

MINUTE ITEM
This Calendar Item No. C21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM
C21

A 69
S 37

07/10/89
W 23773 PRC 7312
Townsend

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Orange County Flood Control District
Environmental Management Agency
Attn: W. L. Zaun,
Director of Public Works
400 Civic Center Drive, West
Santa Ana, California 92702-4048

AREA, TYPE LAND AND LOCATION:
Two parcels totaling 2.525 acres of sovereign
tide and submerged land in the Pacific Ocean in
the City of Huntington Beach; Orange County.

LAND USE: Construction and maintenance of the Talbert
Channel ocean outlet which includes the
dredging of a maximum of 7,500 cubic yards of
material. The dredged material will be used
for public beach replenishment.

TERMS OF PROPOSED PERMIT:
Initial period: 49-years beginning July 10,
1989.

CONSIDERATION: The public health and safety; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

CALENDAR ITEM NO. C21 (CONT'D)

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fees and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884:

01/04/90.

OTHER PERTINENT INFORMATION:

1. The Orange County Environmental Management Agency has filed an application with staff of the State Lands Commission for a General Permit - Public Agency Use for the construction and maintenance of the Talbert Channel ocean outlet which includes the dredging of a maximum of 7,500 cubic yards of material. The existing ocean outlet is located in the City of Huntington Beach and enters the ocean through Huntington State Beach, west of and adjacent to the Santa Ana River Mouth. The outlet will be relocated to the proposed location 1,000 feet upcoast, west of the fence of the Least Tern Preserve.

The outlet project is part of the Santa Ana River Project, undertaken by the Corps of Engineers and authorized by the Water Resources Development Act of 1986. The outlet relocation project includes:

- (1) excavation of a flood control channel under the new Pacific Coast Highway bridge soon to be constructed by Caltrans which will allow tidal flushing of the recently restored Huntington Beach Wetlands, (2) a bridge structure within the State Beach that will serve as a parking lot, (3) replacement of a beach restroom facility, (4) replacement of the fence surrounding the Least Tern Preserve, and (5) placement of the excavated beach sand on the Newport Beach Groin Fields.

CALENDAR ITEM NO. C 21 (CONT'D)

The portion of the project located within State Lands Commission jurisdiction consists of a trapezoidal channel section with 2:1 sloping rock channel walls. Construction of the complete project will take two years commencing September 15, 1989 and be completed by April 1, 1991. Construction activity will be permitted between September 15, and April 1, Monday through Saturdays, from 7:00 a.m. to 8:00 p.m.

Parcel 2 of the proposed lease is a temporary construction area. Use of this parcel shall terminate upon completion of construction.

The Environmental Management Agency of Orange County is the local agency sponsor for the Corps of Engineers project and intends to enter into an agreement with the Corps to provide local agency cost sharing. The adjacent upland is owned by the California Department of Parks and Recreation. As provided in a Memorandum of Understanding between the parties, the Department of Parks and Recreation will provide a permanent flood control easement.

2. The annual rental value of the site is estimated to be \$16,497. Royalty will not be charged because the project is for public benefit.
3. This activity involves lands which have not been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated.

CALENDAR ITEM NO. C21 (CONT'D)

4. The County of Orange prepared a Draft and Final EIR (EIR 445) for the Talbert Valley Channel System and certified the document and adopted: 1) The findings required under Section 15091 of the State CEQA Guidelines; and 2) a statement of overriding considerations required under Section 15093 of the State CEQA Guidelines on November 27, 1985. The county subsequently prepared an Addendum (IP87-12) to EIR 445 to serve "as the necessary CEQA documentation for selection of Alternative F-2 for the Talbert Valley Channel System."

The County determined that Alternative F-2 was addressed in EIR 445 in sufficient detail to allow its selection by the Board of Supervisors. The primary difference between Alternative F, previously selected by the Board, and F-2 is the location of the outlet to the ocean. The selection of Alternative F-2 eliminates the need to relocate the existing Least Tern colony.

The conclusion of the Addendum to the EIR is that "Approval of Alternative F-2 does not require any modifications to the mitigation measures in Final EIR 445 or to the Board Resolution F85-24 except that it be determined as an acceptable alternative. By Resolution of March 24, 1987, the Orange County Board of Supervisors adopted Alternative F-2. The staff of the Commission has reviewed such document and its addendum.

APPROVALS OBTAINED:

The City of Huntington Beach, California
Coastal Commission, California Department of
Fish and Game, and California Department of
Parks and Recreation.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and City
of Newport Beach.

