study Area (ESA). An ESA is geographic areas known to contain potential biological resources and are used to identify potential threats to those resources, and propose potential mitigation measures. The Semeniuk Slough ESA is characterized by open estuarine, southern coastal salt marsh, and ornamental plant communities.

NB
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In Chapter 4.10 provides only cursory references to the Newport Submarine Canyon. The City of Newport Beach Coastal Land Use Plan recognizes the Newport Submarine Canyon as a unique coastal feature that acts as a pathway for cold, nutrient-rich waters that upwell from deeper offshore waters to the shallower nearshore shelf. Additionally, the canyon acts as a pathway

NB
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Rob Thompson
OCSD Outfall DEIR
January 27, 2012

through which deeper water species of fish, squid, shark, and jellyfish, sometimes can be found close to shore. The canyon is also an important fishing zone for the Dory Fishing Fleet.



Please feel free to contact me at (949) 644-3232 or PAlford@newportbeachca.gov if you have any questions.

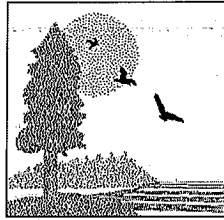
Sincerely,

A handwritten signature in blue ink, appearing to read "P. Alford".

Patrick J. Alford
Planning Manager

Cc: David Kiff, City Manager
Dana Smith, Assistant City Manager
Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact FAX: (916) 574-1885

January 27, 2012

File Ref: SCH #2011081022

Mr. Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

CSLC

Subject: Draft Environmental Impact Report (Draft EIR) for the Outfall Land Section and OOBs Piping Rehabilitation Project, Orange County

Dear Mr. Rob Thompson:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for the Outfall Land Section and Ocean Outfall Booster Pump Station (OOBS) Piping Project (Project), which is being prepared by the Orange County Sanitation District (OCSD). The OCSD, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the CSLC takes any discretionary action on the Project for work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not



CSLC
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limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The Pacific Ocean at the project location is ungranted sovereign land. CSLC records indicate that OCSD has existing leases with the State authorizing OCSD to use and maintain a 120-inch-diameter sewer outfall pipeline (Long Outfall) (Lease No. PRC 4007.9) and a 78-inch-diameter sewer outfall pipeline (Short Outfall) (Lease No. PRC 722.9), extending into the Pacific Ocean approximately 25,000 feet and 8,040 feet respectively. The rehabilitation of the Beach Box qualifies as maintenance activities under the terms of existing leases PRC 4007.9 and PRC 722.9; however, this project element and location site may also disrupt the jetty and dike authorized under existing Lease No. PRC 2171.9. PRC 2171.9 authorizes the Orange County Flood Control District (OCFCD) to use and maintain existing jetties which extend the banks of the Santa Ana River into the Pacific Ocean. CSLC staff is requesting a letter from OCFCD denoting its acceptance of OCSD's Beach Box Outfall Land Section Rehabilitation. Please contact Spencer Paschall at the contact information provided at the end of this letter for more information.

This conclusion is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information become available. This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

Project Description

The OCSD operates two outfall pump stations that connect its two wastewater treatment plants to two outfall pipelines, the Short Outfall and Long Outfall, leading into the Pacific Ocean near the mouth of the Santa Ana River. A Beach Box, located on Huntington State Beach, serves as an access point and interconnection for both outfalls. In response to a 2009 engineering report, indicating that parts of the OCSD's ocean outfall system in the city of Huntington Beach may be at risk of severe corrosion, OCSD is proposing to rehabilitate these aging components of the land portion of the ocean outfall system.

The OCSD proposes to conduct the above-described repair and maintenance activities to meet the agency's objectives and needs as follows:

- Rehabilitate the Beach Box as soon as possible to minimize the possibility of system failure and minimize potential spills;
- Minimize disruption to residential communities and commercial areas;

- Minimize disruption to recreational users during construction;
- Maintain compliance with OCSD's National Pollutant Discharge Elimination System (NPDES) permit;
- Maintain the highest quality effluent possible during construction to minimize beach closures;
- Minimize disruption to biological resources on the beach; and
- Minimize impacts to marine environment.

CSLC staff understands that the Project would include the following components:

- Rehabilitation of Surge Tower 2, which maintains hydraulic pressure on the treatment plant's effluent against ocean tidal surges;
- Inspection and rehabilitation of the land section (landward of the Beach Box) of the Long Outfall;
- Abandonment of the Long Outfall metering ports and vaults, which are no longer in use;
- Replacement of the existing effluent flow meter on the Long Outfall; and
- Rehabilitation of the Beach Box.

If OCSD ultimately approves Alternative 1: Bypass, the Project would also involve construction and removal of a bypass structure seaward of the Beach Box. During repair of the Long Outfall, the bypass structure would transport effluent from the Short Outfall to the Long Outfall before final discharge into the ocean.

The Draft EIR identifies Alternative 2: Non-Bypass, as the Environmentally Superior Alternative. This alternative would discharge the full flow from OCSD's treatment facilities through the Short Outfall while the Long Outfall system is being rehabilitated.

Environmental Review

CSLC staff requests that OCSD consider the following comments on the Project's EIR:

Biological Resources

1. **Impacts to California Least Tern:** In its discussion of Impact 4.3-1, the Project's potential effects on protected species, the EIR concludes that impacts will be less than significant with the mitigation identified, including Mitigation Measure 4.3-1e, which requires, among other conditions, that "project activities near the California Least Tern Natural Preserve Area will occur outside of the peak breeding season which generally runs from April 1 through September 1." On page 4.3-21, however, the EIR states that Alternative 1: Bypass, including construction and removal of the bypass structure, would require an estimated seven months, with completion slated for March 2015; the analysis adds that if the Project

experiences delays, construction could carry into the California least tern peak breeding season.

Although the EIR notes that OCSD would have to consult with U.S. Fish and Wildlife Service (USFWS) for implementation of Alternative 1, the EIR should identify contingency mitigation for impacts to this federally- and State-endangered species in the event that construction, particularly activities near the California Least Tern Natural Preserve Area, overlaps with the least tern breeding season. Considering the extremely limited time between the estimated end of construction and the beginning of the least tern breeding season, overlap between Project activities and the presence of California least tern is very possible, and the environmental analysis should explicitly address the potential impacts should the Project take more time than anticipated. Without explicit contingency mitigation, the mitigation identified in the EIR seems to require that deconstruction of the bypass structure proposed adjacent to the Least Tern Natural Preserve Area, which would be the final step in the Project, would have to halt until September if the estimated schedule slips.

Cultural Resources

- 2. Title to Resources: In Chapter 4.4: Cultural Resources of the EIR, the sections on the resource area’s regulatory framework, environmental analysis and feasible mitigation make no mention of CSLC’s jurisdiction over cultural resources on sovereign lands. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The recovery of objects from any submerged archaeological site or shipwreck may require a salvage permit under Public Resources Code section 6309. CSLC staff requests that OCSD amend Mitigation Measure 4.4-1b, which requires that the archaeological monitor consult with OCSD and Native American tribes if cultural resources are discovered during construction, to also include consultation with CSLC staff. Please contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter, for more information on CSLC jurisdiction over cultural resources.

CSLC
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Recreation

- 3. Temporary Restrictions on Huntington State Beach and the Santa Ana River Mouth Beach: In the EIR’s discussion of Impact 4.12-1, the Project’s potential impacts on the deterioration of recreational areas such as parks and beaches, the analysis concludes that rehabilitation of the Beach Box would have temporary, less than significant impacts, while construction, operation and deconstruction of the bypass structure (Alternative 1 only) would have significant and unavoidable impacts, even though both activities would result in temporary restriction of parts of Huntington State Beach and temporary closure of the Santa Ana River Mouth Beach. Please clarify the projected times these beaches would

CSLC
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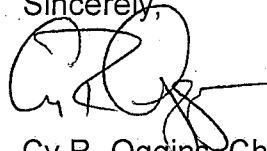
have to be closed or restricted for the two different activities, and explain more explicitly how the difference in closure periods results in a significant or less than significant impact for each.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee Agency, the CSLC will need to rely on the Final EIR for the issuance of any discretionary action on the Project and, therefore, we request that you consider our comments prior to adoption of the EIR. Please send additional information on the Project to the CSLC staff listed below as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, CEQA Findings, and any Statement of Overriding Considerations, or refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at Sarah.Sugar@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Spencer Paschall, Public Land Management Specialist at (916) 574-0451, or via email at Spencer.Paschall@slc.ca.gov.

CSLC
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Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Spencer Paschall, LMD, CSLC
Sarah Sugar, DEPM, CSLC
Pam Griggs, Legal, CSLC



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

January 31, 2012

Regulatory Division

ACOE

Jim Burror
Orange County Sanitation District-Engineering Planning
10844 Ellis Avenue
Fountain Valley, California 92708

Dear Mr. Burror:

It has come to our attention that you plan to construct the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project (Corps File No. SPL-2011-01193). The proposed project would take place at the mouth of the Santa Ana River in the city of Huntington Beach, Orange County, California. This activity may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for the following regulated activities:

a) structures or work in or affecting "navigable waters of the United States" pursuant to section 10 of the Rivers and Harbors Act of 1899. Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within "waters of the United States" and adjacent wetlands pursuant to section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

ACOE
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4. placing pilings when such placement has or would have the effect of a discharge of fill material; or

c) any combination of the above.

An application for a Department of the Army permit is available on our website: <http://www.spl.usace.army.mil/regulatory/eng4345a.pdf>. If you have any questions, please contact Francine Nevarez at 213-452-3409 or via e-mail at Francine.M.Nevarez@usace.army.mil. Please refer to this letter and SPL-2011-01193 in your reply.

↑
ACOE
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Sincerely,



Stephen M. Estes
Project Manager
Orange and Riverside Counties Section
South Coast Branch

From: Donald Schulz [<mailto:surfdad@hotmail.com>]

Sent: Saturday, December 17, 2011 6:10 PM

DS

To: pars11@aol.com

Cc: Joe Geever; donald schulz; Dave Hamilton; conner everets; Tony Asoc; doug kortoff; Ray Heimstra; colin@coastkeeper.org; Sandra Genis

Subject: RE: Public Notification of Sanitation District's Outfall Draft EIR

I would suggest that we support option one, discharge sewage to the 5mi. outfall.
Don

I DS
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January 17, 2012

S&SA

Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

In Re: Draft Environmental Impact Report for the proposed Outfall Land Section and Ocean Outfall Booster Pump Station (OOBS) Piping Rehabilitation project.

Dear Mr. Burror:

Thank you for the opportunity to provide written comments on the Draft Environmental Impact Report (DEIR) for the proposed Outfall Land Section and Ocean Outfall Booster Pump Station (OOBS) Piping Rehabilitation project.

As a member of the Conservation Committee of Sea and Sage Audubon, I would like to express our interest and concern in the protection of the Endangered California Least Terns and the Threatened Western Snowy Plovers that use the area adjacent to or within your proposed project location. Sea and Sage Audubon has helped to monitor the Least Terns during their breeding season at the Least Tern Natural Preserve for the past eight years. This Natural Preserve remains an extremely successful breeding site for these birds, even while other sites in California have declined in numbers of fledged birds.

S&SA
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The California Least Tern breeding season is named by USFWS as April 1 to Sept. 1. Any delays that extend into their breeding season would greatly impact this colony.

S&SA
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This site is a historical nesting site for Western Snowy Plovers; however, this species has not nested here for a number of years. They frequently use the beach in this area for feeding and loafing, year round.

S&SA
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We would strongly suggest that you use Alternative 2 as it would have the least impact on the birds and their environment. The amount of time involved for the project is shorter and could be completed well before nesting season. Also, the use of the "front yard" as part of the construction zone is a concern. The "front yard" is used for nesting by the California Least Terns and would need to be restored to its characteristic dune habitat before nesting season.

S&SA
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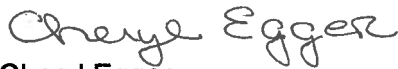
We would suggest that the following measures be taken:

1. The California Least Tern breeding season must be avoided.
2. The Natural Preserve boundaries should not be breached (Figure 4.3-3, Alternative 2 avoids encroachment into the preserve).
3. Daily monitoring should be done by a biologist to ensure that impact on the California Least Terns and Western Snowy Plovers is avoided.
4. Ensure that no garbage or lunch debris is left in the area as this may attract predators of the birds such as crows, ravens, rats and coyotes. Once these predators are attracted to an area, they may return during nesting season and predate California Least Tern eggs and chicks.

S&SA
5

The opportunity to comment on this DEIR is appreciated.

Respectfully,



Cheryl Egger

Member, Sea and Sage Audubon Conservation Committee

Sea & Sage Audubon Society is an Orange County chapter of National Audubon Society with nearly 3,500 local members dedicated to the protection and appreciation of birds, other wildlife, and their habitats through education, conservation, scientific research, and volunteer opportunities

Copy via email: Scott Thomas, Sea and Sage Audubon, Conservation Chairman



SCGC

January 18, 2012

Orange County Sanitation Dist.
Engineering Planning
10844 Ellis Ave
Fountain Valley, CA 92708

Attention: Rob Thompson

Subject: Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

Jeannette Garcia
Technical Services Supervisor
Orange Coast Region - Anaheim

JG/ag
eir02.doc

SCGC
1

To: Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

JG

From: Judith M. Gielow
469 East 18th Street
Costa Mesa, CA 92627-3161

Date: January 25, 2012

Re: The Draft EIR for the OCSD project Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation

As a member of the community with a special interest in the security of the ocean waters and beach environment related to the Implementation of Secondary Standards of Treatment for the Effluent going through the Ocean Outfall, I do have an opinion about the Rehabilitation Project.

JG
1

First, I feel strongly that treated effluent needs to be sent out as far as possible, *as per* the Long Outfall. I also feel that the choice of season(s) of the year when this project is to take place is of paramount importance. I believe that your options are dependent on the affects of the increased flow of water, particularly the increase during the rainy season; the possible effects of construction - traffic, noise, encroachment - on birds in the nearby sanctuary areas especially during nesting season; and the affects to swimmers and campers using the beach area in the summer season.

JG
2

JG
3

In my opinion, Alternative 1 would ensure the safety of swimmers better than Alternate 2, because the treated effluent will continue to be sent out the Long Outfall. With Alternate 1 there would be a need to require and monitor construction management, policies and procedures to limit fouling wild fowls.

JG
4

Judith M. Gielow



3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.Coastkeeper.org

January 27, 2012

Rob Thompson
c/o Jim Burror
Orange County Sanitation District
Engineering Planning
10844 Ellis Avenue
Fountain Valley, CA 92708

OCC

RE: Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project

Dear Mr. Thompson:

Orange County Coastkeeper (Coastkeeper) is an environmental non-profit organization dedicated towards advocacy, education, restoration, and enforcement in the Santa Ana River watershed. We welcome the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project (Proposed Project).

We are writing to express our support for the Proposed Project consisting of inspection, condition assessment, and rehabilitation of corroded elements of the land section of the existing Long Outfall system extending from Surge Tower 2 to the Beach Box located on Huntington State Beach. This project is necessary to prevent the possible uncontrolled failure of the Long Outfall located in the Long Outfall Compartment in the Beach Box. Uncontrolled failure would cause an effluent leakage through the bulkheads and plates into the Santa Ana River potentially closing Huntington State Beach and Newport Beach.

OCC
1

The DEIR provides two Alternatives for the Proposed Project; Alternative 1 and Alternative 2. We have some reservations about the Proposed Project length of Alternative 1 in regards to its effect upon the Talbert Marsh, California Least Tern Natural Preserve Area, and the area surrounding the Beach Box. The proposed length for Alternative 1 is from September 2014 to March 2015 (7 months). Alternative 2 is scheduled from September 2012 to October 2012 (1 month).

OCC
2

Alternative 1 is scheduled to occur outside of the Belding Savannah Sparrow's nesting period. Although the nesting period will not be affected, the Belding Savannah Sparrow, a California endangered species, the California Least Tern, a federal and state listed endangered species, and the Western Snowy Plover, a federally listed threatened species, have been recorded to occur, or have a moderate or high potential to occur within the project area or its vicinity. The prolonged project time of Alternative 1 will have a greater effect on these birds and their habitat.

OCC
3

Alternative 1 requires the construction of a bypass. The construction of the bypass structure will disturb portions of the preserve area frequented by the Western Snowy Plover and California Least Tern. Furthermore, the bypass construction would temporarily impact 3.55 acres located inside the California Least Tern Natural Preserve and .26 acres outside the preserve, which is an area known to support breeding of the Snowy Plover.

OCC
4

The construction near the beach box, in both alternatives, will require the removal of the Coast Woolly-Head, a special status plant species. With mitigation measures, the seeds of this plant will be collected and re-planted after project completion. The Coast Woolly-Head is an important coastal plant that is severely declining due to extensive recreation on the beach. Alternative 2 would affect the Coast Woolly-Head's habitat for the Proposed Project time of one month, as opposed to seven months in Alternative 1. The longer the seeds remain unplanted, the higher the rate of decline this plant will face.

OCC
5

In regards to the water quality, both alternatives present a less than significant impact with mitigation. Both the bypass in Alternative 1 and the short outfall in Alternative 2 have the capacity to accommodate the effluent discharge. The time and habitat modification due to the structure of the bypass in alternative one appears unnecessary.

OCC
6

Orange County Coastkeeper expresses preference for Alternative 2 because it does not require as much habitat modification as Alternative 1. Alternative 2 is the favorable choice because of its fewer disturbances to the current habitat, the Coast Woolly-Head, the Belding Savannah Sparrow, the California Least Tern, and the Western Snowy Plover.

OCC
7

For these reasons, we support the Outfall Land Section and Ocean Outfall Booster Pump Station Piping Rehabilitation Project and express our strong preference for Alternative 2. If you have any questions or concerns, please do not hesitate to contact us directly at (714) 850-1965.

OCC
8

Sincerely,



Colin Kelly
Staff Attorney
Orange County Coastkeeper

2.3 Response to Comments

Dave Singleton, Native American Heritage Commission

Comment NAHC 1

The comment states that a NAHC Sacred Lands File search did not identify cultural resources within the Project area and this area of Orange County is known to the NAHC to be very culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. The commenter states that early consultation with Native American tribes is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a Project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the Project area (e.g. APE). The commenter urges contact with the list of Native American Contacts on the list.

Response NAHC 1

A cultural resources report was prepared for Alternative 1 and Alternative 2 and included as Appendix C of the Draft EIR. As part of the of the cultural resources report the NAHC was contacted on August 2, 2011, to request a database search for sacred lands or other cultural properties of significance to local Native Americans. As noted on page 4.4-6 of the Draft EIR, the NAHC provided a list of people or organizations that might have specific information regarding cultural resources in the Project area. Appendix C of the Draft EIR provides consultation correspondence sent to the organizations. The correspondence described the proposed Project and included a map depicting the location of the Project. Each of the contacts identified on the contact list provided by the NAHC, were contacted. To date, one response has been received, Alfred Cruz of the Juaneno Band of Mission Indians responded by phone on September 1, 2011. Mr. Cruz requested that an archaeological monitor be present during ground disturbing activities and that he be notified if any cultural resources were unearthed.

Comment NAHC 2

The comment requests the Native American consulting parties be provided pertinent Project information. The NAHC recommends pursuing a Project that would avoid damage to Native American cultural resources.

Response NAHC 2

The commenter is referred to response NAHC 1 above. The people and organizations identified by NAHC were provided pertinent Project information in the consultation correspondence as documented in Appendix C of the Draft EIR. Mitigation Measures 4.4-1a through 4.4-1b and 4.4-3 pertaining to Alternative 1 require an archeological monitor during any earth moving activities. Since the excavation would occur around the previously excavated outfall trenches, there is a very low potential for encountering archaeological resources. The commenter should note, the preferred Alternative for the proposed Project, is Alternative 2, which does not require any earth moving activities.

Comment NAHC 3

The comment states that consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001- 3013) as appropriate.