EXHIBITS: A. Land Description.
 B. Location Map.
 C. CEQA Findings.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR AND SUBSEQUENT ADDENDUM WERE PREPARED BY THE COUNTY OF ORANGE AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT, PURSUANT TO SECTIONS 15091 AND 15093 OF THE STATE EIR GUIDELINES, THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, RESPECTIVELY, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE AND CONTAINED IN EXHIBIT C.
3. DETERMINE THE PROJECT, AS APPROVED, WILL HAVE SOME UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS; HOWEVER, THE COMMISSION CONCURS WITH THE DETERMINATION OF THE COUNTY OF ORANGE THAT THE BENEFITS OF THE PROJECT WILL OUTWEIGH THE ADVERSE ENVIRONMENTAL EFFECTS THAT HAVE BEEN FOUND TO BE UNAVOIDABLE.
4. AUTHORIZE ISSUANCE TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, BEGINNING JULY 10, 1989; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; CONSTRUCTION SHALL COMMENCE SEPTEMBER 15, 1989 AND BE COMPLETED APRIL 1, 1991; FOR THE CONSTRUCTION AND MAINTENANCE OF THE TALBERT CHANNEL OCEAN OUTLET WHICH INCLUDES THE DREDGING OF A MAXIMUM OF 7,500 CUBIC YARDS OF MATERIAL, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 23773

LAND DESCRIPTION

Two parcels tide and submerged land in the Pacific Ocean in Huntington Beach, Orange County, California, described as follows;

PARCEL 1

A strip of tide and submerged land 350 feet wide in the Pacific Ocean in Huntington Beach, Orange County, California, lying 175 feet on each side of the following described line:

BEGINNING at a point on the centerline of Pacific Coast Highway as shown on Surveyor's Map S.M. 87-3 on file in the office of the County Surveyor of said county, said point being S 53° 05' 28" E, 1365.00 feet along said centerline from it's intersection with the centerline of Brookhurst Street; thence S 36° 54' 32" W, 1045.00 feet and the end of the herein described line.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

PARCEL 2

A strip of tide and submerged land in the Pacific Ocean in Huntington Beach, Orange County, California, lying 250 feet northwesterly and 300 feet southeasterly of the following described line:

BEGINNING at a point on the centerline of Pacific Coast Highway as shown on Surveyor's Map S.M. 87-3 on file in the office of the County Surveyor of said county, said point being S 53° 05' 28" E, 1365.00 feet along said centerline from it's intersection with the centerline of Brookhurst Street; thence S 36° 54' 32" W, 1090.00 feet and the end of the herein described line.

EXCEPTING THEREFROM all that land lying within Parcel 1 described above.

ALSO EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION

PREPARED JUNE 26, 1989 BY BIU 1.

CALENDAR PAGE	329.5
MINUTE PAGE	1980

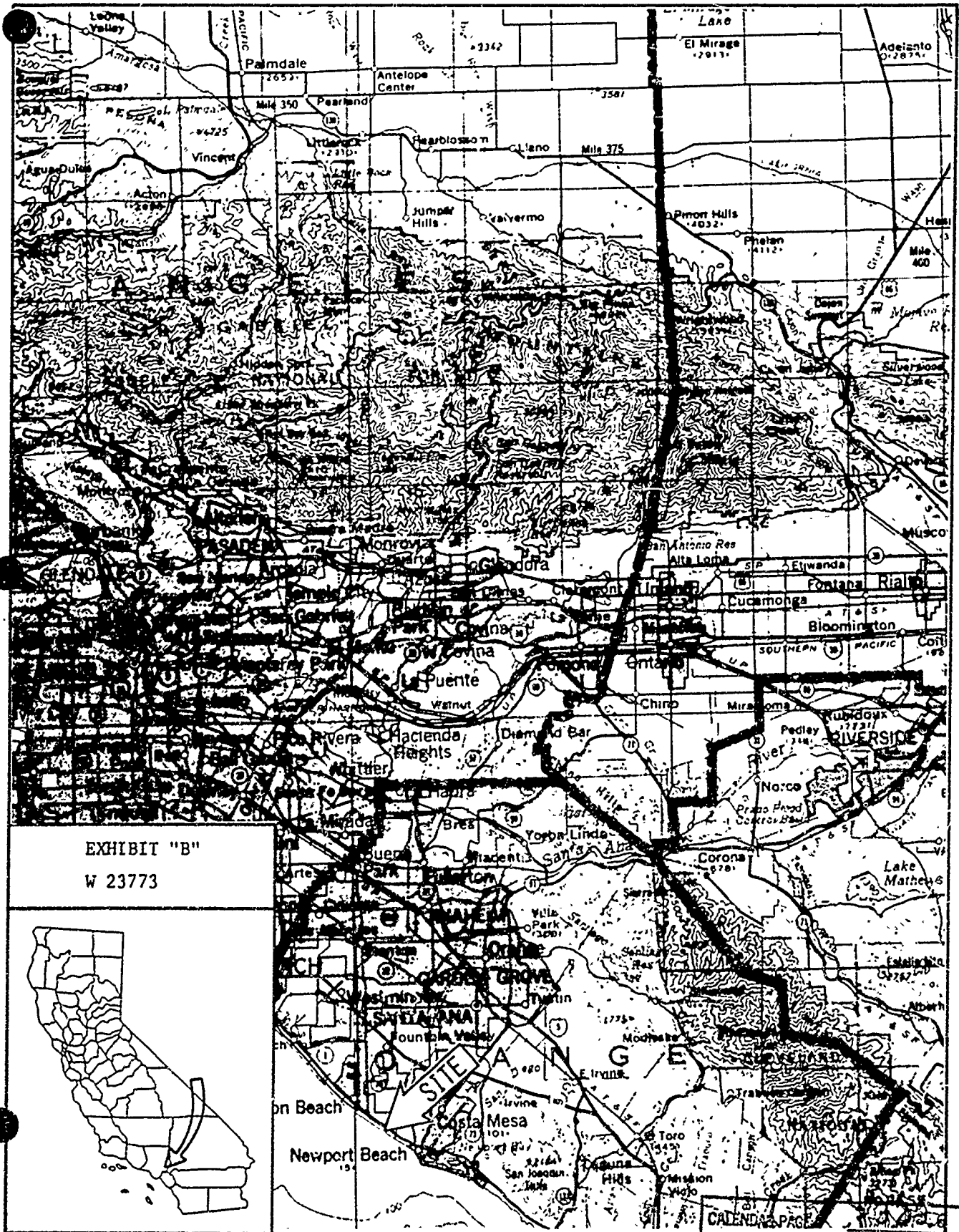


EXHIBIT "B"
W 23773



CALENDAR PAGE
MINUTE PAGE 1981

EXHIBIT C

ATTACHMENT A

MANDATORY FINDINGS FOR TALBERT VALLEY
CHANNEL SYSTEM FLOOD CONTROL IMPROVEMENTS
TO THE
HUNTINGTON BEACH (D01)
TALBERT (D02)
AND
FOUNTAIN VALLEY (D05) CHANNELS

On November 9, 1984, the County of Orange issued a Draft Environmental Impact Report (Draft EIR) for the proposed Talbert Valley Channel System Flood Control Improvements.

This project was conceived in response to flood control needs realized by the County of Orange as a result of historical flooding along the Talbert Valley Channel System. The most recent March 1, 1983 storm, which flooded a significant area of Huntington Beach, prompted immediate study in an effort to achieve the County's goals for flood protection in the area. To alleviate the flood hazard posed by the Talbert Valley Channel System as it presently exists, the County has analyzed the need to increase the channel system design capacity from the existing designed flood protection level of 65% of the expected 25-year storm to 100% of the expected 100-year storm by improving the channel system as proposed.

The project has developed with the goal of achieving a balance between flood control goals, environmental sensitivity and economic constraints. The preferred alternative was selected for its ability to best meet the objectives of the proposed project in an environmentally satisfactory manner.

The proposed facilities for the preferred alternative consist of:

- o Relocation of the ocean outlet from the existing position adjacent to the Santa Ana River to immediately upcoast of this position.
- o Improvements to the Huntington Beach (D01) channel extending from the confluence of the Huntington Beach and Talbert Channels to Adams Avenue; the Talbert Channel (D02) extending from its confluence with the Huntington Beach Channel to its confluence with the Fountain Valley Channel; and the Fountain Valley Channel (D05) from the Talbert Channel confluence to a point just beyond Talbert Avenue.
- o Two retarding basin sites, one being located just north of Adams Avenue which will require improvement to an existing flood control flowage easement within Bartlett Park, and the other to be newly constructed at a location parallel to Reach 9 of the Fountain Valley Channel in a Southern California Edison easement west of Brookhurst Street and south of Garfield Avenue.

In the Draft EIR (State Clearinghouse #84070408) each reach of the channel system, outlet area, and retarding basin sites were discussed and evaluated. The EIR examined in detail the Ocean Outlet (Reach 1), the Huntington Beach

Channel - D01 (Reaches 2-4), the Talbert Channel - D02 (Reaches 5-8), the Fountain Valley Channel - D05 (Reaches 9-11) and Retarding Basin Sites 3 and 6. The EIR also addressed potential environmental effects of the proposed channel improvements in terms of the following impact areas:

- o Landform, Geology and Soils
- o Climate and Air Quality
- o Hydrology
- o Biological Resources
- o Cultural/Scientific Resources
- o Aesthetics
- o Land Use and Relevant Planning
- o Circulation and Traffic
- o Public Health and Safety
- o Noise
- o Utilities and Services

These descriptions are modified from the Draft EIR as indicated in the Response to Comment Report and the Revised Inventory of Mitigation Measures, Attachment "D" to this document.