Response NAHC 3

The commenter is referred to Response NAHC 1 and Response NAHC 2 above. The cultural resources report included in Appendix C describes the requirements and applicability of these referenced regulations. All of the Native American contacts provided by the NAHC in their August 3, 2011 response to the Notice of Preparation were contacted. As noted on page 4.4-7 of the Draft EIR, Alfred Cruz of the Juaneno Band of Missions Indians requested that a monitor be present during excavation activities. As a result, if Alternative 1 is implemented requiring ground-disturbing activities, the Sanitation District's cultural resources representative will contact the Native American contacts provided by the NAHC in their December 16, 2011 letter, including the additional contact provided by the NAHC, the Gabrieleno Band of Mission Indians. The commenter should note, Alternative 2 is the preferred Alternative and it is not anticipated any archaeological resources will be discovered during Project implementation since no ground disturbing activities will occur.

Comment NAHC 4

The comment states that confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places.

Response NAHC 4

The comment is noted. Under Alternative 2, it is not anticipated any archaeological resources will be discovered during Project implementation as no ground disturbing activities will occur. Under Alternative 1, Mitigation Measures 4.4-1a through 4.4-1b require that prior to the start of any earth-moving activity an archaeological monitor would be retained by the Sanitation District to monitor ground-disturbing activities. Additionally, the archaeological monitor would conduct pre-construction cultural resources worker sensitivity training. These mitigation measures would ensure that any sensitive resources identified during excavation are monitored by a qualified archaeological monitor. Since the excavation would occur around the previously excavated outfall trenches, there is a very low potential for encountering archaeological resources. In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor has the authority to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated.

Comment NAHC 5

The comment states Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a Project location other than a 'dedicated cemetery'.

Response NAHC 5

The comment is noted. Under Alternative 2, it is not anticipated any archaeological resources will be discovered during Project implementation since no ground disturbing activities will occur. For Alternative 1, where there will be some excavation required around the existing outfalls, Mitigation Measure 4.4-3 provides for adherence to the provisions for the discovery of human remains identified. Since the excavation would occur around the previously excavated outfall trenches, there is a very low potential for encountering human remains or other archaeological resources. Under Alternative 2, the Sanitation District's preferred alternative, it is not anticipated any archaeological resources will be discovered during implementation since no ground disturbing activities will occur.

Comment NAHC 6

The comment states that to be effective, consultation on specific Projects must be the result of an ongoing relationship between Native American tribes and lead agencies, Project proponents and their contractors.

Response NAHC 6

The comment is noted. The people and organizations identified by NAHC have been notified of the Project information as documented in Appendix C of the Draft EIR. See response to comment NAHC 2.

Christopher Herre, California Department of Transportation

Comment Caltrans 1

The comment states in the event of activity in Caltrans right-of-way, an encroachment permit will be required.

Response Caltrans 1

The Project is proposing work at the Sanitation District's Plant 2, at Air Vac Station 12+05, adjacent to the Talbert Marsh and on Huntington State Beach. An encroachment permit is only required when the Project involves work in the State Right of Way (ROW). No work is proposed within the State ROW for this Project. No encroachment permit from Caltrans will be required. However, if it is determined during the design refinement process the Sanitation District may encroach upon State ROW, the Sanitation District will take the appropriate steps to secure an encroachment permit from Caltrans.

Syndi Pompa, California Department of Conservation

Comment CDC 1

The comment states the proposed Project is located within the administrative boundaries of the Newport, West oilfield and there are 26 plugged and abandoned oil wells within the Project boundaries. There are 3 plugged and abandoned oil wells very close to the proposed excavation area under Alternative 1. These wells are identified on Division Map 136 and in Division records. The Division recommends that all wells within or in close proximity to Project boundaries be accurately plotted on future Project maps.

Response CDC 1

Upon review of Division Map 136, it was determined there are no wells identified on the map on the coast side of Pacific Coast Highway (PCH), where the only excavation is anticipated to occur. Because excavation required for Alternative 1 would occur near the Beach Box where no wells are known to occur, there would be no potential for the excavation around the Beach Box area to encounter abandoned oil wells. Additionally, Alternative 2 is the Sanitation District's preferred Alternative and would require no excavation at the Beach Box. However, there are three wells identified in Division Map 136 near the Air Vac Station 12+05. The proposed Project under Alternative 1 and Alternative 2 would conduct all work within the Air Vac Station 12+05. There are no planned excavation activities in this area. Therefore, there would be no potential to encounter abandoned oil wells during the rehabilitation efforts.

Comment CDC 2

The comment states the Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes.

Response CDC 2

The comment is noted. The commenter is referred to response CDC 1 above. Neither Alternative 1 nor Alternative 2 evaluated in the Draft EIR would require drilling, operation, maintenance, or plugging of wells. The Sanitation District's preferred Alternative is Alternative 2, which would not require abandonment or plugging of wells.

Comment CDC 3

The commenter states, if any structure is to be located over or in the proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the Public Resources Code (PRC) authorizes the State Oil and Gas Supervisor (Supervisor) to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in the proximity of the well could result in a hazard.

Response CDC 3

The commenter is referred to Response CDC1, above. Neither of the Alternatives evaluated in the Draft EIR would locate any structures over or within the proximity of a previously plugged well as verified by Division Map 136. No permanent improvements will be installed. Alternative 1 would require excavation in the immediate vicinity of the two outfalls within areas previously excavated during installation of the pipelines.

Comment CDC 4

The comment states that an operator must have a bond on file with the Division before certain well operations are allowed to begin.

Response CDC 4

The commenter is referred to Response CDC 1 above.

Comment CDC 5

The comment states that written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intent (notice) to perform any well operation is reviewed on engineering and geological basis.

Response CDC 5

The commenter is referred to Response CDC 1 above.

Comment CDC 6

The comment states the Division must be notified to witness or inspect all operations specified in the approval of any notice.

Response CDC 6

The commenter is referred to Response CDC 1 above.

Comment CDC 7

The comment states that the Division recommends that adequate safety measures be taken by the Project manager to prevent people from gaining unauthorized access to oilfield equipment.

Response CDC 7

The commenter is referred to Response CDC 1 above.

Comment CDC 8

The comment states if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's Cypress district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Response CDC 8

The commenter is referred to Response CDC 1 above.

Al Shami, CA Department of Toxic Substance Control

Comment DTSC 1

The commenter states that based on the review of the submitted document to the DTSC, the DTSC has no further comment.

Response DTSC 1

The comment is noted.

Joseph Milligan, California Department of Parks and Recreation

Comment CDPR 1

The commenter states that the California Department of Parks and Recreation, Orange Coast District, is landowner and operator of Huntington State Beach and has reviewed the Draft EIR. The commenter states concerns for this Project remain similar to those previously stated in the NOP response letter dated September 6, 2011.

Response CDPR 1

The California Department of Parks and Recreation response to the NOP identified the following issue areas: biological resources, hydrology and water quality, land use, recreation, traffic and cumulative impacts. These issues are repeated in comments CDPR 2 through CDPR 9. See responses to comments CDPR 2 through CDPR 9 below.

Comment CDPR 2

The commenter states that although many concerns were addressed in the Draft EIR, the State Parks does not support full closure of the bikeway for any duration of time. Temporary closures or traffic breaks of the bike path along with flagmen and signage may be considered. The commenter states that a safe route for the public should be maintained at all times.

Response CDPR 2

The Draft EIR evaluates impacts to the bikeway on the Huntington State Beach on page 4.12-10. The Draft EIR identifies Mitigation Measure 4.12-1 which requires that the Sanitation District coordinate with the California State Parks, Orange County Parks Department, Orange County Flood Control District, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction. Figure 4.12-3 identifies the proposed bike trail detour that would maintain a viable alternative route across the SAR for the duration of construction for either Alternative 1 or 2. The Sanitation District recognizes the importance of keeping bikeways open as much as possible, but also recognizes that public safety is the first priority. The Draft EIR concludes that a temporary detour of the bikeway would not be considered a significant impact of the proposed Project. The detour plan will consider the feasibility of temporary closures and traffic breaks of the bikeway along with flagmen and signage with public safety as a priority. The final detour and closure schedule will be determined in consultation with California State Parks, Orange County Parks Department, Orange County Flood Control District, City of Huntington Beach, and the City of Newport Beach for either Alternative 1 or Alternative 2.

Comment CDPR 3

The commenter states that State Parks discourages any activity that temporarily alters the current footprint of the Huntington State Beach Least Tern Natural Preserve and any other activity that does not support the mission of the California State Parks.

Response CDPR 3

The Draft EIR evaluates the potential impact to the California Least Tern Preserve Area on pages 4.3-20 and 4.3-21. The Draft EIR identifies Mitigation Measures 4.3-1b, 4.3-1d, 4.3-1f, 4.3-1g and 4.3-1h that would return the impacted area within Huntington State Beach to its pre-construction contours and all fencing would be reinstalled under either Alternative 1 or 2. Alternative 2 would not require any encroachment into the chain-link fenced area of the preserve. As noted on page 3-1 Draft EIR, the objective of the Project is to rehabilitate the Long Outfall System, in particular the Beach Box within Huntington State Beach, in order to avoid failure of the discharge system and potentially significant impacts to public health, beach access, water quality, and biological resources on the beach. Alternative 2 is the preferred Alternative since it would minimize impacts to biological resources and avoid temporary impacts within the existing fence line of the California Least Tern Preserve.

Comment CDPR 4

The commenter states that State Parks requires all of their facilities be made whole or improved at the end of the Project to including fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping and that mitigation will be required for any activities impacting the resources at Huntington State Beach. The commenter states that State Parks will work to develop a right-of entry permit for any activities on State Park property which will outline access, staging, cultural, natural and environmental protection if/when the Project is approved by all governing agencies.

Response CDPR 4

The Draft EIR identifies Mitigation Measure 4.3-1f which commits the Sanitation District to returning the construction areas to their pre-construction contours. The Draft EIR acknowledges on page 3-36 that a Use Permit from the California Department of Parks and Recreation would be required to implement the Alternative 1 or Alternative 2. Under this permit, requirements to return the affected work area to pre-construction conditions will be proposed. In response to the comment, an additional mitigation measure is added to the Recreation discussion under Impact 4.12-1 in the Draft EIR regarding physical deterioration of recreation facilities:

Mitigation Measure 4.12-2: The Sanitation District shall return the Project area to pre-construction conditions (e.g., fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping) following construction activities in coordination with the California State Parks and Orange County Public Works (OCFCD and OC Parks).

Comment CDPR 5

The commenter states that while Alternative 2 is less impacting to CDPR property and operations, is shorter in duration, and research provided in the Draft EIR shows no significant impact to water quality, the commenter insists water quality standards for public contact be maintained at all times by way of monitoring and testing if this is the permitted alternative. The commenter states that water quality is a primary concern for public safety involving water contact sports and marine/terrestrial habitat and if water quality issues such as beach warnings, cautions

and closures can be avoided utilizing Alternative 2 through full secondary treatment, enhanced disinfectant and continual monitoring then this appears to be the most viable option.

Response CDPR 5

The Draft EIR discusses potential impacts to water quality resulting from implementing Alternative 2 in Section 4.10, Marine Environment. Mitigation Measures 4.10-6a and 4.10-6b would require full secondary treatment with enhanced disinfection and increased monitoring to ensure impacts to public health and the marine environment are avoided.

Comment CDPR 6

The commenter states the California Least Tern Natural Preserve is annually one of the top 5 colonies statewide in production of this endangered species. The comment states that great care and appropriate timing is needed to avoid impacts to the breeding colony. The USFWS names the breeding season for this species as April 1 to Sept 1 of each year. If construction work extended into the breeding season, sound walls and other appropriate protections for the colony would be needed. The Natural Preserve contains Western Snowy Plovers throughout the year and California Least Terns during the breeding season. Daily biological monitors will be required to ensure impact avoidance. All work for this Project should be conducted so as not to enhance known predators to the California Least Tern. Alternative 1 would impact areas used for nesting in recent years by the California Least Tern, and impacts would need to be fully mitigated.

Response CDPR 6

The Draft EIR identifies the California Least Tern Preserve Area on page 4.3-2 and recognizes the special importance of this area to the recovery of the tern population. Construction of either Alternative would be restricted to the non-nesting season for the terns. The Draft EIR acknowledges that due to the tight construction schedule for Alternative 1, formal consultation would be required to ensure that impacts would be avoided. During this consultation additional conditions of approval could be identified and required such as installing sound walls. The Draft EIR identifies that the Western Snowy Plover is a year-round visitor to the area, although successful nesting of the plover has not been recorded within or near the preserve. Mitigation Measure 4.3-1d would require a biological monitor to be present during construction activities on the beach. Mitigation Measure 4.3-1d has been modified to minimize the potential for trash and food to be deposited in the area by construction workers. See response to comment S&SA 5. The Draft EIR concludes that with implementation of Mitigation Measure 4.3-1d, neither Alternative 1 nor 2 would not result in a significant impact to sensitive species on the beach.. However, the Draft EIR concludes that Alternative 2, the environmentally superior alternative and Sanitation District's preferred alternative, would result in substantially fewer impacts to sensitive species.

Comment CDPR 7,

The comment states that proposed work southeast of the California Least Tern colony needs to be carefully defined and mitigations assigned. The comment also states that rare plants grow in abundance, as well as rare foredune habitat plants that should be avoided if possible and if impacted fully mitigated at the end of the Project.

Response CDPR 7

The Draft EIR identifies the construction footprint for each Alternative. Alternative 1 would affect approximately 3.55 acres located inside the picket fence area and 0.26 acres located with the boundary of the California Least Tern Natural Preserve Area that has supported nesting in past years and also supports rare plants. Rehabilitation activities under Alternative 2 would disturb approximately 0.12 acres within the picket fence area at the Beach Box. Implementation of Mitigation Measure 4.3-1d and 4.3-1f for Alternative 1 or Alternative 2 will ensure the construction activities occur with the construction zone and work areas will be restored to their pre-construction conditions. Mitigation Measures 4.3-1g and 4.3-1h would ensure that the rare plants affected by Alternative 1 or Alternative 2 would be restored upon completion of either Alternative. See response to comment CDFG 4.

Comment CDPR 8

The commenter states that a review of the easements and identified boundaries of Huntington State Beach and the Sanitation District need to be clearly defined and a survey of the corners and alignments should be reviewed during planning and before any earth work is conducted.

Response CDPR 8

The Draft EIR acknowledges that Alternative 2 would be conducted entirely within the existing Sanitation District easement on Huntington State Beach. This easement is identified in Figure 3-15. The Draft EIR recognizes on page 3-36 that a Use Permit from the California Department of Parks and Recreation would be required under either Alternative. Prior to the non-nesting season, the Sanitation District will conduct a survey of the corners and alignments to be included in the final design plans.

Comment CDPR 9

The commenter states that construction activities, access routes, and lay down areas need to consider visitor activity in and around the Project site. The commenter states that separation of construction activities from the bike path needs careful consideration. A safe detour shall be provided for public access. After construction activities, the final surface needs to be "barefoot friendly."

Response CDPR 9

The Draft EIR recognizes on page 3-36 that a Use Permit from the California Department of Parks and Recreation would be required under either Alternative. Mitigation Measure 4.3-1d requires that the site be returned to its pre-construction contours. The Sanitation District will coordinate with California Department of Parks and Recreation in obtaining a Use Permit to ensure that access to the beach and bikeway is maintained to the extent feasible while ensuring public safety is protected. See response to comment CDPR 2 and CDPR 4.

Karen A. Gobel, U.S. Fish and Wildlife Service

Comment USFWS 1

The comment states that the primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The comment expresses concern with the Project's potential effects to the federally endangered California Least Tern (*Sternula antillarum browni*, "tern") and the federally threatened Western Snowy Plover (*Charadrius nivosus nivosus*, "plover").

Response USFWS 1

The Draft EIR recognizes the sensitivity of the California Least Tern and the Western Snowy Plover. Additionally, the Draft EIR discusses the importance of the neighboring California Least Tern Preserve. Pages 4.3-2 and 4.3-12 describe the existing setting of the California Least Tern Preserve and the status of the California Least Tern. The Draft EIR discusses the Western Snowy Plover on pages 4.3-4, 4.3-12 and 4.3-20.

As discussed on page 4.3-20 and 4.3-21 of the Draft EIR, under Alternative 1 or Alternative 2, the Project would be conducted during the non-breeding season to minimize impacts to the nesting colony. Mitigation Measures 4.3-1a through 4.3-1h provide measures to ensure that the proposed Project (either Alternative 1 or 2) would not significantly impact the California Least Tern or Western Snowy Plover.

Comment USFWS 2

The commenter recommends Alternative 2 and states the extent of disturbance to habitat for California Least Tern and Western Snowy Plover is much greater for Alternative 1 than Alternative 2. The comment states a specific concern regarding the implementation of Alternative 1. Specifically, under Alternative 1, grubbing could reduce the stability of the site. The commenter states that re-grading necessary for the placement of the dewatering wells could result in sand placement and weed growth that reduces the suitability of the site for California Least Tern nesting. Alterations that lead to unsuitable habitat conditions could decrease tern productivity in the breeding season following Project construction.

Response USFWS 2

The Draft EIR recognizes that Alternative 1 would impact 0.26 acres of California Least Tern Preserve Area and 3.55 acres of suitable nesting habitat. The Draft EIR establishes mitigation measures to return this area to its pre-construction contours following the completion of Alternative 1. The Draft EIR concludes on page 4.3-22 that Alternative 1 may require formal consultation with the US Fish and Wildlife Service to obtain a permit under the federal Endangered Species Act. The permit would impose further measures to minimize the potential for the Alternative 1 to directly or indirectly impact the endangered species. With implementation of these measures pursuant to the permit in addition to the mitigation measures identified in the Draft EIR, the Draft EIR concludes that impacts to sensitive species would be less than significant. However, due to the smaller impact area and shorter duration of Alternative 2, the

Draft EIR concludes on page 7-15 that Alternative 2 is the environmentally superior Project and the preferred Alternative.

Comment USFWS 3

The commenter states that under Alternative 1 any delays in the schedule would push the work into the breeding season, thus resulting in possible impacts to California Least Terns, including reduction in available nesting habitat and potential disturbances associated with the operation of heavy machinery immediately adjacent to nesting habitat. Whereas, Alternative 2 is anticipated to be completed in 4 to 6 weeks; therefore, it is unlikely to require work be completed during the tern nesting season.

Response USFWS 3

The proposed construction period for Alternative 1 is seven months. As discussed on page 4.3-21 of the Draft EIR, the entire area disturbed by Alternative 1 implementation would be returned to its pre-construction contours prior to the start of the nesting season for the California Least Tern. Pursuant to Mitigation Measure 4.3-1e, construction activities on the beach would not be allowed between April 1 and September 1. In addition pursuant to Mitigation Measure 4.3-1f, 4.3-1g, and 4.3-1h, the affected area would be returned to pre-construction contours including re-applying top soil to minimize the effects to returning nesting birds. As discussed in Response USFWS 2 above, implementation of Alternative 1 may require formal consultation with the US Fish and Wildlife Service to obtain a permit under the federal Endangered Species Act. The permit would impose further measures to minimize the potential for Alternative 1 to directly or indirectly impact the endangered species. With implementation of these measures pursuant to the permit in addition to the mitigation measures identified in the Draft EIR, the Draft EIR concludes that impacts to sensitive species would be less than significant for Alternative 1. Further, with implementation of the mitigation measures, the Draft EIR concludes that impacts to sensitive species would also be less than significant for Alternative 2. However, due to the smaller impact area and shorter duration of Alternative 2, the Draft EIR concludes on page 7-15 that Alternative 2 is the environmentally superior Alternative and the preferred Alternative.

Comment USFWS 4

The commenter states that Alternative 1 requires the operation of heavy machinery on the beach and that heavy machinery increases the potential for beach contamination, increases impacts to wintering plovers. In the winter months, Western Snowy Plovers loaf and forage on the beaches and the operation of heavy machinery on the beach could disrupt foraging activities and/or cause the plovers to abandon their winter loafing area.