Mandatory Findings

The California Environmental Act (CEQA) and the CEQA Guidelines (Section 15091) require that:

No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The following findings are made by the Board of Supervisors of the County of Orange in accordance with CEQA requirements. The findings address potential impacts that would result from the implementation of the preferred alternative, consisting of the ocean outlet relocation immediately upcoast of the existing outlet; the Huntington Beach, Talbert and Fountain Valley Channel improvements; and Retarding Basin Sites 3 and 6. For a detailed description of these project components, the potential environmental impacts, and proposed mitigation measures, see the EIR and Project Report on file at the County of Orange, Environmental/Special Projects Division.

In addition to the identification of potential impacts identified in the Final EIR and the mandatory findings, the following section also presents rationale in support of the findings made. The mitigation measures proposed in the Final EIR (as listed in Attachment "D") will be incorporated into the project prior to or concurrent with project implementation.

Consistent with the requirements of CEQA and the guidelines, the Final EIR discusses environmental effects in proportion to their severity and probability of occurrence. To that end, the Final EIR recognizes that certain potential impacts from the proposed project are unlikely to occur, or if occurring can be mitigated to a level of insignificance by implementing recommended mitigations and using sensitive design techniques. These impact

areas were, therefore, not analyzed in as great a depth as other impacts. Moreover, it was determined in the process of preparing the EIR that, given the level of specificity of planning for the Talbert Valley Channel Flood Control Improvements, some of these impacts could be more comprehensively addressed coincident with the detail to be required as a part of specific project design.

The following constitute the subsequent technical studies that will be needed and prepared prior to final project design with respect to construction of the Talbert Valley Channel System Flood Control Improvements:

1. Soils engineering and geologic study at construction-level detail.
2. Erosion control plan.
3. Archaeological review of Retarding Basin Site 6 grading plans.
4. Cooperative wetland enhancement program plan.

The Board of Supervisors therefore finds, based upon all data currently available, that while no significant adverse impacts are expected to be discovered as a result of any of these subsequent, focused studies, the requirements for such studies as a condition to the Talbert Valley Channel System Flood Control Improvements are incorporated and the County reserves the power to incorporate any mitigation measures required to reduce or eliminate any disclosed significant environmental effect.

The outcome of these studies will be incorporated into the projects' decision making process by the County of Orange and by other agencies having jurisdiction over the proposed project.

A. LANDFORM, GEOLOGY AND SOILS

1. Ocean Outlet

o Significant Effects

Construction of the ocean outlet would cause alterations of the natural contour of the land through both the tidal flats area north of Pacific Coast Highway and through the beach area south of Pacific Coast Highway, causing impacts to the present landform of Huntington State Beach. A portion of the beach will be displaced by the newly constructed open-water channel.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of (1) project design techniques, or (2) modification of the project as initially proposed:

Mitigation measure numbered 1 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR, except that removal of a portion of the State Beach area will occur with channel outlet relocation.

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley)

o Significant Effects

Landform impacts along the channels are expected to be minimal, yielding only to construction related effects.

Soils along areas of the channel which are being concrete lined may suffer erosion impacts during construction. Following completion of construction of the channel lining, soils will be covered with concrete which will reduce the existing amount of erosion occurring in the channel.

Peat deposits found in the upper channel reaches may inhibit project construction efforts due to the lack of stability within these areas. Peat deposits are not expected to be capable of supporting channel improvement infrastructure.

Due to the seismically active nature of the area and numerous faults in the vicinity, impacts to channel improvements could occur in a significant seismic event. Cracking of channel walls and bottoms or seiching (oscillating waves) within full retarding basins are not anticipated during a typical seismic event, however, could occur in extreme earthquakes of high magnitude centered in the project area. Liquefaction potential exists in the project vicinity due to groundwater levels and seismic conditions.

Silt and clay deposits along some areas of the channel may have high settlement potential, which may require pilings for support, particularly in areas closer to the ocean.

The impacts of groundwater seepage on construction would be a buildup of hydrostatic pressure which could occur behind proposed channel structures. This pressure buildup would be of particular concern with respect to slope stability during construction.

The existing conditions in narrower right-of-way areas of the channel may impact the stability of adjacent properties during construction unless mitigated by special design and construction techniques.