Response USFWS 4

The Draft EIR notes that the beach area south of the Beach Box is used by Western Snowy Plovers for foraging and loafing. The Draft EIR concludes on page 4.3-20 and page 4.3-22, the temporary rehabilitation activities for both Alternatives 1 and 2 may disrupt the plovers in the immediate vicinity, but that the birds would be able to relocate along the beach during the temporary disturbance since long stretches of beach would remain available. For this reason, and that the disturbance is a one time, short-term event, the Draft EIR concludes that effects to the

Western Snowy Plover would be less than significant under either Alternative. The Draft EIR also concludes that the potential disturbance to this species would be considerably less due to a smaller construction footprint under Alternative 2.

Comment USFWS 5

The commenter states that under Alternative 2, there is a concern that changes in water quality conditions may have a temporary and localized effect on the distribution of forage fish for tern. The commenter states that to minimize the potential for impacts on tern foraging, the Project should be initiated immediately following the California Least Tern breeding season, allowing the ocean the maximum amount of time to recover from any potential effects of the Project on water quality before the next breeding season.

Response USFWS 5

The rehabilitation activities at the beach are planned to begin in early September following conclusion of the breeding season. Moreover, the commenter is referred to Draft EIR page 4.3-22, Mitigation Measure 4.3-1e, which states that in order to avoid direct and indirect impacts to nesting birds, Alternative 1 and Alternative 2 activities at the beach will occur outside the typical breeding period of the California Least Tern which generally runs from April 1 through September 1. Since discharge to the Short Outfall under Alternative 2 would occur during the non-nesting season, any change in water quality would not affect them since the birds would not be in the area. Further, the preferred Alternative, Alternative 2, would complete rehabilitation efforts and restore the Huntington State Beach area, within six weeks of Project initiation, and would return the site to its pre-construction contours.

Jennifer Villasenor, City of Huntington Beach

Comment HB 1

The commenter notes that the Draft EIR states on page 3-16 that additional work may be required. The comment asks would the additional work would be completed and with what construction methods.

Response HB 1

All work activities would occur within the Project schedule provided on page 3-31 of the Draft EIR. The additional work refers to the repairs identified during the initial inspection phase. A critical component of the proposed Project is to inspect the inside of the land portion of the Long Outfall to ascertain its condition. Rehabilitation of the pipeline will be implemented during the 4 to 6 weeks allotted for the Project. The rehabilitation schedule of 4 to 6 weeks would allow the Sanitation District to assess the condition of the Long Outfall while it is not in service and implement the repairs using construction methods described in the Draft EIR. The District anticipates that the maximum of 6 weeks provided in the schedule will provide ample time to implement repairs identified during the initial inspection.

Comment HB 2

The commenter states that Draft EIR page 3-13 states that construction of the bypass structure for Alternative 1 would occur over a four month period, while Draft EIR page 3-35 states construction of the bypass structure for Alternative 1 would require six months.

Response HB 2

The Draft EIR states on page 3-13 that “construction of the bypass structure is expected to occur over a 4 month period between September to January. The bypass structure would be in use for approximately 4 to 6 weeks in January and February. The bypass structure would be removed over a period of 1.5 to 2 months in February and March.” In response to the comment, the third paragraph, first sentence text on page 3-35, is revised as follows:

The bypass structure on the beach required for Alternative 1 would require ~~up to 6 months~~ four months to construct.

Comment HB 3

The commenter states the Draft EIR analysis includes a mitigation measure to ensure that nighttime lighting activities would not result in significant impacts and further states that Mitigation Measure 4.1-3b recommends coordination with the City of Huntington Beach "concerning nighttime activities." The commenter asks what the coordination might entail, or what specifically it would achieve in terms of reducing lighting impacts.

Response HB 3

The intent of Mitigation Measure 4.1-3b is to notify the City of planned nighttime lighting and to provide the proposed nighttime lighting plan to the City for review. The intent of the nighttime

lighting plan will be to meet the rehabilitation objective efforts safely while reducing light spill-over onto the Talbert Marsh, local residential areas, and other light sensitive areas.

Comment HB 4

The commenter states Draft EIR notes that a water quality certification would be required from the San Diego RWQCB and asks if this is supposed to refer to the Santa Ana RWQCB.

Response HB 4

In response to this comment the following revisions are made to the Draft EIR at page 4.8-5, first full paragraph, last sentence:

A water quality certification (or waiver thereof) pursuant to Section 401 of the federal CWA would also be required from the ~~San Diego~~ Santa Ana RWQCB.

Comment HB 5

The commenter asks what SWTCB represents on page 4.8-7.

Response HB 5

The sentence refers to the State Water Resources Control Board (SWRCB). In response to the comment the typographical error has been corrected on page 4.8-7 as follows:

The ~~SWTRCB~~ and the City of Huntington Beach Municipal Code require erosion control and sediment controls for construction projects with land disturbance....

Comment HB 6

The commenter asks for clarification for the appropriate reference document for locating the information for the summarization of the effluent FIB concentration during fall 2010 and during enhanced testing.

Response HB 6

The commenter is referring to missing Table reference in the paragraph. The commenter is referred to the to the Draft EIR Section 4.10, Marine Environment, page 4.10-26, third full paragraph, second sentence, which is revised as follows:

The Effluent Bacteria Reduction Demonstration Study confirmed the Sanitation District's ability to sustain this treatment and quantifying the resulting effluent concentration. Effluent FIB concentrations during fall 2010 and during the enhanced treatment testing in 2011 are summarized in ~~Error! Reference source not found.~~ **Table 4.10-5** for total coliform, fecal coliform, and enterococci.

Comment HB 7

The commenter states the Draft EIR correctly states that the Coastal Element was certified by the Coastal Commission in 1985. The comment also states the Huntington Beach 1999 CCC

certification was for an update to the originally certified 1985 Coastal Element and does not represent the final certification for the 1985 Coastal Element.

Response HB 7

The commenter is referred to the Draft EIR Section 4.9, Land Use, page 4.9-8, second full paragraph, first sentence, which is revised as follows:

The Coastal Element was certified by the CCC in 1985 and approved by the City Council. ~~and forwarded to the CCC for final certification in 1999.~~ The City updated the originally certified Coastal Element in 1999.

Comment HB 8

The comment states that the City does not currently implement noise variances, and that Mitigation Measure 4.11-1a should be deleted but the impact should remain identified as significant and unavoidable as currently concluded in the Draft EIR.

Response HB 8

Mitigation Measure 4.11-1a requires the Sanitation District to apply for a noise variance that the City states does not currently implement a noise variance process described in Mitigation Measure 4.11a. However, the Draft EIR concludes on pages 4.11-17 and 4.11 -19 that despite the proposed Mitigation Measures 4.11-1a and 4.11-1b that requires noise curtains and restrictions on nighttime construction methods, the result of nighttime construction could result in significant nighttime noise levels that are unavoidable. Removal of Mitigation Measure 4.11-1a does not affect the conclusions of the Draft EIR regarding the potential noise impact. In response to this comment the Draft EIR, Mitigation Measure 4.11-1a has been removed as shown below:

~~**4.11-1a:** For Alternatives 1 and 2, prior to the commencement of rehabilitation activities at Air Vac 12+05 and Beach Box, the Sanitation District shall file an application for a noise variance with the Health Officer of the City of Huntington Beach for nighttime construction activities. The variance shall set forth in detail the approved method of achieving maximum compliance and a construction schedule~~

Comment HB 9

The commenter states the City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks, and requests the Draft EIR be updated accordingly.

Response HB 9

The commenter is referred to the following text changes in the Draft EIR, Section 4.12, Recreation (pages 4.12-1 and 4.12-4).

Page 4.12-1, second paragraph is revised as follows:

~~The Community Service Department of Huntington Beach operates a total of 71 parks and public facilities throughout the City of Huntington Beach (the City) totaling approximately 752 acres. These include six mini parks, 58 neighborhood parks, seven community parks, and two regional parks. In addition to the parks and public facilities, the City also operates two publicly owned golf courses, a 0.8 acre City Gym and Pool, the 2 acre Rodgers Senior Center, and 2 community centers located in community parks.~~

The City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks.

Page 4.12-4, last paragraph, first sentence is revised as follows:

~~According to the City of Huntington Beach General Plan, the City contains 71 parks which encompass 577.28 acres. The parks include 6 mini parks totaling 2.7 acres, 58 neighborhood parks totaling 157.39 acres, seven community parks totaling 143.28 acres, and two regional parks (Huntington Central Park and Blufftop Park) encompassing 274 acres (City of Huntington Beach, 1996).~~

The City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks.

Comment HB 10

The commenter states the Huntington Beach 1999 CCC certification was for an update to the originally certified 1985 Coastal Element and does not represent the final certification for the 1985 Coastal Element.

Response HB 10

In response to the comment page 4.12-7 is revised as follows:

~~The Coastal Element of the City's General Plan was certified by the CCC in 1985, subsequently approved updated by the City Council which forwarded the Coastal Element to the CCC for final certification in 1999.~~

Comment HB 11

The commenter restates the Draft EIR conclusion that the loss of 32 parking spaces would not be significant because it represents a small portion of the number of stalls and work would be done in the off-peak season. The commenter also restates the Draft EIR conclusion that the Mouth Beach and bikeways would temporarily displace users to other available beaches and bikeway and the construction would occur when the number of beachgoers is significantly reduced. The commenter requests data showing the availability of parking during the off-season and the drop in the number of beach goers during the off-peak season.

Response HB 11

The commenter is referred to the Draft EIR at page 4.12-1, third paragraph, which provides visitor data for the beaches in both Huntington Beach and Newport Beach. Specifically, the Draft EIR states “[A]ccording to the Sanitation District’s 2009-2010 Ocean Monitoring Report, total beach attendance at the cities of Huntington Beach and Newport Beach was over 18 million visitors for 2009-2010. Total monthly visitors ranged from 4,550,350 people in July to 467,116 people in December of 2009.” The number of visitors in December was approximately 10 percent of the visitors in July. During the peak season, particularly on warm holiday weekends such as Labor Day weekend, the Huntington State Park parking lot can fill up entirely. The Huntington State Beach has extensive parking spaces designed to accommodate peak capacity that stretches from the Talbert Channel to Beach Boulevard with over 1,600 parking spaces. As noted on page 4.12-10, the proposed project would temporarily remove a maximum of 32 parking spaces during the non-peak time of year. This approximately 2.5 percent decrease would not significantly reduce parking availability at the beach during non-peak season. Furthermore, the Project would be required to obtain a use permit from the Department of Parks and Recreation concerning use of the parking lot.

Comment HB 12

The commenter states the Draft EIR lists inadequate parking capacity as part of the significance criteria for assessing potential impacts. The commenter states there is not a separate discussion for this particular impact, although there is some discussion of parking under discussion of other impacts and asks for clarification of this impact.

Response HB 12

The potential for parking impacts resulting from project implementation were included as part of the Impact 4.13-2 discussion. The Draft EIR concludes on page 4.13-15 that neither Alternative would result in significant reduction in the availability of parking. Work on the beach, would vary with the Alternative implemented. Alternative 1, would require 32 parking spaces for 7 months, and would have a less than significant impact. Alternative 2 would require 14 spaces for 4 to 6 weeks and would have a less than significant impact.

Comment HB 13

The commenter states the EIR does not discuss potential to impact Marine Safety access.

Response HB 13

The Draft EIR addresses emergency evacuation from the beach and emergency services access to the beach on page 4.7-10. The Draft EIR concludes that access to the beach would not be blocked since the strip of beach between the Talbert Channel and the California Least Tern Preserve would remain open to the public. Emergency access to Mouth Beach and emergency egress from the beach would be maintained through this evacuation route.

Michael Balsamo, Orange County Public Works

Comment OCPW 1

The comment notes that Alternative 1 would install a fence along both sides of the river to prevent beach goers from crossing the river. The commenter states that the Orange County Flood Control District has a permit to lease a parcel from the California State Lands Commission (CSLC) that has a number of conditions associated with it and that a fence restricting public access is a violation of that lease. The commenter states that creating a hazard to the public by creating hazardous currents could place OCFCD in the position of violating the conditions of the lease and incurring liability from the public that may access OCFCD property. The commenter also states that any hazardous material that leaks or is spilled during the construction activity occurring near or within the California State Land Commission parcel must be cleaned up immediately and notification must be made to ensure OCFCD is not liable for any work done by the Sanitation District.

Response OCPW 1

The commenter is referred to Response CSLC 1. The Draft EIR notes on page 3-36 that Alternative 1 would require a General Permit from the CSLC. Alternative 2 would not require a separate approval from CSLC since the rehabilitation activities would be within the Sanitation District's existing easement.

Additionally, the commenter is referred to the Draft EIR at page 4.7-13 through 4.7-14, which describes the potential hazardous condition that could be created from implementation of Alternative 1 and the discharge system. Mitigation Measure 4.7-3 on page 4.7-14 requires that the Sanitation District post signs and install a fence along both sides of the Santa Ana River (SAR) to prevent beach goers from crossing the SAR. These precautions will reduce the potential for beach goers from entering the unsafe SAR areas during dewatering activities. The fence would be subject to approval by CSLC under the General Permit and would therefore not conflict with the OCFCD lease conditions. The commenter is also referred to Draft EIR page 4.8-12, Mitigation Measure 4.8-1b, which requires the Sanitation District to install velocity dissipators at the dewatering discharge point with OCFCD approval to reduce scour and turbidity for Alternative 1 only. The Draft EIR identifies Alternative 2 as the environmentally superior alternative and the preferred alternative on page 3-29.

The commenter is also referred to Draft EIR page 4.8-12, Mitigation Measure 4.8-1a which requires the Sanitation District to prepare a Storm Water Pollution Control Plan (SWPCP) for any activity at the beach. The SWPCP would contain a provision for clean up and spill prevention and notification of all appropriate agencies if a spill occurs. The measure requires that spill containment materials are on site and that fuel storage be located in a designated location equipped with secondary containment. The construction contractor would be subject to the Sanitation District's Contingency Plan as discussed on page 4.7-7 of the Draft EIR. In the unlikely event of a spill the Sanitation District will comply with all applicable laws and regulations.

Commenter OCPW 2

The commenter requests an addition to the Executive Summary concerning coordination with the Orange County Public Works – OC Flood, Santa Ana River Unit.

Response OCPW 2

In response to Comment OCPW 2, the following textual revisions are made to the Draft EIR at page ES-13, and Section 4.12, page 4.12-13, Mitigation Measure 4.12-1 is revised as follows:

4.12-1: Prior to the commencement of any construction activities, the Sanitation District and the construction contractor shall coordinate with California State Parks, Orange County Parks Department, Orange County Public Works – OC Flood, Santa Ana River Unit, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction. The plan shall identify alternative routes, construction schedules, and signage for the detour plan and applicable closures dates clearly identified.

Commenter OCPW 3

The commenter states excavation work for the bypass and the sand filters may encroach on OCFCD right of way and the dewatering system will encroach into OCFCD right of way. The commenter requests that rights of way be clearly delineated on the plans. All work that is to be done within OCFCD right of way requires an encroachment permit.

Response OCPW 3

The commenter is referred to Draft EIR Section 4.9, page 4.9-14, which describes the need for the Sanitation District to obtain a permit from OCFCD for activities that occur within the right of way. It is anticipated that an encroachment permit from Orange County would be needed to install the dewatering pipeline along the SAR Bikeway under either Alternative. This dewatering system is required for both Alternatives to clean and dry the land portion of the Long Outfall sufficiently to allow for the work to be done in the pipeline. The flow from the dewatering pipelines would be routed to Plant 2 for treatment prior to discharge to the ocean. This is different from the groundwater dewatering required under Alternative 1. Alternative 1 would require a separate encroachment permit to install the velocity dissipators to discharge groundwater within the SAR. Alternative 2 is the preferred Alternative, and would not require any excavation or sand filters.

Commenter OCPW 4

The commenter requests the inclusion of County of Orange for an encroachment permit for the dewatering system, excavation of the Beach Box bypass system and the sand filter associated with Alternative 1. The commenter states that the County of Orange will only provide a Letter of No Objection regarding the dewatering discharge in to the SAR if the California State Lands Commission approves the discharge and that the discharge will occur within California State Lands Commission right of way which OCFCD leases.

Response OCPW 4

The Draft EIR notes that an encroachment permit would be required from the County and that General Permit would be required from the CSLC for Alternative 1. The commenter is referred to the Draft EIR, Section 3.0 at page 3-36, which is revised as follows:

**TABLE 3-6
DISCRETIONARY PERMITS POTENTIALLY REQUIRED**

Agency	Permits and Authorizations Required	Activities Subject to Regulations	Proposed Project	
			Alternative 1	Alternative 2
United States Fish and Wildlife Service	Section 7	To assess and permit potential Impacts to least tern or snowy plover	X	
Army Corps of Engineers	404 Permit	To install dewatering discharge pipe and dissipator into waters of the United States	X	
California State Parks	Use permit	To close portions of State Beach parking lot and closure bikeway	X	X
California State Lands Commission	General Permit	Construction of bypass structure outside existing easement	X	
California Coastal Commission	Coastal Development Permit	Components in estuary (Alt. 1)	X	
City of Huntington Beach	Coastal Development Permit, Local Coastal Program	Construction in coastal zone	X	X
	Construction Variance	Nighttime Construction Noise Variance	X	X
	Excavation Permit	Beach Box excavation	X	
Regional Water Quality Control Board	NPDES/WDR for Construction Dewatering	Dewatering discharge into the SAR	X	
	NPDES/WDR for Effluent Discharge	Discharge to the Long Outfall or Short Outfall	X	X
County of Orange	Letter of No Objection	Dewatering discharge in to the SAR	X	
	Encroachment Permit	Closure of bikeway	X	X
	<u>Encroachment Permit</u>	<u>Excavation work for bypass, dewatering system and sand filters</u>	<u>X</u>	

Comment OCPW 5

The commenter requests that all work be done to minimize the closure of any bikeway. If the closure of any bikeway is necessary, a detailed detour plan is required and the safety of the patrons who use the trails must be given the first priority when developing detour plans.

Response OCPW 5

The commenter is referred to Response CDPR 2 above, which states the Sanitation District is required to coordinate with the California State Parks, Orange County Parks Department, Orange County Public Works – OC Flood, Santa Ana River Unit, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction.

Comment OCPW 6

The commenter states all OCFCD improvements disturbed, damaged, vandalized or removed as a result of the construction activities within, upon, under or over OCFCD right-of-way shall be repaired, restored or replaced at OCSD's expense in conformance with Orange County Public Works Standard Plans and to the satisfaction of the Director of OC Public Works or his designee.

Response OCPW 6

The commenter is referred to Response CDPR 4, above, which includes Mitigation Measure 4.12-2, requiring the Sanitation District to return the Project area to pre-construction conditions. Additionally, the Draft EIR identifies Mitigation Measure 4.3-1f which commits the Sanitation District to returning the construction areas to their pre-construction contours.

Comment OCPW 7

The commenter provides a statement concerning the importance of the SAR Class I bikeway and parallel riding and hiking.

Response OCPW 7

The comment is noted. See response to comment CDPR 2.

Comment OCPW 8

The commenter requests modifications to Section 4.12, Recreation at pages 4.12-3.

Response OCPW 8

The commenter is referred the following revisions made to the Draft EIR at page 4.12-3:

fourth full paragraph, second sentence:

There are two type of bicycle lanes categorized within the City: ~~Class I and Class II.~~
Class I Bikeways and Class II Bike Lanes.

fourth full paragraph, fourth sentence:

The Class I facilities are for bicycles that travel completely separated from any street or highway, such as the bikeway that runs adjacent to the SAR. Class II facilities are striped lanes for one-way travel on streets and comprise of the majority of bike routes.

The last request to modify the reference to the Santa Ana River is inconsistent with the format of the document. The first reference to the Santa Ana River in this section is at page 4.12-1 and is consistently used throughout the Section and the EIR as such.

Comment OCPW 9

The commenter requests modifications to Section 4.12, Recreation on page 4.12-4 concerning bikeway classifications and the Santa Ana River Regional Riding and Hiking Trail location and potential project impacts.

Response OCPW 9

The commenter is referred to the following revisions made to the Draft EIR on page 4.12-4, first paragraph, first sentence:

The 2009 Orange County Transportation Authority (OCTA) Commuter Bikeways Strategic Plan states the City proposes to develop an additional 36.25 miles of bikeways, including two Class I Bikeways, two Class II, and three Class III ~~bikeways~~ bike lanes (OCTA, 2009).

The commenter is referred to the following revisions made to the Draft EIR on page 4.12-4, fourth paragraph, last sentence:

~~There are no riding/equestrian~~ Santa Ana River Regional Riding and Hiking Trail is a 4 foot wide decomposed granite trail that is located along the western edge of the Santa Ana River Class I Bikeway from Hamilton/Victoria south to above Pacific Coast Highway trails within the Project vicinity.

Additionally, the commenter states the trail (and bikeway) will likely be impacted by work on the Air Vac 12 + 05 site. If the trail is impacted by the project, it will need to be restored to 4 inches of decomposed granite over 6 inches of base and protected in place as much of the trail as possible. The commenter is referred to Response OCPW 6 and Response CDPR 4, above.

Comment OCPW 10

The commenter requests modifications to Section 4.12, Recreation at pages 4.12-9 concerning Santa Ana River Regional Riding and Hiking Trail location, potential project impacts, and the need to return to pre-construction conditions. The commenter also requests the length of time the closure around the Beach Box will occur, to be included in the Draft EIR. The commenter states it is not clear whether the use of the SAR Bikeway as a staging area will close the bikeway and the public's access to the Coast Highway.

Response OCPW 10

The commenter is referred to the following revisions made to the Draft EIR at page 4.12-9, first paragraph:

...Additionally, an area outside of the Air Vac Station 12+05, adjacent to the SAR Class I Bikeway and the Santa Ana River Regional Riding and Hiking Trail would be required to stage some construction equipment. The staging of equipment on the SAR Bikeway and Santa Ana River Regional Riding and Hiking Trail would be temporary, and would not prevent users from accessing the trail on the east side of the river. Because vehicles currently access the bikeways for maintenance activities, and the duration of the rehabilitation activity would be limited to a week, neither Alternative 1 nor 2 ~~the proposed Project~~ would significantly deteriorate the SAR Bikeway or the Santa Ana River Regional Riding and Hiking Trail...

The commenter is referred to the following revisions made to the Draft EIR at page 4.12-9, third paragraph:

...The Coastal Bikeway is approximately 211 feet north of the Beach Box. During construction, this portion of the Coastal Bikeway would be closed around the Beach Box site between the Talbert Channel and River for the duration of construction (4 to 6 weeks).

The commenter is referred to the following revisions made to the Draft EIR at page 4.12-9, first paragraph:

The staging of equipment on the SAR Bikeway would be temporary (approximately one week). It would prevent users from accessing the SAR Bikeway near Air Vac 12+05 but would not prevent users from accessing the trail on the east side of the river. Figure 4.12-3 identifies the proposed detour route to provide access across the River.

Lastly, the commenter is referred to CDPR 4.

Comment OCPW 11

The commenter states the proposed bikeway detour for these closures shown on Figure 4.12-3 is very long, indirect, and may not serve users displaced by the 2 closures. The commenter requests the Sanitation District reconsider allowing the 2 connections to remain open (when possible) to be managed by flag-persons and asks the Sanitation District look for ways to:

- Shorten the time the bikeway connection to the State Park and Newport Beach is closed.
- Consider reopening the bikeway connection to the State Park and the loop when portions of the project conclude or slow.
- Use flag-persons to manage vehicle and cyclist traffic as has successfully been done by USACE contractors building the Santa Ana River Mainstem Project.

Response OCPW 11

The commenter is referred to Response CDPR 2, which discusses the potential impacts to the Bikeway and potential alternative means of safely routing the public from the construction zone.

Comment OCPW 12

The commenter states the County (OC Parks) and OC Public Works would like to comment on a more detailed bikeway detour plan before one is implemented.

Response OCPW 12

The comment is noted. See response to comment OCPW 2.

Comment OCPW 13

The commenter states that reference is made on Page 4.8-10 to an individual NPDES dewatering permit to be obtained for the construction-term discharge of up to 30 million gallons per day to the mouth of the Santa Ana River. However, Mitigation Measures 4.8-1a and 1b make no mention of this NPDES permit and it seems likely additional provisions to mitigate water quality impacts will be imposed on the District by the Regional Water Board in its issuance of this permit.

Response OCPW 13

The Draft EIR acknowledges on page 4.8-10 that a dewatering discharge permit is required from the RWQCB. It is not necessary to include the permit within a mitigation measure since compliance with the provisions of the Clean Water Act is not optional. The commenter is referred to the following revisions made to the Draft EIR on page 4.8-10, third paragraph, last sentence:

Dewatering of the excavated area would continue throughout the ~~5.5~~ 7-month construction period. The discharge of groundwater from desilting tanks and sand filters would be subject to a dewatering NPDES permit to be issued to the Sanitation District by the RWQCB.

Table 3-6 on page 3-36 acknowledges that a separate NPDES dewatering discharge permit from the RWQCB would be required to discharge to the SAR.

Comment OCPW 14

The commenter states that based on the information provided, County Property Permits has determined Orange County Sanitation District will need to apply for an encroachment permit from CPP and any access or construction within Orange County Flood Control District's right-of-way shall require an encroachment permit from County Property Permits.

Response OCPW 14

The commenter is referred to Response OCPW 3 which addresses the permit requirements.

Edmund Pert, California Department of Fish and Game

Comment CDFG 1

The comment states that a Draft EIR should include a reasonable range of Alternatives which feasibly attain most of the basic Project objectives but which avoid or substantially lessen potentially significant Project related effects. The comment states that the Department cannot compare the relative merits of the proposed Alternatives to the Project because they are the "No Project Alternative" and the same "Alternative 1" and "Alternative 2" presented as the Project in Project Description.

Response CDFG 1

CEQA Guidelines Section 15126.6 requires that an EIR evaluate a reasonable range of project alternatives that would avoid or substantially lessen significant impacts of a proposed project. CEQA also mandates that an EIR analyze a "no-project" alternative. The "no-project" alternative analysis is required whether or not the "no-project" alternative attains the project objectives or lessens any significant effects of the proposed project. (CEQA Guidelines § 15126.6(e)(1).) Here, the Draft EIR analyzed the No-Project Alternative, Alternative 1 (Bypass), and Alternative 2 (No Bypass, Use of Short Outfall). The Draft EIR evaluates Alternative 1 and Alternative 2 at an equal level of detail. This detailed level of analysis for both Alternative 1 and 2 is superior to the minimum analysis of alternatives called for in the CEQA Guidelines. (*See generally* CEQA Guidelines § 15126.6(d).) Although both alternatives are evaluated at an equal level of detail in the Draft EIR, a comparison of the two alternatives is provided in Chapter 7.

The environmental analysis provided in the Draft EIR concludes that Alternative 1 would result in three significant and unavoidable impacts: aesthetics impacts on the beach due to the installation of the bypass structure, noise from nighttime construction, and recreation due to reduced beach and closure of Mouth Beach access during construction. The Draft EIR concludes that Alternative 2 would avoid two of the significant impacts including impacts to aesthetics and beach access. In addition, the Draft EIR concludes that Alternative 2 would substantially lessen impacts to biological resources on the beach. The Draft EIR concludes that the temporary discharge to the Short Outfall under Alternative 2 would not measurably affect surfzone water quality. As a result, the Draft EIR concludes that Alternative 2 is the environmentally superior alternative. As stated on page 3-29 and in Chapter 7 of the Draft EIR, Alternative 2 is the Sanitation District's preferred alternative. Although the Sanitation District considered an Alternative 3 that called for 24 hour per day, 7 day per week construction of the temporary bypass, this Alternative was rejected as infeasible due to the risks to worker safety, critical infrastructure, and environmental resources created by hot tapping the Long Outfall during nighttime conditions. Due to the nature of the proposed Project (a rehabilitation project), no other feasible Alternatives to the proposed Project were identified. The Draft EIR therefore analyzed a reasonable range of alternatives and satisfies the requirements of CEQA. No additional Alternatives analysis is required.

Comment CDFG 2

The commenter states that the proposed Project description is vaguely defined because it includes two different modes of construction (Alternatives 1-2) affecting the Project setting which have different effects on biological resources. The lack of a stable Project description lessens the public's ability to understand and comment on the proposed Project and propose alternatives to the Project that may avoid or minimize significant impacts on the environment.

Response CDFG 2

CEQA Guidelines Section 15124 requires that the Project description in an EIR to contain certain information but does not require extensive detail beyond that needed for evaluation and review of the environmental impact. Here, the Project Description identifies Alternative 1 and Alternative 2, and, on page 3-29, clearly states that Alternative 2 is the preferred alternative. The commenter is referred to Draft EIR pages 3-1 through 3-36 which includes a detailed discussion of all of the requirements set forth in CEQA Guidelines Section 15124. The description of Alternative 2, the preferred alternative is accurate and consistent throughout the Draft EIR. The Draft EIR provided two site plans in order to compare the extent of impacts on the beach under each alternative. Alternative 1 and Alternative 2 have varying settings which in turn "have different effects on biological resources. Describing and analyzing two alternatives at an equal level of detail is permitted under the CEQA Guidelines (section 15126.6). As discussed in Chapter 7, Alternative 1 would not avoid or lessen any of the significant impacts identified for the preferred alternative, Alternative 2.

Comment CDFG 3

The commenter states that the CDFG supports "Alternative 2 Non-bypass use of the Short Outfall" with a modification to include the prioritization of the use of the Short Outfall as soon as feasible after the completion of the California Least Tern nesting and fledging season (approximately September 1). This appears to the Department to achieve the Project objectives and avoid or minimize impacts to suitable breeding and foraging habitat for California Least Tern and habitat for California rare plants.

Response CDFG 3

The Department's preferred alternative is noted. The Project schedule included on page 3-35 of the Draft EIR states that both Alternatives would begin construction activities in September, immediately following the Least Tern nesting season and season of peak beach use. The Draft EIR also concludes on page 3-29 and Chapter 7, that the Sanitation District's preferred alternative is Alternative 2.

Comment CDFG 4

The commenter states that rare and/or sensitive plants are likely or known to occur within the Project's construction limits. The commenter states the Final EIR should modify mitigation measures to include monitoring and the preparation of a restoration plan.

The commenter also states that Mitigation Measure 4.3-1g does not commit to who will be implementing restoration, when the measures and proposed draft restoration plan for mitigating

impacts to California rare plants would be implemented, and how the restoration would be approved and conducted. Additionally, the mitigation measure should include monitoring and reporting on the effectiveness of the measure at compensating for disturbance. The commenter recommends that the Final EIR should include revisions to Mitigation Measure 4.3-1g to include a designated representative at the Sanitation District or their designee to oversee restoration, commitment to a timeframe to when restoration would occur, and a proposed draft restoration plan for mitigating impacts to California rare plants.

Response CDFG 4

The commenter is referred to pages 4.3-20 through 4.3-21 of the Draft EIR and Mitigation Measures 4.3-1f through 4.3-1h, which requires the beach to be restored to its pre-construction contours, the top 6 inches to be grubbed and stockpiled, and the Coast Woolly-Heads seeds to be salvaged and replanted. For this reason, the Draft EIR concludes that effects to the Coast Woolly-Heads would be less than significant under either Alternative. The Draft EIR also concludes that the potential disturbance to this species would be considerably less under the preferred alternative, Alternative 2. However, in response to the comment, Mitigation Measure 4.3-1b and Mitigation Measure 4.3-1g have been modified as follows to increase the potential for success of the restoration activities:

4.3-1b: All construction areas outside Plant 2 will be surveyed by a qualified biologist prior to rehabilitation and construction activities to document and map preconstruction conditions. The qualified biologist shall use CNPS Botanical Survey Guidelines to document the pre-construction conditions.

4.3-1g: Prior to the construction or rehabilitation activities on Huntington State Beach, a qualified biologist, shall prepare a restoration plan for the Coast Woolly-Heads. The restoration plan will identify a main point of contact and responsible party at the Sanitation District or its designee. The qualified biologist will oversee the revegetation of the Coast Woolly-Heads from the disturbed impact area of Huntington State Beach. The top 6 inches of sand supporting vegetation in the impact area at Huntington State Beach will be grubbed and stockpiled adjacent to the construction zone. The stockpiled soil shall be covered to avoid non-native seed contamination. Following construction, the material will be re-spread over the affected area. Passive revegetation is acceptable as long as the plant cover and species composition are comparable to pre-construction conditions after three years. The restoration plan will include a weed abatement program within the Project impact area implemented during the non-nesting season for California Least Tern. A qualified biologist shall monitor the reestablishment progress over the course of three years. At the end of each year, the biologist shall prepare a progress report that describes the status of the Coast Woolly-Heads' population. The report shall be submitted to the CDFG. If after three years, the number of Coast Woolly-Heads in the Project impact area has not reached pre-construction levels, the Sanitation District will coordinate with CDFG to provide off-site compensation or additional restoration efforts on site.

Comment CDFG 5

The Commenter requests modifications to Mitigation Measure 4.3-1h, and states the Mitigation Measure 4.3-1h does not commit to who will be implementing restoration/seed collection, when the measures would be implemented, and how the restoration/seed collection would be approved and conducted. Additionally, the mitigation measure should include monitoring and reporting on the effectiveness of the measure at compensating for disturbance that may result in permanent habitat conversion to non-native plant habitat. The Final EIR should include revisions to include a designated representative at the Sanitation District or their designee to oversee restoration, commitment to a timeframe to when restoration would occur.

Response CDFG 5

See response to comment CDFG 4. Response to comment CDFG 4 addresses the commenter's concerns regarding the restoration plan for the Coast Woolly-Heads. No further response is required.

Comment CDFG 6

The commenter states the Draft EIR does not disclose substantial evidence by which the significance of Project related impacts to California rare plants are gauged. Rather the Draft EIR uses CEQA guidelines Appendix G as a general threshold. The commenter states a consequence of not disclosing substantial evidence of a rare plant significance threshold is that significant environmental impacts are not identified. The commenter then provides an example that impacts to California rare plants are considered in the Draft EIR to be significant when directly disturbing known habitat on Huntington State Beach, but Mitigation Measures 4.3-1g and 4.3-1h do not provide compensation for indirect impacts that may occur later in time. The comment also notes that the introduction of weeds is more likely during and after ground disturbance and states that a Weed Prevention and Eradication plan should be included as a Mitigation Measure..

Response CDFG 6

The Draft EIR states on page 4.3-16 that for purposes of this analysis, impacts to CNPS listed plants (on list 1 or 2) are considered to be impacts to endangered, rare, or threatened species pursuant to CEQA Section 15380. The Draft EIR's significance criteria therefore includes a "rare plant significance threshold." The Draft EIR identifies that Coast Woolly-Heads may be affected by the Alternative 1 or Alternative 2. Mitigation Measures 4.3-1g and 4.3-1h (as modified pursuant to comment CDFG 4) would ensure that these sensitive plant species will be restored or that impacts to species will be compensated. As a result, impacts to rare plants have been appropriately identified and measures have been established to ensure that impacts would be less than significant.

The Draft EIR states on page 4.3-16 that, for purposes of this analysis, impacts to CNPS listed plants (on lists 1 or 2) are considered to be impacts to endangered, rare, or threatened species pursuant to CEQA Section 15380. Impacts to rare plants have been appropriately identified and measures have been established to ensure that impacts would be less than significant. Mitigation Measure 4.3-1g, as modified, includes a weed abatement program.

Comment CDFG 7

The commenter states the Final EIR should include a mitigation measure requiring a Weed Prevention and Eradication plan consisting of inspection of construction vehicles for non-native plant seeds and propagules prior to conducting work, monitoring and eradication during construction, and maintenance for up to 3 years after completion of construction in the project setting. The commenter also states the Final EIR should propose contingency plans, and consider alternative locations with similar habitat that may serve as appropriate locations for reference monitoring or supplemental compensatory mitigation. The CDFG is willing to coordinate with the Sanitation District in proposing and identifying suitable off-site locations for coast woolly-heads.

Response CDFG 7

The commenter is referred to Response CDFG 4 and Response CDFG 6.

Ahmad Kashkoli, State Water Resources Control Board

Comment SWRCB 1

The comment explains SWRCB environmental review requirements for projects applying for SRF loans.

Response SWRCB 1

The Sanitation District appreciates the information, but is not planning on pursuing SRF loans for the proposed project. If the Sanitation District were to pursue SRF loans, these guidelines would be followed.

Comment SWRCB 2

The comment requests further description of the Sanitation District's consultation with the USFWS related to listed species (California least terns, Western snowy plover and Belding's savannah sparrow).

Response SWRCB 2

Sanitation District staff met with the USFWS, CDFG and California State Parks at the site in October 2011 to discuss Alternative 1 and 2. As noted on page 4.3-22, the Draft EIR concludes that implementation of Alternative 1 would require formal consultation with USFWS pursuant to Section 7 or 10 of the Endangered Species Act due to the extent and duration (7-months) of the activities on the beach in close proximity to the California Least Tern Preserve. However, due to the smaller footprint and short duration (4-6 weeks) of activities required for Alternative 2, the preferred alternative, the Draft EIR concludes that with implementation of mitigation measures including Mitigation Measure 4.3-1e which prohibits construction activities during the nesting season, formal consultation with the USFWS would not be required for Alternative 2. See responses to comments USFWS 1 through USFWS 5.

Comment SWRCB 3

The comment requests a review of USFWS species list and discuss if any additional listed or special statues species have the potential to be impacted by the Project.

Response SWRCB 3

The Draft EIR lists all of the special status plant and animal species with the potential to occur in the project vicinity in Section 4.3, Biological Resources, Table 4.3-1, pages 4.3-6 through 4.3-11. The Draft EIR provides an assessment of the potential for each of these species to be impacted by either project Alternative on pages 4.3-19 through 4.3-24. The Draft EIR identifies Mitigation Measures 4.3-1a through 4.3-1h which would avoid or substantially lessen potential impacts to sensitive species. The Draft EIR concludes on page 4.3-24 that with implementation of these mitigation measures, either Alternative 1 or 2 would result in less than significant impacts to sensitive species. The Draft EIR acknowledges in Chapter 7 that Alternative 2 would result in substantially fewer impacts to biological resources than Alternative 1 and is therefore the environmentally superior alternative.

Comment SWRCB 4

The comment requests the Draft EIR discuss Project needs for consultation with the California Coastal Commission.

Response SWRCB 4

The Draft EIR acknowledges in Table 3-6 on page 3-36 that a Coastal Development Permit (CDP) under the City of Huntington Beach's Local Coastal Program (LCP) would be required to implement either Alternative 1 or 2. The Draft EIR states that "rehabilitation activities at Air Vac Station 12+05 may require a CDP under the LCP" in Section 4.9, Land Use, page 4.9-14, second full paragraph. Additionally, the fourth paragraph, first sentence, states that rehabilitation activities at the Beach Box may require a CDP under the LCP. In addition, Table 3-6 acknowledges that implementation of Alternative 1 would require a CDP from the California Coastal Commission due to the project's encroachment into the tidal waters of the mouth of the SAR.

Patrick J. Alford, City of Newport Beach

Comment NB 1

The commenter states Section 4.1.3 should provide additional information on the design, materials, and height of the visual screen required by Mitigation Measure 4.1-1. Alternative 1 includes machinery as tall as 55 feet. The commenter states that it is unclear if the screening required by Mitigation Measure 4.1-1 would include this equipment.