A more specific impact due to slope failures could be realized during construction of a vertical channel wall and along narrow rights-of-way.

o **Mitigation Measures**

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques, or (2) modification of the project as initially proposed.

Mitigation measures numbered 2, 3, 4, 6, 7 and 8 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

3. Retarding Basin Sites (3 and 6)

o **Significant Effects**

Alterations associated with berming of Retarding Basin Site 6 and clearing and/or grading for engineering purposes may cause minor landform impacts within the park. Should further grading be determined feasible and implemented, landform impacts within the park will be more substantial, yet will not be regionally significant.

Impacts to the Retarding Basin Site 3 area will alter the natural landform, as construction of retarding basin will require approximately 144,300 cubic yards of excavation.

Disruption of soils in Retarding Basin Sites 3 and 6 will occur during and following grading for the project.

o **Mitigation Measures**

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques, or (2) modification of the project as initially proposed.

Mitigation measure numbered 5 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR except for landform and minor soil disturbances within retarding basin sites.

B. AIR QUALITY

1. Ocean Outlet, Channel Areas and Retarding Basin Sites 3 and 6

o Significant Effects

Construction of channel improvements may have a short-term impact upon local air quality due to the increased generation of dust and exhaust emissions from construction equipment. This impact will be most significant to residential and other sensitive developments (e.g., schools) adjacent to construction sites.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques, or (2) modification of the project as initially proposed.

Mitigation measures numbered 10, 11 and 12 as stated in Attachment "D."

Findings: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

C. HYDROLOGY

1. Ocean Outlet

o Significant Effects

During channel construction, the tidal influence may impact activities, making special construction techniques necessary.

Wave action could affect the new channel outlet and would cause impacts upon the channel system if not designed to withstand expected forces.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 14, 23 and 24 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley)

o Significant Effects

Because of the presence of high groundwater and daily fluctuation of tidal backwater, hydrostatic pressure could cause impacts to the proposed improvements, and is considered an important design consideration, particularly in lower channel reaches. Control of groundwater and tidal backwater will require special dewatering measures during construction.

o Mitigation Measures

Mitigation measures numbered 13, 15, 16, 17, 18, and 19 as stated in Attachment D.

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

3. Retarding Basin Sites (3 and 6)

o Significant Effects

No significant impacts upon these sites will occur as measures of prevention have been incorporated into project design. Retarding basins will be designed to accept storm flows as an integral part of the channel improvements system.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 25 and 26 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

D. BIOLOGICAL RESOURCES

1. Ocean Outlet

o Significant Effects

The channel outlet (Reach 1) will displace 5.5 acres of State Beach, 7.0 acres of marsh wetland, 0.3 acre of Coastal Dune.

Widening of the channel in the outlet area will remove some sediments, resuspend some and increase the turbidity and oxygen demand of downstream waters. The removal of sediments and 100 percent mortality of the organisms they contain will be an unavoidable aspect of the project.

The channel will displace a portion of the endangered Least Tern nesting area, located on State Beach property.

Disturbance of wildlife within the salt marsh adjacent in the lower reaches of the Huntington Beach and Talbert Channel will result from construction activities along the levees and in the channel within these reaches. This disturbance may be minimal and only temporary, however. Most smaller wildlife are not seriously disrupted by noise and quickly adapt to ongoing activity in their vicinity. Larger wildlife, such as herons, large shorebirds, gulls and terns, are more susceptible to disturbances, but even they may adapt to these types of activities relatively quickly.

Increased sedimentation during construction, at its extreme, could cause channel blockages and consequent disruption of tidal flows in the lower reaches of the system. In the extreme, sediments collecting at the channel mouth could block the channel connection with the ocean during periods of low water flow, as has occurred in the Greenville-Banning Channel on the south side of the Santa Ana River.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 16, 27, 28, 29 and 30 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR except temporary increased sedimentation and increasing mortality of organisms within the existing channel/displacement of the identified habitat and public beach areas.

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley)

o Significant Effects

Portions of the drainage system with lined channel bottoms would exert a greater impact upon the local biota than channels with natural bottoms. In the tidal zone, gulls and shorebirds feed along sandflats and mudflats in the channels that are exposed at low tide. In the non-tidal portion, freshwater marsh vegetation (especially tules) grows readily in the mud along the floor of the channel. Lining of the channel walls and bottom will unavoidably displace freshwater vegetation in the channel's upper reaches and will also permanently remove sediments in the lower tidal channels, which will eliminate the benthic fauna and mudflat habitat for gulls and shorebirds.