Response NB 1

The Draft EIR discusses potential impacts to aesthetics in Section 4.1, page 4.1-17. The Draft EIR states that visual screens would not effectively obscure construction of the site from PCH views under Alternative 1, due to the higher grade of PCH, the height of the line stops, construction cranes, dewatering system and 10 foot high stock pile. The visual screen will be approximately 10 feet high. The Draft EIR states that Alternative 1 would result in a temporary significant and unavoidable impact due to the long duration, tall construction equipment and large footprint. However, the Draft EIR concludes that under Alternative 2 the visual screen would soften impacts to local views during the 4 to 6 weeks of activities on the beach sufficient to reduce the impact to a less than significant level due to the reduced use of tall construction equipment, smaller footprint and the short project duration.

Comment NB 2

The commenter requests an update to Mitigation Measure 4.1-3b to include the City of Newport Beach.

Response NB 2

In response to the commenter's request Mitigation Measure 4.1-3b is revised as follows:

4.1-3b: Prior to the commencement of rehabilitation activities, the Sanitation District shall coordinate with the City of Huntington Beach and the City of Newport Beach concerning nighttime lighting activities.

Comment NB 3

The commenter states the description of the local setting in Section 4.3.1 does not mention the Project's proximity to the Semeniuk Slough and the Newport Beach Coastal Land Use Plan identifies the Semeniuk Slough as an Environmental Study Area. The Semeniuk Slough is characterized by open estuarine, southern coastal salt marsh, and ornamental plant communities.

Response NB 3

The proposed Project would not directly affect the Santa Ana River Marsh or Semeniuk Slough located across the Santa Ana River from Plant 2 and the Air Vac Station 12+05. The Draft EIR evaluates potential indirect impacts to this area from noise, lighting and aesthetics. The Sanitation District recognizes that the Semeniuk Slough and adjacent Santa Ana River Marsh maintains sensitive biological and open space values. The Draft EIR concludes within the Noise, Aesthetics, Biological Resources sections that the Project would not directly or indirectly affect these areas.

In response to the commenter's request, the following text is added to the Draft EIR, Section 4.3, Biological Resources at page 4.3-2, beneath the first paragraph:

The Air Vac Station 12+05 is located approximately 400 feet west of the Semeniuk Slough. The Semeniuk Slough is a relatively large, uninterrupted open estuary/coastal salt marsh within the City of Newport Beach that provides wildlife with a relatively large, diverse area for foraging, shelter, and movement. The Semeniuk Slough is a remnant channel of the Santa Ana River from the time when the river emptied into Newport Bay; it forms a loop around the Newport Shores residential community in West Newport. Semeniuk Slough is exposed to limited tidal influence through a tidal culvert connected between the Santa Ana River and the Slough. The site sustains a healthy coastal salt water marsh habitat (Newport Beach Coastal Land Use Plan, 2005)

Comment NB 4

The commenter states The Draft EIR in Chapter 4.10 provides only cursory references to the Newport Submarine Canyon. The commenter states the Newport Beach Coastal Land Use Plan recognizes the Newport Submarine Canyon as a unique coastal feature that acts as a pathway for cold, nutrient-rich waters that upwell from deeper offshore waters to the shallower nearshore shelf. The commenter also states the canyon acts as a pathway through which deeper water species of fish, squid, shark, and jellyfish, sometimes can be found close to shore. The canyon is also an important fishing zone for the Dory Fishing Fleet.

Response NB 4

The Draft EIR recognizes the unique qualities of the Newport Submarine Canyon on page 4.10-3. The current modeling analysis included in Appendix F3, Shallow Water Diffuser Plum Modeling (see pages ES-4 and 5-5) recognizes the effects to ocean currents from upwelling of colder water from the canyons. The marine environment setting Section 4.10.1 of the Draft EIR recognizes the canyon's importance to the diversity of the fauna and water quality in the near-shore and off-shore environment. In response to the commenter's request, the following text is added to the Draft EIR, Section 4.10, Marine Environment at page 4.10-3, after the first full paragraph:

The Newport Submarine Canyon is a unique coastal feature that begins immediately seaward of the Newport Pier at a depth of 25 feet. Bottom depths rapidly increase to nearly 100 feet within 1,200 feet from shore and 300 feet deep within 3,900 feet from shore. It is believed to have been formed by the ancestral Santa Ana River and is the exit pathway for southward moving sands transported through littoral drift currents at the end of the San Pedro Littoral Cell. (Newport Beach Coastal Land Use Plan, 2005)

Cy Oggins, California State Lands Commission

Comment CSLC 1

The comment states that the CSLC will be a Trustee Agency or a Responsible Agency depending on whether the Project would require a discretionary action from CSLC. The comment then describes CSLC jurisdiction and summarizes the project description. The comment notes that rehabilitation of the beach box qualifies as a maintenance activity under the terms of existing leases PRC 4007.9 and PRC 722.9. However, this project element and location may also disrupt the jetty and dike authorized under Lease No. PRC 2171.9 which authorizes the Orange County Flood Control District to use and maintain the jetties which extend beyond the banks of the Santa Ana River into the Pacific Ocean.

Response CSLC 1

The Draft EIR notes on page 3-36 that the Alternative 1 would require a General Permit from the CSLC. This permit would establish conditions for activities outside of the Sanitation District's maintenance easement and for activities within PRC 2171.9 at the Santa Ana River mouth. This area is managed by the Orange County Flood Control District under a separate lease from CSLC. See responses to comment OCPW 1. Under Alternative 2, the Sanitation District would not require a separate approval from CSLC since the rehabilitation activities would be exclusively within the Sanitation District's existing easement. Alternative 2 is the preferred Alternative.

Comment CSLC 2

The comment states that for Alternative 1 the Draft EIR should identify contingency measures for impacts to federally and state listed species in the event that construction overlaps with the least tern breeding season. The comment states that the Draft EIR should explicitly address the potential impacts and develop contingency mitigation should the Project take more time than anticipated.

Response CSLC 2

The Draft EIR notes on page 4.3-21 that under Alternative 1, California Least Terns could be directly or indirectly impacted. The Sanitation District would strive to avoid or minimize impacts. Mitigation Measure 4.3-1e requires that the Sanitation District restrict construction to the non-nesting season. In order to ensure that the construction activities do not extend into the nesting season, the Sanitation District would work closely with USFWS and the California State Parks to minimize potential impacts to the nesting colony. If major delays occur in establishing the bypass structure under Alternative 1, the Sanitation District has agreed to prepare a contingency plan. The contingency plan may require the excavation to be backfilled and the construction activities be suspended until the following fall. Details of the contingency plan and the acceptable cut off point would be developed as part of the Section 7 consultation conducted with the USFWS. Ultimately, the project would not proceed into the nesting season if the California Least Terns would be significantly affected. The Draft EIR concludes that with conditions of approval established in the Biological Opinion prepared by the USFWS under Section 7 of the Endangered Species Act, potential impacts to sensitive species under Alternative 1 would be reduced to less than significant levels. However, the Draft EIR recognizes in Chapter 7 that Alternative 2 would

result in substantially fewer impacts to sensitive species and is the preferred alternative. See responses to the USFWS comment letter, USFWS 1 through USFWS 5.

Comment CSLC 3

The comment states that the Draft EIR does not mention that CSLC has jurisdiction over cultural resources on sovereign lands including submerged archaeological sites and shipwrecks. The comment requests that Mitigation Measure 4.4-1b be amended to include consultation with CSLC.

Response CSLC 3

The Draft EIR evaluates the potential for ground disturbance to uncover previously unknown cultural resources on page 4.4-17. The Draft EIR acknowledges that there is a potential for encountering buried resources and identifies Mitigation Measures 4.4-1a and 4.4-1b to ensure that the project would not result in significant impacts. These measures require that a monitor be present during excavation activities. In response to the comment, the following modifications to the Mitigation Measure 4.4-1b have been added.

4.4-1b: Under Alternative 1, during construction of the bypass structure, if a cultural resource is encountered, construction activities shall be redirected away from the immediate vicinity of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be potentially significant, the archaeologist, in consultation with the Sanitation District, the California State Lands Commission, and appropriate Native American group(s) (if the find is a prehistoric or Native American resource), shall develop a treatment plan. Construction activities shall be redirected to other work areas until the treatment plan has been implemented or the qualified archaeologist determines that work can resume in the vicinity of the find.

Comment CSLC 4

The comment requests additional explanation as to why impacts to beach access for Alternative 1 are significant and unavoidable, while impacts to beach access from Alternative 2 are considered less than significant.

Response CSLC 4

The Draft EIR evaluates impacts to beach access in the Recreation Section on pages 4.12-9 through 4.12-13. The analysis describes that under Alternative 2, the preferred Alternative, beach access would be restricted due to the closure of the bike trail, but that the strip of land between the Talbert Channel and the California Least Tern Preserve would remain open. Through this strip of beach, the public could access the surf at Huntington State Beach and at Mouth Beach. Due to the limited restrictions, minor activities within the construction zone, the duration of 4 to 6 weeks, and lack of impact to the “front yard” between the preserve and the surf, Alternative 2 would not significantly restrict beach access. (See Figure 3-15.) Conversely, the Draft EIR finds that under Alternative 1, although the strip of beach between the Talbert Channel and the California Least Tern Preserve would remain open, more construction activity would be occurring on the beach requiring the restriction of the entire “front yard” area between the

preserve and the beach. (See Figure 3-5.) In addition, due to concerns for public safety resulting from the dewatering discharge structure within the SAR, Mouth Beach would be closed and both sides (Cities of Huntington Beach and Newport Beach) of Mouth Beach would be fenced to prevent surfers and beachgoers from recreational activities near the mouth of the SAR for 7 months. Due to the increased construction footprint on the beach and the Mouth Beach closure and establishment of fences on either side of the River for 7 months, the Draft EIR concludes that under Alternative 1, impacts to beach access would be significant and unavoidable.

Comment CSLC 5

The comment requests copies of the Final EIR and any other information prepared for the Project in the future.

Response CSLC 5

Pursuant to CEQA requirements, the CSLC will be provided a copy of the responses to comments at least 10 days prior to the certification date. The Sanitation District looks forward to working with CSLC toward successful completion of the project.

**Stephen M. Estes, Department of the Army, Los Angeles District
Corps of Engineers**

Comment ACOE 1

The commenter states the proposed project would take place at the mouth of the Santa Ana River in the city of Huntington Beach, Orange County, California. This activity may require a U.S. Army Corps of Engineers permit. The commenter then lists the regulated activities for which a permit is required.

Response ACOE 1

The commenter is referred to the Draft EIR, page 3-36, Table 3-6, which states that a 404 permit would be required to install the dewatering discharge pipe and dissipater into waters of the United States. Alternative 2, the preferred alternative, would not encroach into the SAR channel and would therefore not need coverage under a 404 permit from the ACOE.

Donald Schulz***Comment DS-1***

The commenter suggests the support of Alternative 1 to discharge to the sewage 5-mile outfall.

Response DS-1

The Draft EIR provides a comparison of Alternatives 1 and 2 in Chapter 7. The analysis is summarized in Tables 7-3 and 7-4. The analysis concludes that Alternative 1 would result in greater impacts to most environmental resources. The Draft EIR describes potential impacts to marine water quality and public health on pages 4.10-22 through 4.10-45. Detailed studies presenting the marine data are available in Appendices F1 through F4. The results of the analysis conclude that the temporary use of the Short Outfall under Alternative 2 would not result in any measurable surfzone water quality changes or otherwise significantly affect the marine environment or public health. Impacts were found to be less than significant. The alternatives analysis on pages 7-15 through 7-17 of the Draft EIR illustrates the environmental trade-offs of the two alternatives. Based on the results of the alternatives analysis and environmental trade-offs and considering the extensive impacts to sensitive species on the beach, recreation and aesthetics that would result under Alternative 1, the Draft EIR concludes that Alternative 2 is the environmentally superior alternative. The Draft EIR identifies Alternative 2 as the preferred alternative on page 3-29.

Cheryl Egger, Sea & Sage Audubon

Comment S&SA 1

The comment expresses concern for the protection of the Endangered California Least Terns and the Threatened Western Snowy Plovers that use the area adjacent to the proposed Project location.

Response S&SA 1

The Draft EIR recognizes the sensitivity and importance of the neighboring California Least Tern Preserve. Pages 4.3-4 and 4.3-12 describe how the Western Snowy Plover utilize the local beaches for foraging. Pages 4.3-2 and 4.3-12 describe the existing setting of the California Least Tern Preserve and the status of the California Least Tern. As discussed on page 4.3-20 and 4.3-21 of the Draft EIR, the Project would be conducted during the non-breeding season to minimize impacts to the nesting colony. Mitigation Measures 4.3-1a through 4.3-1h provide measures to ensure that the proposed Project under either Alternative 1 or 2 would not significantly impact the California Least Tern or Western Snowy Plover.

Comment S&SA 2

The comment states the California Least Tern breeding season is April 1 to September 1. Any delays that extend into their breeding season would greatly impact the neighboring colony.

Response S&SA 2

The Draft EIR discusses potential impacts to sensitive species including the California Least Tern on pages 4.3-19 and 4.3-20. The construction and rehabilitation activities at the beach are planned only during the non-breeding season for either Alternative. Moreover, the commenter is referred to Draft EIR page 4.3-22, Mitigation Measure 4.3-1e, which states that in order to avoid direct and indirect impacts to nesting birds for either Alternative, activities near the California Least Tern Natural Preserve Area will occur outside of the peak breeding season which generally runs from April 1 through September 1. Further, the preferred alternative, Alternative 2, would complete rehabilitation efforts and restore the Huntington State Beach area, within six weeks of Project initiation, and would return the site to its pre-construction contours. See response to comment CDPR 4.

Comment S&SA 3

The comment states that the site is a historical nesting site for Western Snowy Plovers; however, this species has not nested here for a number of years. They frequently use the beach in this area for feeding and loafing, year round.

Response S&SA 3

The Draft EIR discusses the Western Snowy Plover on pages 4.3-4 and 4.3-12. The Draft EIR notes that the beach area near the Beach Box is used by Western Snowy Plovers for foraging and loafing. The Draft EIR concludes on page 4.3-20 that the temporary rehabilitation activities for both Alternatives 1 and 2 may disrupt the plovers in the immediate vicinity, but that the birds

would be able to relocate along the long stretch of beach during the temporary disturbance. For this reason, the Draft EIR concludes that effects to the Western Snowy Plover would be less than significant under either Alternative. The Draft EIR also concludes that the potential disturbance to this species would be considerably less under Alternative 2.

Comment S&SA 4

The comment strongly suggests the use of Alternative 2 as it would have the least impact on the birds and their environment. The amount of time involved for the Project is shorter and could be completed well before nesting season. Also, the use of the "front yard" as part of the construction zone is a concern. The "front yard" is used for nesting by the California Least Terns and would need to be restored to its characteristic dune habitat before nesting season.

Response S&SA 4

The comment states that Alternative 2 is favored. The Draft EIR recognizes that Alternative 1 would temporarily disrupt the "front yard" between the fenced area of the California Least Tern Preserve Area and the ocean. The Draft EIR establishes mitigation measures to return this area to its pre-construction contours following the completion of the Project under Alternative 1. The Draft EIR concludes on page 4.3-22 that Alternative 1 may require formal consultation with the US Fish and Wildlife Service to obtain a permit under the federal Endangered Species Act. The permit would further impose measures to minimize the potential for the Project to directly or indirectly impact the endangered species. With implementation of these measures pursuant to the permit in addition to the mitigation measures identified in the Draft EIR, the Draft EIR concludes that impacts to sensitive species would be less than significant. However, due to the smaller impact area and shorter duration of Alternative 2, the Draft EIR concludes on page 7-15 through 7-16 that Alternative 2 is the environmentally superior Project and the preferred Alternative.

Comment S&SA 5

The comment suggests the following measures be taken:

1. The California Least Tern breeding season must be avoided.
2. The Natural Preserve boundaries should not be breached.
3. Daily monitoring should be done by a biologist to ensure that impact on the California Least Terns and Western Snowy Plovers is avoided.
4. Ensure that no garbage or lunch debris is left in the area as this may attract predators of the birds such as crows, ravens, rats and coyotes. Once these predators are attracted to an area, they may return during nesting season and predate California Least Tern eggs and chicks.

Response S&SA 5

See response to comment S&SA2. The California Least Tern breeding season will be avoided in accordance with Mitigation Measure 4.3-1e. Alternative 1 would require a temporary breach of the existing chain-link fence surrounding the California Least Tern Preserve Area. As discussed on page 4.3-21 of the Draft EIR, the fence would be returned to its pre-construction location following the completion of the Project. Alternative 2 would not require breaching the chain-link

fence, and is the preferred Alternative. Mitigation Measure 4.3-1d requires a qualified biologist to be present during construction activities within Huntington State Beach to ensure construction and rehabilitation activities occur within the marked construction area. In response to the comment, Mitigation Measure 4.3-1c and 4.3-1d have been modified as follows, to ensure food and debris is not left within or around the construction area:

4.3-1c: A qualified biologist will be present during rehabilitation activities adjacent to Talbert Marsh to ensure that no rehabilitation and maintenance activities occur outside of the marked work areas. In order to avoid the introduction of predators, the biologist shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

4.3-1d: A qualified biologist will be present during construction activities within Huntington State Beach to ensure that no construction activities occur outside of the marked construction area. In order to avoid the introduction of predators, the biologist shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

Jeanette Garcia, Southern California Gas Company

Comment SCGC 1

The comment states that Southern California Gas Company has facilities in the area and gas service to the Project can be provided from an existing gas main located in various locations.

Response SCGC 1

The comment is noted. This comment does not address the adequacy of the Draft EIR, and therefore no further discussion is required.

Colin Kelly, Orange County Coastkeeper

Comment OCC 1

The commenter states the Orange County Coastkeeper supports the proposed Project consisting of inspection, condition assessment, and rehabilitation of corroded elements of the land section of the existing Long Outfall system extending from Surge Tower 2 to the Beach Box located on Huntington State Beach.

Response OCC 1

The comment is noted. This comment does not address the adequacy of the Draft EIR. No additional response is necessary.

Comment OCC 2

The commenter states there are reservations about the proposed duration of Alternative 1 in regards to its effect upon the Talbert Marsh, California Least Tern Natural Preserve Area, and the area surrounding the Beach Box. The proposed length for Alternative 1 is from September 2014 to March 2015 (7 months). Alternative 2 is scheduled from September 2012 to October 2012 (1 month).

Response OCC 2

The Draft EIR describes the duration of each Alternative on page 3-35. The duration of rehabilitation activities on the beach under Alternative 2 is 4 to 6 weeks.

Comment OCC 3

The comment states that Alternative 1 is scheduled to occur outside of the Belding Savannah Sparrow's nesting period. The Belding Savannah Sparrow, the California Least Tern, and the Western Snowy Plover, have been recorded to occur, or have a moderate or high potential to occur within the Project area or its vicinity and the prolonged Project time of Alternative 1 will have a greater effect on these birds and their habitat.

Response OCC 3

The rehabilitation activities at the Talbert Marsh and the beach are planned only during the non-breeding season. Moreover, the commenter is referred to Draft EIR page 4.3-22, Mitigation Measure 4.3-1e, which states “in order to avoid direct and indirect impacts to nesting birds, Project activities at Air Vac Station 12+05 will occur outside the typical breeding period of the Belding Savannah Sparrow which generally runs from March 1 through September 1. Project activities near the California Least Tern Natural Preserve Area will occur outside of the peak breeding season which generally runs from April 1 through September 1.” In addition, the Draft EIR acknowledges on page 4.3-20 that Western Snowy Plovers are known to use the beaches. The Draft EIR concludes that under either Alternative 1 or 2, the Western Snowy Plovers would not be significantly affected. Further, the preferred Alternative, Alternative 2, would complete rehabilitation efforts and restore the Huntington State Beach area, within six weeks of Project initiation, and would return the site to its pre-construction contours.

Comment OCC 4

The comment states Alternative 1 requires the construction of a bypass, which will disturb portions of the preserve area frequented by the Western Snowy Plover and California Least Tern and temporarily impact 3.55 acres located inside the California Least Tern Natural Preserve and 0.26 acres outside the preserve, which is an area known to support breeding of the Snowy Plover.