Construction activity within the channel will disturb all wildlife in the vicinity and many can be expected to move to adjacent areas of similar habitat, provided that it is available at the onset of activity. Emigrating wildlife will be particularly vulnerable to mortality by predation and unsuccessful competition for food and territory. Species of low mobility and those refusing to emigrate will be eliminated by construction activities. Following construction, some species will return to the site if suitable habitat remains, although some will be dislodged permanently by long-term or permanent removal of habitat suited to their existence.

Construction activity within the channels could cause increased turbidity and sedimentation in the channel system downstream reducing the number of aquatic microorganisms that can live and reproduce in these waters. This, in turn, can cause depletion of water oxygen supplies needed by fish and other aquatic organisms.

When tidal connections are restored between the channels and marshland adjacent to Reaches 1 and 2, flooding of these marshes could have a profound positive impact upon marshland vegetation. The addition of tidal action in the marsh would have the effect of rapidly restoring marshland vegetation and aquatic organisms to the system. Many salt marsh plants, including cordgrass, require a sudden drop in salinity in order to germinate; thus, what may appear to be a healthy marsh may, in fact, not be if fresh water is not allowed to enter the system occasionally. However, excess freshwater admitted into the ecosystem could have an opposite effect upon the ecosystem by lowering salinity levels for extended periods.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 27 and 30 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required, in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR except loss (displacement) of vegetation, fauna, and temporary siltation during construction.

3. Retarding Basing Sites (3 and 6)

o Significant Effects

Conversion would require the construction of a small pumping station and excavation in Retarding Basin Site 3. It is not anticipated that significant biological impacts will occur.

Retarding Basin Site 6 is occupied by a willow and freshwater marsh riparian community. Converting it to a retarding basin would necessitate installing a small (quarter-acre) pumping station at the south end and constructing a berm around the perimeter of the site. Periodic flooding of this site would not be expected to result in any significant adverse effects upon the present riparian community and would encourage growth of riparian vegetation in what is presently a weed-field.

The acreage converted to a pump station and berms would be small and restricted to the roadside ruderal and weed-field communities. In exchange, existing weed-fields would likely be converted to riparian wetland within a relatively short period of time. In its extreme, if the site were frequently and heavily flooded, a small seasonal or permanent pond might form, drowning some of the existing willows. By the time this occurred, however, these willows would have been replaced with new willow growth around the perimeter of the pond.

Impacts associated with conversion of Site 6 to a retarding basin as presently proposed would be expected to result in a net positive or neutral effect upon biological resources. Should it be determined that additional grading is required; however, loss of habitat within this retarding basin site would be locally significant, unless mitigated by replacement and replanting efforts.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measure numbered 31 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

E. CULTURAL AND SCIENTIFIC RESOURCES

1. Ocean Outlet/2. channel Areas/3. Retarding Basin Sites

o Significant Effects

The Talbert Valley Channel System Improvement Program will have no significant impacts upon cultural or scientific resources in the area.

Construction of Retarding Basin Site Number 6 (Bartlett Park) will result in minor retarding basin improvements in the vicinity of the historic Newland House and would require construction access mitigation measures to assure that no disruption of this historical resource occurs. The potential for disruption of Paleontological Resources in areas where surface soils will be newly cut does exist (i.e., in retarding basin sites) though no impacts are anticipated due to the lack of significant resources found during previous studies addressing the overall area.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed:

Mitigation measures numbered 32 and 33 in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

F. AESTHETICS

1. Ocean Outlet

o Significant Effects

The most dramatic aesthetic changes associated with the proposed project are found within Reach 1 of the Talbert Channel. In addition to the channel being converted from an earthen lined to a part lined trapezoidal channel, a new ocean outlet will be constructed across Huntington Beach State Park in the vicinity of Brookhurst Street.

o Mitigation Measures

No mitigation measures are proposed. However, it is noted that the channel outlet Alternative B was selected because it has reduced aesthetic impacts as compared to Alternative C.

Finding: Alteration of the existing visual quality of Huntington State Beach due to displacement of a portion of the beach with the open water channel will create an unavoidable aesthetic impact upon the beach and surrounding areas.

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley)

o Significant Effects

Implementation of the proposed improvements will change the present visual character and aesthetic qualities of the Huntington Beach, Talbert, and Fountain Valley Channels. In general, construction of the channel improvements will cause considerable short-term disruption in and around each segment of the project area. Long-term impacts are associated with aesthetic changes to the channels themselves from an unlined earthen watercourse with creek-like characteristics, to a concrete lined channel which is, in some instances, completely lined.

o Mitigation Measures

No mitigation measures are proposed.

Finding: Alteration of the visual character of the area is considered an unavoidable change that will occur as a result of project implementation.