Response OCC 4

The comment accurately reflects the Draft EIR. See Response USFWS 2.

Comment OCC 5

The commenter states the construction near the Beach Box will require the removal of the Coast Woolly-Heads, a special status plant species. Mitigation measures require the seeds of this plant to be collected and re-planted after Project completion. The Coast Woolly-Heads is an important coastal plant that is severely declining due to extensive recreation on the beach. Alternative 2 would affect the Coast Woolly-Head's habitat for the Proposed Project time of one month, as opposed to seven months in Alternative 1. The longer the seeds remain unplanted, the higher the rate of decline this plant will face.

Response OCC 5

The commenter is referred to pages 4.3-20 through 4.3-21 of the Draft EIR and Mitigation Measures 4.3-1f through 4.3-1h, which require the beach to be restored to its pre-construction contours, the top 6 inches to be grubbed and stockpiled, and the California rare plant Coast Woolly-Heads seeds to be salvaged and replanted. For this reason, the Draft EIR concludes that effects to the Coast Woolly-Heads would be less than significant under either scenario. The Draft EIR also concludes that the potential disturbance to this species would be considerably less under Alternative 2. See response to CDFG 4.

Comment OCC 6

The comment states both alternatives present a less than significant impact to water quality with mitigation. Both Alternative 1 and Alternative 2 have the capacity to accommodate the effluent discharge. The time and habitat modification due to the structure of the bypass in alternative one appears unnecessary.

Response OCC 6

The commenter is referred to Draft EIR 4.10-28 through 4.10-45, which concludes that impacts resulting from use of the Short Outfall will have a less than significant impact to water quality with mitigation. Moreover, the Draft EIR also concludes the preferred Alternative, Alternative 2, would complete rehabilitation efforts and restore the Huntington State Beach area within six weeks of Project initiation and would disturb less habitat than Alternative 1.

Comment OCC 7

The comment states Orange County Coastkeeper prefers Alternative 2 because it does not require as much habitat modification as Alternative 1. Alternative 2 is the favorable choice because of its

fewer disturbances to the current habitat, the Coast Woolly-Heads, the Belding Savannah Sparrow, the California Least Tern, and the Western Snowy Plover.

Response OCC 7

The comment is noted. The Draft EIR identifies Alternative 2 as the preferred Alternative on page 3-29. Chapter 7 of the Draft EIR provides a comparison of potential environmental impacts for both Alternatives and concludes that Alternative 2 is the environmentally superior alternative.

Comment OCC 8

The commenter states the aforementioned reasons express strong preference for Alternative 2.

Response OCC 8

The comment is noted. This comment does not address the adequacy of the Draft EIR. No additional response is necessary.

Judith M. Gielow***Comment JG 1***

The commenter states that treated effluent needs to be sent out as far as possible using the Long Outfall. The commenter also feel that that choice of season is of paramount importance.

Response JG 1

CEQA Guidelines requires that an EIR evaluate Project alternatives that would avoid or substantially lessen significant impacts of a proposed Project. The environmental analysis provided in the Draft EIR concludes that Alternative 1 would result in three significant and unavoidable impacts: aesthetics impacts on the beach due to the installation of the bypass structure, noise from nighttime construction, and recreation due to reduced beach access and closure of Mouth Beach during construction. The Draft EIR concludes that Alternative 2 would avoid two of these significant impacts including impacts to aesthetics and resreaciton. In addition, the Draft EIR concludes that Alternative 2 would substantially lessen impacts to biological resources on the beach, due to its smaller footprint and shorter duration. The Draft EIR concludes that the temporary discharge to the Short Outfall would not measurably affect surfzone water quality. As a result, the Draft EIR concludes that Alternative 2 is the environmentally superior alternative.

Comment JG 2

The comment states that the timing of the Project is important due to flow rates, particularly the increase during the rainy season; the possible effects of construction - traffic, noise, encroachment - on birds in the nearby sanctuary areas especially during nesting season; and the affects to swimmers and campers using the beach area in the summer season.

Response JG 2

The Draft EIR discusses the wet weather flow capacity of the outfall system and the ability of the system to accommodate flows during the rainy season which is generally December through March on page 3-29. The analysis included in Appendix E of the Draft EIR concludes that sufficient storage capacity exists in the treatment and collection systems to accommodate peak wet weather flows under either Alternative 1 or 2. The preferred Alternative, Alternative 2, would complete construction prior to the beginning of the wet weather season.

The Draft EIR concludes that impacts to traffic would be less than significant under either Alternative due to the small amount of worker commute and delivery trucks required. The Draft EIR identifies the expected maximum noise levels at each construction area in the day time and nighttime and the expected attenuation of that noise on pages 4.11-12 through 4.11-19. Both Alternative 1 and Alternative 2 would have a significant unavoidable impact for work performed at night at the Beach Box. As discussed on page 4.3-20 and 4.3-21 of the Draft EIR, the Project would be conducted during the non-breeding season to minimize impacts to the nesting birds. Mitigation Measures 4.3-1a through 4.3-1h provide measures to ensure that the proposed Project (either Alternative 1 or 2) would not significantly impact the California least tern or Western

Snowy Plover. Finally, both Alternative 1 and 2 would avoid the peak recreation season of the summer.

Comment JG 3

The commenter states Alternative 1 would ensure the safety of swimmers better than Alternate 2, because the treated effluent will continue to be sent out the Long Outfall. With Alternate 1 there would be a need to require and monitor construction area to avoid impacts to birds.

Response JG 3

See response to comment Don Schulz (DS) 1. The results of the analysis conclude that the temporary use of the Short Outfall under Alternative 2 would not result in any measurable surfzone water quality changes and would be less than significant. Moreover, the Draft EIR discusses the potential safety hazards of implementing Alternative 1 on pages 4.7-13 through 4.7-14. The Draft EIR proposes Mitigation Measure 4.7-3 to reduce potential safety hazards to beach goers at the mouth of the SAR. Additionally, as discussed above in response to comment OCC 2, the implementation of either Alternative 1 or Alternative 2 will require construction monitoring to limit impacts to sensitive species. However, Alternative 2 would complete rehabilitation efforts and restore the Huntington State Beach within six weeks of Project initiation and would return the site to its pre-construction contours, resulting in a lesser impact to sensitive species. See response to CDPR 4.

Public Hearing January 12, 2012

Comment PH 1

The comment asks what the traffic impacts are for either Alternative.

Response PH 1

The Draft EIR describes the existing condition of traffic on Pacific Coast Highway (PCH) and Brookhurst Street in Section 4.13. As discussed on pages 4.13-10 through 4.13-11, it is estimated that approximately 25 to 30 workers would access Plant 2 to conduct the rehabilitation activities for a period of up to 4 months. Up to 4 to 6 workers would access the Air Vac Station 12+05 for a period of one week. Finally, up to 12 workers per day would be needed for the rehabilitation of the Beach Box under either Alternative. Based on this level of worker commute, the Draft EIR concludes that impacts to traffic would be less than significant under Alternative 2. Alternative 1 would also require 15 - 20 additional construction workers and 3 delivery trucks per day over a period of 7 months (page 3-31). The Draft EIR concludes that the additional 30 to 40 construction related trips to the beach to construct the bypass structure would not significantly affect local traffic under Alternative 1.

Comment PH 2

Why is nighttime construction and noise required?

Response PH 2

Activities at Air Vac Station 12+05 would primarily be conducted within the Long Outfall and the only activity outside of the Long Outfall would be mobilization of trucks and construction equipment. A crane would be needed to lift the Air Vac Station 12+05 cover initially, but it would not be needed on a day-to-day basis. During nighttime activities at Air Vac Station 12+05, nearby residences would not experience noise levels over 50 dBA as required in the City's Noise Ordinance. The intent of including nighttime construction is to expedite the rehabilitation at the Beach Box. Under Alternative 1, this schedule requires expediting in order to ensure all activities including demobilization are complete prior to April 1st when the California Least Tern breeding season begins. Under Alternative 2 the expedited schedule is needed to minimize the amount of time to discharge to the Short Outfall of 4 to 6 weeks.

Comment PH 3

Is banging, grinding, or whining a component of the nighttime construction activities?

Response PH 3

As noted on page 4.11-16 of the Draft EIR, nighttime construction activities would be limited to those activities that do not require banging, grinding, whining or repetitive pounding. These activities would be conducted during the day if necessary at all. It is anticipated that nighttime construction activities will include accessing the construction area with vehicles. The construction activities inside the outfall would be attenuated further due to being a confined space. Furthermore, the sound curtain around the Beach Box required under Mitigation Measure 4.11-1b

would assist in attenuating noise from nighttime construction. Vehicle noise may result in nighttime noises above the 50 dB standards for some residential areas. However, in this location near PCH, truck noises heard by the local residences on the beach at Newport Beach may be similar to noises from heavy-duty trucks on PCH at nighttime. The Draft EIR concludes on pages 4.11-15 and 4.11-16 that the impact from nighttime noise would be significant and unavoidable under both Alternatives 1 and 2.

Comment PH 4

Will this Project create an odor? What is the cause of odors at the Plant?

Response PH 4

No odor releases are anticipated from the rehabilitation Project other than diesel equipment exhaust at the beach. The effluent within the outfalls does not contain odors that could be released to the atmosphere. Odor emissions at Plant 2 are mostly associated with the headworks and solids handling facilities. The Sanitation District has an extensive odor control system that captures odors that are emitted from the collection system, primary and secondary treatment facilities, and solids handling facilities. The effluent discharged to the ocean is the final product of the extensive treatment system and does not emit odors.

Comment PH 5

What is the nighttime level of noise anticipated by the Project and is there a radius provided?

Response PH 5

The Draft EIR identifies the expected maximum noise levels at each construction area in the day time and nighttime and the expected attenuation of that noise on pages 4.11-12 through 4.11-20. Day time construction noise is expected to reach peaks of approximately 70 dB at the nearest residence across the Santa Ana River in Newport Beach. This amount of noise from a construction activity in the daytime would comply with the City of Newport Beach and City of Huntington Beach noise ordinances summarized on page 4.11-10. The City of Huntington Beach has indicated that variances to their noise ordinance are not issued. See response to comment HB 8.

The Draft EIR notes that loud percussive noises would not be allowed at nighttime in these work areas. However, due to vehicle movement primarily, peak noises of up to 60 dB could be experienced at the nearest residences within Newport Beach. These noises would be similar to heavy-duty trucks on PCH. The Draft EIR includes Mitigation Measures 4.11-1b through 4.11-1e that would minimize the potential for noise to exceed standards or result in a nuisance to the extent feasible. Nonetheless, the Draft EIR concludes that this nighttime noise level may exceed nighttime standards of 50 dB at the nearest residences to the construction area on the beach within the City of Newport Beach and would therefore be a significant and unavoidable impact of the Project under either Alternative. No other locations would be affected by nighttime noises associated with the Project.

CHAPTER 3

Public Agency Comment Initiated DEIR Changes

Introduction

This Chapter contains a summary of the changes made to the Final EIR that were initiated by comments received during the public comment period of the DEIR. For a complete list of comment letters and responses, please refer to Chapter 2.0, Response to Comments. The comments are organized by Chapter of the DEIR.

3.0 Project Description

In response to Comment HB 2, the Draft EIR, Project Description, third paragraph, first sentence text on page 3-35, is revised as follows:

The bypass structure on the beach required for Alternative 1 would require ~~up to 6 months~~ four months to construct.

In response to Comment OCPW 4 and HB 8, the commenters are referred to the Draft EIR on page 3-36, which is revised as follows:

**TABLE 3-6
DISCRETIONARY PERMITS POTENTIALLY REQUIRED**

Agency	Permits and Authorizations Required	Activities Subject to Regulations	Proposed Project	
			Alternative 1	Alternative 2
United States Fish and Wildlife Service	Section 7	To assess and permit potential Impacts to least tern or snowy plover	X	
Army Corps of Engineers	404 Permit	To install dewatering discharge pipe and dissipator into waters of the United States	X	
California State Parks	Use permit	To close portions of State Beach parking lot and closure bikeway	X	X
California State Lands Commission	General Permit	Construction of bypass structure outside existing easement	X	
California Coastal Commission	Coastal Development Permit	Components in estuary (Alt. 1)	X	

Agency	Permits and Authorizations Required	Activities Subject to Regulations	Proposed Project	
			Alternative 1	Alternative 2
City of Huntington Beach	Coastal Development Permit, Local Coastal Program	Construction in coastal zone	X	X
	Construction Variance	Nighttime Construction Noise Variance	X	X
	Excavation Permit	Beach Box excavation	X	
Regional Water Quality Control Board	NPDES/WDR for Construction Dewatering	Dewatering discharge into the SAR	X	
	NPDES/WDR for Effluent Discharge	Discharge to the Long Outfall or Short Outfall	X	X
County of Orange	Letter of No Objection	Dewatering discharge in to the SAR	X	
	Encroachment Permit	Closure of bikeway	X	X
	<u>Encroachment Permit</u>	<u>Excavation work for bypass, dewatering system and sand filters</u>	<u>X</u>	

4.1 Aesthetics

In response to the Comment NB 2, MM 4.1-3b is revised as follows:

4.1-3b: Prior to the commencement of rehabilitation activities, the Sanitation District shall coordinate with the City of Huntington Beach and the City of Newport Beach concerning nighttime lighting activities.

4.3 Biological Resources

In response to Comment NB 3, the Draft EIR, Section 4.3, Biological Resources at page 4.3-2, beneath the first paragraph is revised as follows:

The Air Vac Station 12+05 is located approximately 400 feet west of the Semeniuk Slough. The Semeniuk Slough is a relatively large, uninterrupted open estuary/coastal salt marsh within the City of Newport Beach that provides wildlife with a relatively large, diverse area for foraging, shelter, and movement. The Semeniuk Slough is a remnant channel of the Santa Ana River from the time when the river emptied into Newport Bay; it forms a loop around the Newport Shores residential community in West Newport. Semeniuk Slough is exposed to limited tidal influence through a tidal culvert connected between the Santa Ana River and the Slough. The site sustains a healthy coastal salt water marsh habitat (Newport Beach Coastal Land Use Plan, 2005)

In response to Comment NB 4, the Draft EIR Draft EIR, Section 4.10, Marine Environment at page 4.10-3 after the first full paragraph is revised as follows:

The Newport Submarine Canyon is a unique coastal feature that begins immediately seaward of the Newport Pier at a depth of 25 feet. Bottom depths rapidly increase to nearly 100 feet within 1,200 feet from shore and 300 feet deep within 3,900 feet from shore. It is believed to have been formed by the ancestral Santa Ana River and is the exit pathway for southward moving sands transported through littoral drift currents at the end of the San Pedro Littoral Cell. (Newport Beach Coastal Land Use Plan, 2005)

In response to the Comment CDFG 4, Mitigation Measure 4.3-1b and Mitigation Measure 4.3-1g have been modified as follows:

4.3-1b: All construction areas outside Plant 2 will be surveyed by a qualified biologist prior to rehabilitation and construction activities to document and map preconstruction conditions. The qualified biologist shall use CNPS Botanical Survey Guidelines to document the pre-construction conditions.

4.3-1g: Prior to the construction or rehabilitation activities on Huntington State Beach, a qualified biologist, shall prepare a restoration plan for the Coast Woolly-Heads. The restoration plan will identify a main point of contact and responsible party at the Sanitation District or its designee. The qualified biologist will oversee the revegetation of the Coast Woolly-Heads from the disturbed impact area of Huntington State Beach. The top 6 inches of sand supporting vegetation in the impact area at Huntington State Beach will be grubbed and stockpiled adjacent to the construction zone. The stockpiled soil shall be covered to avoid non-native seed contamination. Following construction, the material will be re-spread over the affected area. Passive revegetation is acceptable as long as the plant cover and species composition are comparable to pre-construction conditions after three years. The restoration plan will include a weed abatement program within the Project impact area implemented during the non-nesting season for California Least Tern. A qualified biologist shall monitor the reestablishment progress over the course of three years. At the end of each year, the biologist shall prepare a progress report that describes the status of the Coast Woolly-Heads' population. The report shall be submitted to the CDFG. If after three years, the number of Coast Woolly-Heads in the Project impact area has not reached pre-construction levels, the Sanitation District will coordinate with CDFG to provide off-site compensation or additional restoration efforts on site.

In response to Comment S&SA 5, Mitigation Measure 4.3-1c and 4.3-1d have been modified as follows:

4.3-1c: A qualified biologist will be present during rehabilitation activities adjacent to Talbert Marsh to ensure that no rehabilitation and maintenance activities occur outside of the marked work areas. In order to avoid the introduction of predators, the biologist shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

4.3-1d: A qualified biologist will be present during construction activities within Huntington State Beach to ensure that no construction activities occur outside of the marked construction area. In order to avoid the introduction of predators, the biologist

shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

4.4 Cultural Resources

In response to comment CSLC, the following modifications to the Mitigation Measure 4.4-1b have been added:

4.4-1b: Under Alternative 1, during construction of the bypass structure, if a cultural resource is encountered, construction activities shall be redirected away from the immediate vicinity of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be potentially significant, the archaeologist, in consultation with the Sanitation District, the California State Lands Commission, and appropriate Native American group(s) (if the find is a prehistoric or Native American resource), shall develop a treatment plan. Construction activities shall be redirected to other work areas until the treatment plan has been implemented or the qualified archaeologist determines that work can resume in the vicinity of the find.

4.8 Hydrology and Water Quality

In response to Comment HB 4, the Draft EIR at page 4.8-5, first full paragraph, last sentence:

A water quality certification (or waiver thereof) pursuant to Section 401 of the federal CWA would also be required from the ~~San Diego~~ Santa Ana RWQCB.

In response to the Comment HB 5 the typographical error has been corrected on page 4.8-7 as follows:

The SWTRCB and the City of Huntington Beach Municipal Code require erosion control and sediment controls for construction projects with land disturbance...

In response to Comment OCPW 13, the following revisions are made to the Draft EIR on page 4.8-10, third paragraph, last sentence:

Dewatering of the excavated area would continue throughout the ~~5.5~~ 7-month construction period. The discharge of groundwater from desilting tanks and sand filters would be subject to a dewatering NPDES permit to be issued to the Sanitation District by the RWQCB.

4.9 Land Use

In response to the Comment HB 7, Draft EIR, page 4.9-8, second full paragraph, first sentence, which is revised as follows:

The Coastal Element was certified by the CCC in 1985 and approved by the City Council, ~~and forwarded to the CCC for final certification in 1999.~~ The City updated the originally certified Coastal Element in 1999.

4.10 Marine Environment

In response to comment NB 4, the Draft EIR, at page 4.10-3, after the first full paragraph is revised as follows:

The Newport Submarine Canyon is a unique coastal feature that begins immediately seaward of the Newport Pier at a depth of 25 feet. Bottom depths rapidly increase to nearly 100 feet within 1,200 feet from shore and 300 feet deep within 3,900 feet from shore. It is believed to have been formed by the ancestral Santa Ana River and is the exit pathway for southward moving sands transported through littoral drift currents at the end of the San Pedro Littoral Cell. (Newport Beach Coastal Land Use Plan, 2005)

In response to Comment HB 6, the Draft EIR at page 4.10-26, third full paragraph, second sentence, is revised as follows:

The Effluent Bacteria Reduction Demonstration Study confirmed the Sanitation District's ability to sustain this treatment and quantifying the resulting effluent concentration. Effluent FIB concentrations during fall 2010 and during the enhanced treatment testing in 2011 are summarized in ~~Error! Reference source not found.~~ **Table 4.10-5** for total coliform, fecal coliform, and enterococci.