3. Retarding Basin Sites (3 and 6)

o Significant Effects

Improvements to Retarding Basin Site 6 north of Adams Avenue are not expected to significantly change the aesthetic value of this open space area. The project will actually insure preservation of this area for open space use. An aesthetic change will occur with the conversion of Retarding Basin Site 3 from a joint Edison easement and wholesale nursery to a joint Edison easement and flood control facility.

o Mitigation Measures

Mitigation measure numbered 34 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

G. LAND USE AND RELEVANT PLANNING

1. Ocean Outlet

o Significant Effects

The ocean outlet and Reach 1 of the channel area proposed for realignment will have land use impacts upon the existing 17-acre parcel adjacent to the Santa Ana River (bounded by Pacific Coast Highway, Brookhurst Street and the existing Talbert Channel).

A portion of the existing 8th Beach area will be displaced. Widening at the Channel through the wetlands will displace 7.0 acres of property designated Industrial Energy Production by the City of Huntington Beach General Plan.

The U.S. Army Corps of Engineers Santa Ana River Main Stem Project has had an impact upon the plans for the Talbert Channel improvements by requiring relocation of the channel to an area upcoast of its existing outlet. However, the proposed project, as designed, will have no impacts upon the construction of the Main Stem Project. It will, however, alleviate some of the impacts (i.e., Least Tern nesting area) which would have been imposed by the relocation of the Talbert Channel as proposed by the Corps.

As the project will require construction of a bridge over the channel along Pacific Coast Highway, some temporary impacts to the roadway, itself, could occur during construction unless bridge construction coincides with Pacific Coast Highway widening efforts by Caltrans.

o Mitigation Measures

Mitigation measures numbered 35 and 38 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in or incorporated into the project which mitigate or avoid the significant environmental effects identified in the Final EIR except for unavoidable adverse land use and relevant planning impacts that will occur with the outlet's displacement of a portion of Huntington Beach State Park and Industrial Energy Production-designated property.

2. Channel Area (Huntington Beach, Talbert and Fountain Valley Channels)

o Significant Effects

No land use or zoning impacts, other than visual alteration of the channel areas, will occur.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 35, 38 and 39 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

3. Retarding Basin Site (3 and 6)

o Significant Effects

Retarding Basin Site 3 will be altered from the existing nursery operation and Edison easement to an open space/joint use area in combination with the Edison easement. The R-1 zoning of this area is not anticipated to apply following construction of the retarding basin.

Retarding Basin Site 6 will not suffer significant land use impacts, as the O.C.F.C.D. presently utilizes its eleven-acre flowage easement as an unimproved retarding basin. Though during periods of heavy rainfall the site will not be available for park use, remaining periods would allow continued use of the areas as park/open space, mitigating significant impacts. Zoning, however, which is presently R2 and C2 for the area, would not be expected to actually apply to the park area.

Some temporary construction related impacts to the area will disrupt surrounding land uses and could for a short time, preclude use of Retarding Basin Site 6 as a park. However, these impacts will only be temporary.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 31, 37, and 38 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the

significant environmental effects identified in the Final EIR and Final Supplemental EIR.

H. CIRCULATION AND TRAFFIC

1. Ocean Outlet

o Significant Effects

During the construction phases of the proposed channel mouth realignment, and Brookhurst Street Bridge lengthening, disruption of traffic flows will occur, impacting Pacific Coast Highway at the intersection of Brookhurst Street where traffic volumes reach approximately 40,000 vehicles per day. Though significant, these impacts will last only through the construction periods. Bicycle trails will be impacted in the construction areas.

Temporary disruption of the scenic quality of the area will occur which will have minor, temporary impacts upon the scenic highway quality of Pacific Coast Highway. The viewscape corridor designation will, however, suffer no permanent impacts.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 40, 41, 42, 43, 46, 47, 48 and 49 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which partially mitigate the significant environment effect identified in the Final EIR.

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley Channels)

o Significant Effects

Construction-related impacts will occur throughout the project area both along construction routes and in areas of the circulation network adjacent to improvements.

None of the governing circulation plans have incorporated provisions for improvements which will be required by the proposed project; however, the majority of the proposed improvements are in general compliance with the Orange County Transportation Element including the Master Plan of Arterial Highways, Master Plan of Transit Systems, Master Plan of Countywide Bikeways and the Master Plan of Scenic Highways.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 40 and 46 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

3. Retarding Basin Sites (3 and 6)

o Significant Effects

In the retarding basin site vicinities, associated local residential streets may experience construction traffic impacts.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measure numbered 47 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

I. PUBLIC HEALTH AND SAFETY

1. Ocean Outlet

o Significant Effects

Many of the health and safety impacts associated with the proposed realignment of the ocean outlet will be the same as those impacts for the existing ocean outlet (e.g., climbing on rocks which line the channel walls and swimming/rafting in the channel itself). Depending upon the length of the jetties, the new channel may constitute more swimming hazards.