4.11 Noise

In response to Comment HB 8, the Draft EIR, Mitigation Measure 4.11-1a has been removed as shown below:

~~**4.11-1a:** For Alternatives 1 and 2, prior to the commencement of rehabilitation activities at Air Vac 12+05 and Beach Box, the Sanitation District shall file an application for a noise variance with the Health Officer of the City of Huntington Beach for nighttime construction activities. The variance shall set forth in detail the approved method of achieving maximum compliance and a construction schedule~~

4.12 Recreation

In response to Comment HB 9, the Draft EIR, page 4.12-1, second paragraph is revised as follows:

~~The Community Service Department of Huntington Beach operates a total of 71 parks and public facilities throughout the City of Huntington Beach (the City) totaling approximately 752 acres. These include six mini parks, 58 neighborhood parks, seven community parks, and two regional parks. In addition to the parks and public facilities, the City also operates two publicly owned golf courses, a 0.8 acre City Gym and Pool, the 2 acre Rodgers Senior Center, and 2 community centers located in community parks.~~

The City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks.

In response to Comment OCPW 8, the following revisions made to the Draft EIR at page 4.12-3, fourth full paragraph, second sentence:

There are two type of bicycle lanes categorized within the City: ~~Class I and Class II.~~
Class I Bikeways and Class II Bike Lanes.

In response to Comment OCPW 8, the following revisions made to the Draft EIR at page 4.12-3, fourth full paragraph, fourth sentence:

The Class I facilities are for bicycles that travel completely separated from any street or highway, such as the bikeway that runs adjacent to the SAR. Class II facilities are striped lanes for one-way travel on streets and comprise of the majority of bike routes.

In response to Comment OCPW 9, the following revisions made to the Draft EIR at page 4.12-4, first paragraph, first sentence:

The 2009 Orange County Transportation Authority (OCTA) Commuter Bikeways Strategic Plan states the City proposes to develop an additional 36.25 miles of bikeways, including two Class I Bikeways, two Class II, and three Class III ~~bikeways~~ bike lanes (OCTA, 2009).

In response to Comment OCPW 9, to the following revisions made to the Draft EIR at page 4.12-4, fourth paragraph, last sentence:

~~There are no riding/equestrian~~ Santa Ana River Regional Riding and Hiking Trail is a 4 foot wide decomposed granite trail that is located along the western edge of the Santa Ana River Class I Bikeway from Hamilton/Victoria south to above Pacific Coast Highway trails within the Project vicinity.

In response to Comment HB 9, the Draft EIR, page 4.12-4, last paragraph, first sentence is revised as follows:

~~According to the City of Huntington Beach General Plan, the City contains 71 parks which encompass 577.28 acres. The parks include 6 mini parks totaling 2.7 acres, 58 neighborhood parks totaling 157.39 acres, seven community parks totaling 143.28 acres, and two regional parks (Huntington Central Park and Blufftop Park) encompassing 274 acres (City of Huntington Beach, 1996).~~

The City of Huntington Beach operates a total of 73 parks totaling 747 acres, including nine mini parks, 5 neighborhood parks, 10 community parks, and 3 regional parks.

In response to the comment HB 10 page 4.12-7 is revised as follows:

The Coastal Element of the City's General Plan was certified by the CCC in 1985, subsequently ~~approved~~ updated by the City Council ~~which forwarded the Coastal Element to the CCC for final certification~~ in 1999.

In response to Comment OCPW 10, the following revisions made to the Draft EIR at page 4.12-9, first paragraph:

...Additionally, an area outside of the Air Vac Station 12+05, adjacent to the SAR Class I Bikeway and the Santa Ana River Regional Riding and Hiking Trail would be required to

stage some construction equipment. The staging of equipment on the SAR Bikeway and Santa Ana River Regional Riding and Hiking Trail would be temporary, and would not prevent users from accessing the trail on the east side of the river. Because vehicles currently access the bikeways for maintenance activities, and the duration of the rehabilitation activity would be limited to a week, neither Alternative 1 nor 2 the proposed Project would significantly deteriorate the SAR Bikeway or the Santa Ana River Regional Riding and Hiking Trail...

In response to Comment OCPW 10, the following revisions made to the Draft EIR on page 4.12-9, first paragraph:

...The Coastal Bikeway is approximately 211 feet north of the Beach Box. During construction, this portion of the Coastal b Bikeway would be closed around the Beach Box site between the Talbert Channel and River for the duration of construction (4 to 6 weeks).

In response to Comment OCPW 10 the following revisions made to the Draft EIR on page 4.12-9, third paragraph:

...The Coastal Bikeway is approximately 211 feet north of the Beach Box. During construction, this portion of the Coastal b Bikeway would be closed around the Beach Box site between the Talbert Channel and River for the duration of construction (4 to 6 weeks).

In response to Comment OCPW 10, the following revisions made to the Draft EIR on page 4.12-9, first paragraph:

The staging of equipment on the SAR Bikeway would be temporary (approximately one week). It would prevent users from accessing the SAR Bikeway near Air Vac 12+05 but would not prevent users from accessing the trail on the east side of the river. Figure 4.12-3 identifies the proposed detour route to provide access across the River.

In response to Comment OCPW 2, Draft EIR, page 4.12-13, Mitigation Measure 4.12-1 is revised as follows:

4.12-1: Prior to the commencement of any construction activities, the Sanitation District and the construction contractor shall coordinate with California State Parks, Orange County Parks Department, Orange County Public Works – OC Flood, Santa Ana River Unit, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction. The plan shall identify alternative routes, construction schedules, and signage for the detour plan and applicable closures dates clearly identified.

In response to the Comment CDPR 4, a new mitigation measure has been added to the Draft EIR Section 4.12, Recreation as follows:

Mitigation Measure 4.12-2: The Sanitation District shall return the Project area to pre-construction conditions (e.g., fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping) following construction activities in coordination with the California State Parks and Orange County Public Works (OCFCD and OC Parks).

CHAPTER 4

Sanitation District Initiated DEIR Changes

Introduction

This Chapter contains a summary of the changes made to the Final EIR that were initiated by Sanitation District for the DEIR. The comments are organized by Chapter of the DEIR.

Table of Contents

The Table of Contents at Page iii, is revised as follows:

~~4.3-1 Special Status Species Occurrences within 1-mile Radius of the Project.....4.3-6~~

4.3-1 Air Vac 12+05 Work Area

4.3-2 Alternative 1 Construction Footprint within California Least Tern Preserve

4.3-3 Alternative 2 Construction Footprint Near California Least Tern Preserve

ES Executive Summary

The Executive Summary at page ES-2, last paragraph is revised as follows:

The Sanitation District has identified ~~four~~ five rehabilitation project elements to implement while the Long Outfall is out of service. The elements include: rehabilitation of Surge Tower 2; inspection and rehabilitation of the land section of the long outfall; abandonment of the long outfall metering ports and vaults; and replacement of the existing effluent flow meter on the long outfall, and rehabilitation of the Beach Box.

Project Description

Section 3.6.3 1st paragraph:

The California Least Tern nesting season ends September ~~1st~~5.

Page 3-8 last paragraph:

As shown on Figure 3-~~45~~, two specialized flow isolation gates...

Figure 3-5:

Stockpile area ~~29,970~~ 60,000 (sf)

Contractor Temporary Staging Area (10,214 ~~60,000~~ sf; 32 parking spaces)

4.2 Air Quality

Section 4.2, Air Quality, at page 4.2-17, second full paragraph, fourth sentence is revised as follows:

The bypass structure on the beach required for Alternative 1 would require ~~three~~ four months to construct.

4.3 Biological Resources

Figures 4.3-1, 4.3-2, and 4.3-3 have been included.

The text of the Draft EIR Impact 4.3-1, page 4.3-24, first full paragraph, third sentence is revised as follows:

Impacts to approximately ~~four~~ 3.55 acres of this sensitive habitat would occur during construction of the bypass structure.

The text of the Draft EIR Impact 4.3-1, Page 4.3-24, second full paragraph, third sentence is revised as follows:

Impacts associated with construction of the bypass structure would be avoided. Mitigation ~~Measures 4.3-1d, 4.3-1e, 4.3-1f, and 4.3-1h~~ would ensure that impacts from implementation of Alternative 2 would be less than significant

4.9 Land Use

Draft EIR, Section 4.9, page 4.9-14, third paragraph is revised as follows:

~~The proposed Project would implement Mitigation Measure 4.9-2a, would require the Sanitation District to obtain a right of entry permit, prior to the implementation of proposed Project activities associated with the Air Vac Station 12+05 rehabilitation at or near the Talbert Marsh bike trail and the SAR Bikeway.~~

4.10 Marine Environment

Draft EIR Section 4.10, Marine Environment, page 4.10-33, Impact Statement 4.10-4 is revised as follows:

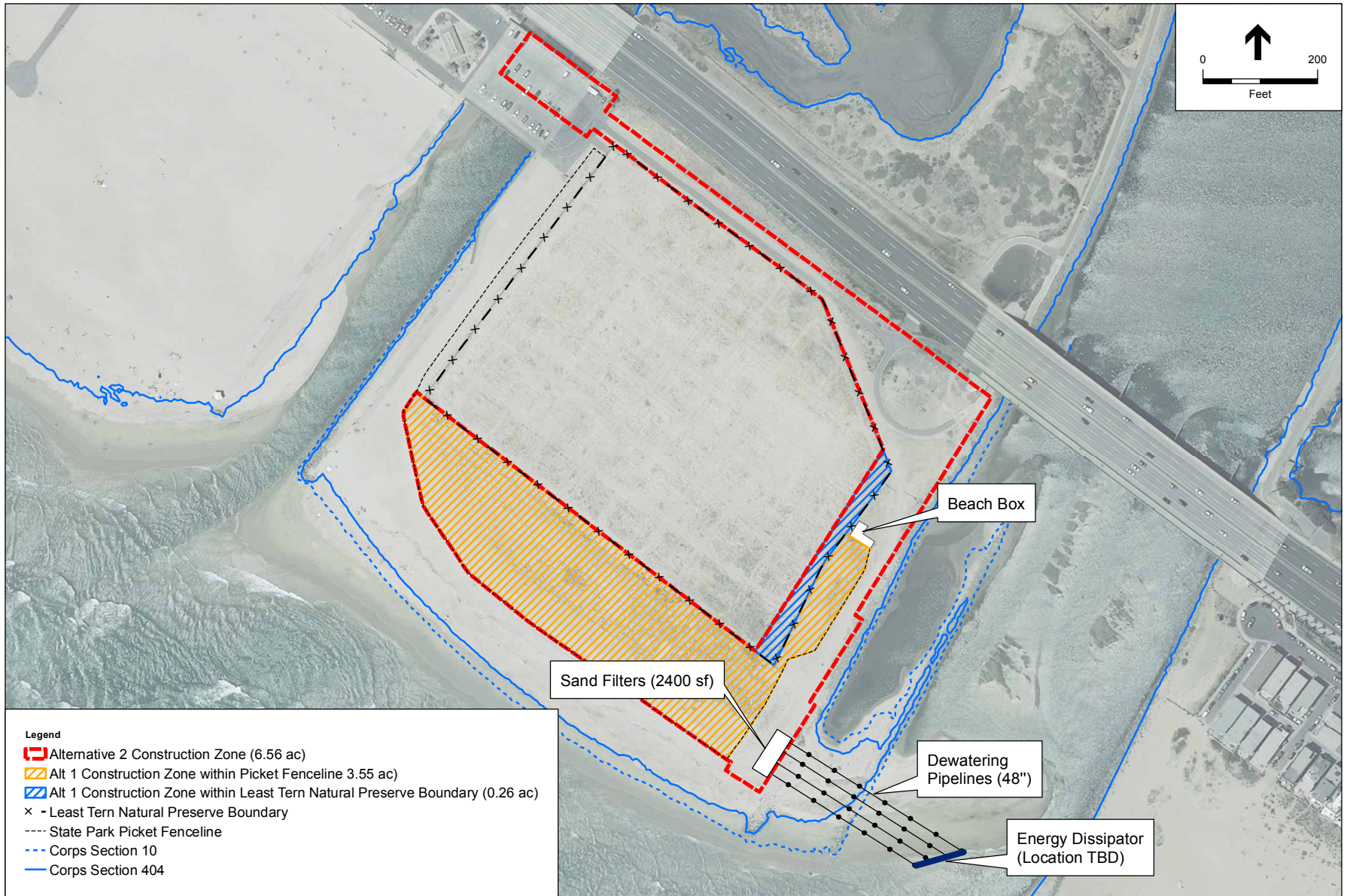
Impact 4.10-4: Discharge through the Short Outfall for a period of up to six weeks could induce phytoplankton blooms that could be harmful to fish, shellfish, marine mammals, ~~shellfish~~, and via shellfish, consumption which can have impacts to human health.



SOURCE: ESA, 2011.

Outfall Land Section and OOBs Piping Rehabilitation. 211261

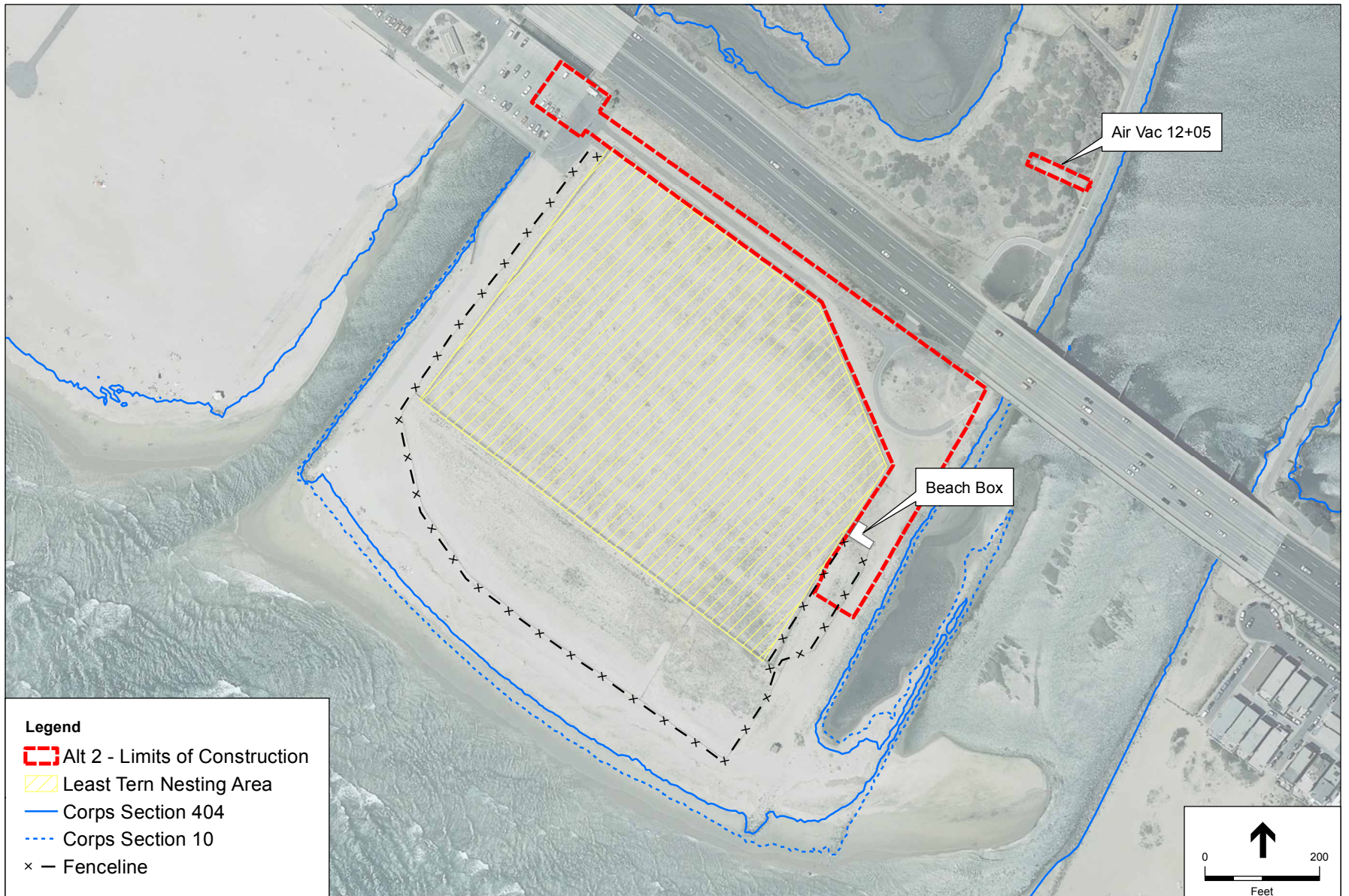
Figure 4.3-1
Air Vac 12+05 Work Area



SOURCE: ESA, 2011.

Outfall Land Section and OOBs Piping Rehabilitation. 211261

Figure 4.3-2
Alternative 1 Construction Footprint within
California Least Tern Preserve



SOURCE: ESA, 2011.

Outfall Land Section and OOBs Piping Rehabilitation. 211261

Figure 4.3-3
Alternative 2
Construction Footprint
Near California Least Tern Preserve

4.11 Noise

Draft EIR, Section 4.11, page 4.11-15, second full paragraph, first sentence is revised as follows:

Mitigation Measures 4.11-1a through **4.11-1d** would ensure that noise generated at Air Vac Station 12+05 would not disturb local residences.

Draft EIR, Section 4.11, page 4.11-16, first paragraph, last sentence and second full paragraph, first sentence is revised as follows:

~~Construction on a 24-hour per day schedule for one week would require a variance from the City of Huntington Beach (the City) noise ordinance.~~

Mitigation Measures 4.11-1a through **4.11-1d** would ensure that noise generated at Air Vac Station 12+05 would not disturb local residences.

Draft EIR, Section 4.11, page 4.11-17, first full paragraph, last sentence is revised as follows:

~~However, Sunday construction would require a variance from the City noise ordinance.~~

Draft EIR, Section 4.11, page 4.11-18, first full paragraph, second sentence is revised as follows:

Mitigation Measures 4.11-1a through **4.11-1d** would minimize noise impacts, but nighttime noise generated at the Beach Box would remain significant and unavoidable.

Draft EIR, Section 4.11, page 4.11-20, **Mitigation Measure 4.11-1d** is revised as follows:

Mitigation Measure 4.11-1d: ~~During e~~Construction activities that require the use of percussive construction methods, such as jack hammers, shall occur only during permitted daytime construction hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 5:00 p.m. on Saturdays.

4.12 Recreation

Draft EIR, Section 4.12, page 4.12-12, first paragraph, fourth sentence is revised as follows:

The total construction areas would be approximately 2.26 acres, including approximately ~~0.17~~ 0.12 acres inside the picket fence line of the California Least Tern Natural Preserve Area.

4.13 Traffic and Circulation

Draft EIR, Section 4.13, page 4.13-15, second paragraph, first sentence is revised as follows:

Under Alternative 2, the increase of approximately 30 to 40 roundtrip construction vehicular trips per day for 4 ~~to 6~~ months would be minimal and would not affect LOS on Brookhurst Street and PCH.

Draft EIR, Section 4.13, page 4.13-14, last paragraph, second sentence is revised as follows:

This would reduce parking spaces at the Huntington State Beach by a maximum of ~~34~~ 32 parking spaces.

5.0 Cumulative

Draft EIR, Section 5.0, page 5-6, the following text is added beneath the third paragraph:

Significance Level Alternative 1: Less than Significant

Alternative 2

Alternative 2 would result in identical impacts at Plant 2, the Air Vac Station 12+05, and the beach. The rehabilitation and maintenance activities would temporarily contribute to reducing air quality within the Basin. The Basin is in non-attainment status for Ozone, PM₁₀, PM_{2.5}, and NO_x. As discussed in Section 4.2 of the Draft EIR, construction air emissions would be less than significant as emissions would not exceed SCAQMD's significant thresholds. Even if all the project components are conducted simultaneously, the emissions would be less than the significance thresholds. As air quality impacts would be minimal and short-term, Alternative 2's contribution the cumulative condition is not considered significant. Alternative 2 would not result in a cumulatively significant impact to air quality.

Operational air impacts would be similar to existing conditions. Alternative 2 would not have a significant long-term cumulative air quality impact because Alternative 2 emissions during operation would be similar to the emissions currently generated by the existing wastewater treatment facility. Therefore, there would be no net increase in pollutant emissions over time.

Significance Level Alternative 2: Less than Significant

Draft EIR, Section 5.0, page 5-14, second paragraph is revised as follows:

Significance Level Alternative 2: ~~Less than cumulatively considerable~~ Less than significant.

7.0 Alternatives

Page 7-9, 3rd paragraph, 1st sentence

The disruption over 7 month period would be considerably more impactful to the preserve area than under Alternative ~~2~~.

Appendix F.6

The following changes are made to Table 4 of Volume 2, on page 4 of the J-112 Effluent Bacteria Reduction Demonstration.

TABLE 4
PERCENTAGE (%) OF FINAL EFFLUENT MICROBIOLOGY SAMPLES MEETING DEMONSTRATION
PROJECT TARGETS AND BACTERIOLOGICAL STANDARDS AND NUMBER (#) OF 65 TOTAL
SAMPLES EXCEEDING TARGETS BEFORE AND AFTER INITIAL DILUTION.

Parameter	Total Coliforms MPN/100mL	Fecal Coliforms MPN/100mL	Enterococci MPN/100mL
Final effluent			
<u>30-day geometric mean</u>	<u>632</u>	<u>153</u>	<u>20</u>
Demonstration Plant Target	75% (16)	60% (26)	82% (12)
% 30-day geometric mean standard	80% (13)	37 (41)	65% (23)
% AB411 standards	94% (4)	83% (11)	89% (7)
Following initial dilution (36:1)			
<u>30-day geometric mean</u>	<u>32</u>	<u>17</u>	<u>11</u>
% demonstration plan	98% (1)	95% (3)	98% (1)
% 30-day geometric mean standard	100% (0)	100% (0)	100% (0)
% AB411 standards	98% (1)	98% (1)	100% (0)

The target total coliform bacteria of 1000 MPN/100 mL was met ~~77%~~ 75% of the time, while the enterococci bacteria target of 35 MPN/100 mL was met 82% of the time (Table 4). The occasional high bacterial counts occurred during low flow transition and when flow surging occurred at the Plant No. 2 OAS facility. The OAS bleach dosing was based on the OAS influent flow meter at PEPS because there was no secondary effluent flow meter for the OAS. During the flow transitions, there is a delayed response in the bleach dose at the OAS plant relative to changes in PEPS flow (**Chart 1**).

APPENDIX A

Mitigation Monitoring and Reporting Program (Alternative 2)

**ORANGE COUNTY SANITATION DISTRICT
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE
OUTFALL LAND SECTION AND OCEAN OUTFALL BOOSTER PUMP STATION PIPING PROJECT
ALTERNATIVE 2**

Aesthetics

Impact 4.1-1: The proposed Project would alter a scenic vista.

Mitigation Measure 4.1-1: A visual screen shall be installed along the eastern and southeastern edge of the Beach Box construction area to reduce the impact of construction activities along PCH and to residents east of the SAR in the City of Newport Beach.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Install a visual screen along the eastern and southeastern edge of the Beach Box construction area.	Photo document installation of visual screen.	Sanitation District	Prior to and during rehabilitation activities
2. Include mitigation measures in construction contract specifications.	Monitor compliance with construction contract specifications.		

Impact 4.1-2: The proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings.

Implement **Mitigation Measure 4.1-1.**

Impact 4.1-3: The proposed Project could create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Implement **Mitigation Measure 4.1-1.**

Mitigation Measure 4.1-3a: All construction-related lighting associated with the rehabilitation of the Beach shall be directed downward and away from adjacent sensitive receptors, including residences, the California Least Tern Natural Preserve Area and other sensitive wildlife areas. Lighting shall use the minimum wattage necessary to provide safety at the construction sites.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Include in construction contract specifications.	Monitor compliance with construction contract specifications.	Sanitation District	Prior to and during rehabilitation activities
2. Direct construction-related lighting downward and away from sensitive receptors.			
3. Coordinate with the City of Huntington Beach concerning nighttime activities.	Include copy of meeting minutes for administrative record.		

Mitigation Measure 4.1-3b: Prior to the commencement of rehabilitation activities, the Sanitation District shall coordinate with the City of Huntington Beach and the City of Newport Beach concerning nighttime lighting.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Coordinate with the City of Huntington Beach <u>and the City of Newport Beach</u> Beach	Monitor compliance with construction contract specifications.	Sanitation District	Prior to and during rehabilitation activities
2. Identify city requirements in construction contract specifications.			

Biological Resources

Impact 4.3-1: The proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS

Mitigation Measure 4.3-1a: Prior to the commencement of any construction activities, all construction areas outside Plant 2 will be staked in the field and silt fencing will be installed. No debris, supplies or soils will be placed outside of the marked areas. The installation of staking and fencing will be overseen by a qualified biologist.

Mitigation Measure 4.3-1b: All construction areas outside Plant 2 will be surveyed by a qualified biologist prior to rehabilitation and construction activities to document and map preconstruction conditions. The qualified biologist shall use CNPS Botanical Survey Guidelines to document the pre-construction conditions.

Mitigation Measure 4.3-1c: A qualified biologist will be present during rehabilitation activities adjacent to Talbert Marsh to ensure that no rehabilitation and maintenance activities occur outside of the marked work areas. In order to avoid the introduction of predators, the

biologist shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

Mitigation Measure 4.3-1d: A qualified biologist will be present during construction activities within Huntington State Beach to ensure that no construction activities occur outside of the marked construction area. In order to avoid the introduction of predators, the biologist shall monitor the construction contractor to ensure that no garbage or food debris is left in the area during rehabilitation activities.

Mitigation Measure 4.3-1e: In order to avoid direct and indirect impacts to nesting birds, project activities adjacent to Air Vac Station 12+05 will occur outside the typical breeding period of the Belding savannah sparrow which generally runs from March 1 through September 1. Project activities near the California Least Tern Natural Preserve Area will occur outside of the peak breeding season which generally runs from April 1 through September 1.

Mitigation Measure 4.3-1f: Work areas outside Plant 2 will be restored to pre-construction contours and all fencing will be re-installed with oversight from a qualified biologist.

Mitigation Measure 4.3-1g: Prior to the construction or rehabilitation activities on Huntington State Beach, a qualified biologist, shall prepare a restoration plan for the Coast Woolly-Heads. The restoration plan will identify a main point of contact and responsible party at the Sanitation District or its designee. The qualified biologist will oversee the revegetation of the Coast Woolly-Heads from the disturbed impact area of Huntington State Beach. The top 6 inches of sand supporting vegetation in the impact area at Huntington State Beach will be grubbed and stockpiled adjacent to the construction zone. The stockpiled soil shall be covered to avoid non-native seed contamination. Following construction, the material will be re-spread over the affected area. Passive revegetation is acceptable as long as the plant cover and species composition are comparable to pre-construction conditions after three years. The restoration plan will include a weed abatement program within the Project impact area implemented during the non-nesting season for California Least Tern. A qualified biologist shall monitor the reestablishment progress over the course of three years. At the end of each year, the biologist shall prepare a progress report that describes the status of the Coast Woolly-Heads' population. The report shall be submitted to the CDFG. If after three years, the number of Coast Woolly-Heads in the Project impact area has not reached pre-construction levels, the Sanitation District will coordinate with CDFG to provide off-site compensation or additional restoration efforts on site.

Mitigation Measure 4.3-1h: Coast woolly-heads seed within the temporary construction areas at Huntington State Beach will be salvaged and replanted within the temporary impact areas when work is completed as feasible and in consultation with State Parks.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Include in construction contract specifications.	Monitor compliance with construction contract specifications.	Sanitation District; Qualified Biologist	Prior to and during rehabilitation activities
2. Retain a qualified biologist.			Prior to and during rehabilitation activities
3. Construction areas outside Plant 2 to be staked in the field and silt fencing installed.			Prior to and during rehabilitation activities
4. Survey construction areas outside Plant 2 to document and map pre-construction conditions.			Prior to and during rehabilitation activities
5. Monitoring during activities adjacent to Talbert Marsh to ensure no rehabilitation and maintenance activities occur within the marsh habitat.			Prior to and during rehabilitation activities
6. Monitoring during activities within Huntington State Beach to ensure no garbage is left and to ensure no rehabilitation and maintenance activities occur outside construction zone.			Prior to and during rehabilitation activities
7. Top 6 inches of sand supporting vegetation to be grubbed and stockpiled adjacent to the construction zone and following rehabilitation re-spread over the affected area.			Prior to and during rehabilitation activities
8. Salvage and replant coast wooly-heads seed located within the temporary impact areas at the Huntington State Beach in consultation with State Parks.			Prior to and during rehabilitation activities
9. Areas outside Plant 2 to be restored to pre-construction contours and fencing reinstalled.			Prior to and during rehabilitation activities

Impact 4.3-2: The proposed Project could have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.

Implement **Mitigation Measure 4.3-1f** through **Mitigation Measure 4.3-1h**.

Geology, Soils, and Seismicity

Impact 4.5-2: Construction of the proposed Project could result in substantial soil erosion or the loss of topsoil.

Implement **Mitigation Measure 4.8-1a**.

Hydrology and Water Quality

Impact 4.8-1: The proposed Project could violate water quality standards or waste discharge requirements or increase polluted runoff..

Mitigation Measure 4.8-1a: Under Alternative 1 and 2, for activities at Air Vac Station 12+05 and at the beach, a SWPCP shall be prepared prior to the initiation of any maintenance or rehabilitation activity. BMPs within the SWPCP shall control erosion, sedimentation, and other construction-related pollutants. The BMPs shall be maintained at the site for the duration of construction. The objectives of the BMPs are to identify pollutant sources that may affect the quality of stormwater discharges and to implement measures to reduce pollutants in stormwater discharges. The SWPCP shall contain the following:

- Using structural controls such as gravel bags or fiber rolls retain sediment to avoid draining toward receiving waters;
- Stabilize slopes of stockpiled sand/soil to eliminate or reduce sediment dispersal from construction site to surrounding areas and surface waters;
- Store all reserve fuel supplies only within the confines of a designated construction staging area;
- The use or storage of petroleum-powered equipment shall be accomplished in a manner to prevent the potential release of petroleum materials into receiving waters;
- Oil absorbent and spill containment materials shall be located on site when mechanical equipment is in operation within 100 feet of receiving waters. If a spill occurs, no additional work shall commence until (1) the mechanical equipment is inspected by the contractor, and the leak has been repaired, (2) the spill has been contained, and (3) all appropriate agencies have been contacted and have evaluated the impacts of the spill;
- Vehicle parking areas would be established with drip pans to prevent oil drips onto the sand;
- If heavy –duty construction equipment is stored overnight adjacent to potential receiving water, drip pans will be placed beneath the machinery engine block and hydraulic systems;
- Fuel storage needed for dewatering pumps will be provided within secondary containment;
- Refueling will occur only within designated fueling zones that are equipped with secondary containment and spill clean up equipment.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Include requirement of develop and implement BMPs in construction contract specifications.	Monitor compliance with construction contract specifications.	Sanitation District	Prior to and during rehabilitation activities
2. Prepare and implement SWPCP for activities at Air Vac Station 12+05 and at the Huntington State Beach.	Maintain compliance with SWPCP for administrative record.		Prior to and during rehabilitation activities

Marine Environment

Impact 4.10-4: Discharge through the Short Outfall for a period of up to six weeks could induce phytoplankton blooms that could be harmful to fish, shellfish, marine mammals, and via shellfish, consumption which can have impacts to human health.

Mitigation Measure 4.10-4: The Sanitation District shall conduct augmented ocean monitoring before, during, and after use of the Short Outfall to detect and quantify changes to phytoplankton from baseline conditions as a result of the Project. Monitoring shall include continuous sampling of the water using water quality moorings and autonomous underwater vehicles. Weekly samples from the Newport Beach and Huntington Beach Piers will be analyzed for nutrients and phytoplankton, including the presence of harmful algal species. The monitoring results will be provided to the CDPH the Orange County Health Care Agency and will be posted on a publically accessible web page. If harmful algal species are detected, the Sanitation District shall coordinate with CDPH, NMFS, and local marine mammal rescue groups to monitor for affected animals. The Sanitation District shall develop a mitigation plan with the marine mammal stranding network to monitor and rehabilitate animals in the event that a harmful algal bloom occurs during the 4 to 6 week discharge to the Short Outfall.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Conduct augmented ocean monitoring.	Maintain and monitor compliance for administrative record and place data on publically accessible website.	Sanitation District	Before, during and after use of Short Outfall
2. Provide results to CDPH, OCHCA and post results on publically accessible website.			Before, during and after use of Short Outfall
3. If harmful algal species are detected, coordinate with CDPH, NMFS, and local marine mammal rescue groups to monitor for affected animals.			Before, during and after use of Short Outfall

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
4. In the event of harmful algal blooms during discharge to the Short Outfall, develop a mitigation plan with the marine mammal stranding network to monitor and rehabilitate animals.			Before, during and after use of Short Outfall

Impact 4.10-5: Discharge through the Short Outfall for a period of 4 to 6 weeks would not result in significant impacts to benthos, fish, shellfish, macroinvertebrates, and marine mammals.

Implement **Mitigation Measure 4.10-4.**

Impact 4.10-6: Discharge through the Short Outfall for a period of 4 to 6 weeks could elevate pathogen concentrations in near shore waters used for water-contact activities and shellfish harvesting which could adversely affect public health.

Mitigation Measure 4.10-6a: For the duration of the use of the Short Outfall, the Sanitation District shall implement enhanced treatment methods for effluent discharge, including full secondary and enhanced chlorination treatment.

Mitigation Measure 4.10-6b: The Sanitation District shall conduct augmented ocean monitoring before, during, and after use of the Short Outfall to detect and quantify changes to indicator organisms and water quality from baseline conditions as a result of the Project.

The monitoring shall include the following elements:

- Real-time tracking of discharge plume with automated underwater vehicles (AUV)
- Predictive modeling (ROMS) to provide real-time (“nowcast”) and 72-hour forecast of plume movement
- Surfzone and offshore water quality sampling for FIB
 - Surfzone water quality sampling would be conducted 7 days/week
 - Offshore water quality sampling would be conducted 1 day/week
 - Additional surfzone and offshore water quality sampling would be adaptive based on modeled and/or measured plume transport direction
- Weekly water quality sampling for nutrients and phytoplankton at the Newport and Huntington Beach piers

- Offshore real-time water quality analysis at two water quality moorings for temperature, salinity, chlorophyll, DO, and turbidity
- Real-time surface current measurements
- Sediment sampling (up to 24 samples)

The monitoring results shall be presented along with ocean conditions on a publically-accessible web page updated daily and provided to OCHCA, the RWQCB, the City of Huntington Beach, the City of Newport Beach, the USACE, CDFG, CDPH, NMFS, the Pacific Marine Mammal Center, and State Parks. The OCHCA shall be responsible to restrict access to beaches and offshore recreational activities as necessary to protect public health based on sampling results provided by the enhanced monitoring program. CDFG shall be responsible for posting notices regarding shellfish beds and offshore fishing areas. The Sanitation District shall fund efforts to ensure these protective measures are implemented effectively as requested by OCHCA.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Implement enhanced treatment methods for effluent discharge, including full secondary and enhanced chlorination treatment.	Maintain record for administrative record.	Sanitation District	During use of Short Outfall for four to six weeks
2. Conduct augmented ocean monitoring including real-time tracking of discharge plume with automated underwater vehicles (AUV)			
3. Conduct augmented ocean monitoring including predictive modeling (ROMS) to provide real-time ("nowcast") and 72-hour forecast of plume movement			
4. Conduct augmented ocean monitoring including surfzone and offshore water quality sampling for FIB: <ul style="list-style-type: none"> – surfzone water quality sampling would be conducted 7 days/week: – Offshore water quality sampling would be conducted 1 day/week – Additional surfzone and offshore water quality sampling would be adaptive based on modeled and/or measured plume transport direction 			
5. Conduct augmented ocean monitoring including weekly water quality sampling for nutrients and phytoplankton at the Newport and Huntington Beach piers			
6. Conduct augmented ocean monitoring			

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
including offshore real-time water quality analysis at two water quality moorings for temperature, salinity, chlorophyll, DO, and turbidity	7. Conduct augmented ocean monitoring including real-time surface current measurements		
	8. Conduct augmented ocean monitoring including sediment sampling (up to 24)		

Impact 4.10-7: Discharge through the Short Outfall for a period of 4 to 6 weeks could adversely affect beneficial uses of the ocean defined in the California Ocean Plan.

Implement **Mitigation Measure 4.10-6a** through **Mitigation Measure 4.10-6b**

Noise

Impact 4.11-1: The proposed Project could result in generated noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure 4.11-1b: For Alternaitves 1 and 2, prior to and during construction activities, the Sanitation District shall require construction contractors to implement the following measures to reduce construction-related noise impacts:

- All equipment used during construction shall be muffled and maintained in good operating condition. All internal combustion engines shall be equipped with intake and exhaust mufflers that are in good condition.
- During nighttime construction, stationary construction equipment that generates excessive noise levels shall be located as far away from residences as possible.
- No sheet driving shall be conducted during nighttime construction.
- During nighttime construction, noise monitoring at the closest sensitive receptors shall be conducted. Reports of noise monitoring shall be submitted to the City of Huntington Beach and the City of Newport Beach.

- A sound curtain shall be installed along the southeastern edge of the construction activities at Huntington State Beach to reduce the noise impacts of construction activities on residents to the south of PCH and the SAR. The generator shall be placed as far away from residences as possible.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.

Mitigation Measure 4.11-1c: For Alternatives 1 and 2, prior to the beginning of construction activities, the Sanitation District in coordination with the construction contractors shall contact interested parties and neighboring properties affected by the proposed Project through the following methods:

- Construction Notification: Nearby sensitive receptors affected by construction shall be notified concerning the project timing and construction schedule including nighttime work and shall be provided a contact phone number to call for questions or complaints regarding work.

Mitigation Measure 4.11-1d: Construction activities that require the use of percussive construction methods, such as jack hammers, shall occur only during permitted daytime construction hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 5:00 p.m. on Saturdays.

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Include in construction contract specifications.	Monitor compliance with construction contract specifications.	Sanitation District	Prior to rehabilitation activities
2. Implement noise reducing construction measures.			Prior to and during rehabilitation activities
3. Provide construction notification to interested parties and neighboring properties.	Monitor compliance with construction contract specifications.		Prior to and during rehabilitation activities
4. Limit use of percussive construction methods during permitted daytime construction hours.	Maintain administrative record of notifications		Prior to and during rehabilitation activities

Recreation

Impact 4.12-1: The proposed Project could cause or accelerate substantial physical deterioration of an existing neighborhood, regional park, or other recreational facility.

Mitigation Measure 4.12-1: Prior to the commencement of any construction activities, the Sanitation District and the construction contractor shall coordinate with California State Parks, Orange County Parks Department, Orange County Public Works – OC Flood, Santa Ana River Unit, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction. The plan shall identify alternative routes, construction schedules, and signage for the detour plan and applicable closures dates clearly identified.

Mitigation Measure 4.12-2: The Sanitation District shall return the Project area to pre-construction conditions (e.g., fencing, signs, access routes, bike path, parking lots, barriers, light poles, painting and striping) following construction activities in coordination with the California State Parks and Orange County Public Works (OCFCD and OC Parks).

Implementation Procedure	Monitoring And Reporting Actions	Monitoring Responsibility	Monitoring Schedule
1. Coordinate with California State Parks, County of Orange (OC Parks), Orange County Public Works OC Flood Santa River Unit, City of Huntington Beach, and the City of Newport Beach to prepare and implement a bicycle/pedestrian detour plan for the duration of construction.	Maintain record of coordination for administrative record	Sanitation District	Prior to rehabilitation activities
2. Prepare final bicycle/pedestrian detour plan for inclusion in contractor specifications.	Monitor compliance with construction contract specifications		

Traffic Circulation

Impact 4.13-3: The proposed Project could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Implement **Mitigation Measure 4.12-1**