In addition, the rock-lined groin that extends out from the beach may cause a southern flowing riptide which may draw swimmers into the rocks. This safety problem is intensified by the jetty containing its own "standing riptide." The above impacts may

require additional lifeguard personnel to monitor the channel area.

o **Mitigation Measures**

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measure numbered 51 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR except for increased danger to swimmers in the jetty area..

2. Channel Areas (Huntington Beach, Talbert and Fountain Valley)

No impacts or mitigation measures have been identified; therefore, the finding is that no impacts will occur.

3. Retarding Basin Sites (3 and 6)

No impacts or mitigation measures have been identified; therefore, the finding is that no impacts will occur.

J. NOISE

1. Ocean Outlet/ 2. Channel Areas

o **Significant Effects**

Construction of the proposed improvements will have a short-term adverse impact on ambient noise levels, due to the close proximity of residences and other developments to the construction areas. Noise from construction equipment may range from 73 to 96 dBA at 50 feet, which is within the distance of homes along the Huntington Beach, Talbert and Fountain Valley Channels. It should be noted, however, that construction will be of short-term duration (several months), occurring in phases (impacting specific areas at a given time and location) and only during daylight hours.

With the City of Huntington Beach, City of Fountain Valley and County of Orange Noise Ordinances, it is stated that construction noises are not to occur between 9 p.m. - 7 a.m. on weekdays (Monday through Saturday). The County of Orange prohibits construction noise on Sundays and federal holidays. In the event that noise levels cannot be contained below acceptable levels outside of the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday and outlined by the Orange County Noise Element, a noise

variance would be required from the Orange County Department of Environmental Health.

o **Mitigation Measures**

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 53, 54, 55, 56, 57, 58 and 60 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR and Final Supplemental EIR; except that there may be short-term noise level increases along the channel outlet due to construction-related activities.

3. Retarding Basin Sites (3 and 6)

o **Significant Effects**

Long-term noise impacts from the proposed project are restricted primarily to the pumping stations during flooding events at Retarding Basin Sites 3 and 6. However, the pumping stations will include cement housing which will reduce pump noises to insignificant levels below 60 dBA.

o **Mitigation Measures**

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measure numbered 59 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

K. UTILITIES AND SERVICES

1. Ocean Outlet/2. Channel Areas/3. Retarding Basin Sites

o **Significant Effects**

Impacts to existing utilities from the proposed improvements will vary depending upon utility location. Those utilities located

within roadway bridges are not expected to be impacted from construction activities. Aerial utilities may require protection or minor realignment of support towers or poles if they are located within a channel right-of-way. The utilities located under the channels or within the channel levees may be damaged by earth moving and other construction equipment unless measures are taken to locate and protect each of these facilities. In addition, utilities crossing the channel on utility bridges or vertical supports may experience temporary shut-downs (e.g., oil lines), and will require temporary supports during construction and replacement of supports with permanent structures after construction.

Other potential utility impacts associated with the proposed project improvements include the temporary closure of the Edison and Standard Oil bridges to maintenance vehicles during the construction period and the relocation of a state owned telephone conduit located in the Huntington Beach State Park parking lot which will be crossed by the realigned ocean outlet.

No impact to the large ocean outfall lines will occur with implementation of the project.

o Mitigation Measures

The following mitigation measures have been incorporated into the project which avoid or substantially lessen the potential effects cited above by means of: (1) project design techniques or (2) modification of the project as initially proposed.

Mitigation measures numbered 61, 62, 63 and 64 as stated in Attachment "D."

Finding: The County of Orange finds that as to each significant effect identified above, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the Final EIR.

CUMULATIVE AND GROWTH-INDUCING IMPACTS

The proposed project will not impose growth inducing impacts upon the surrounding area. Cumulative impacts are outlined below:

Landform, Geology and Soils

Construction of the proposed facilities will have a minor part in the cumulative impacts upon the region with regard to covering of soils and lessening of erosion and siltation throughout the area. Though this impact is positive from a safety and flood control standpoint, lining of the channels will contribute incrementally to the decrease in the overall sediment carried from the channels to the ocean which could have a small part in the cumulative impact upon the quantity of sand upon beaches throughout the

region. The proposed project will have a very minimal contribution toward this cumulative impact because the amount of existing sediment carried out in the system is so small. The reason for its insignificance is the generally developed nature of the area and present lack of significant erosion in the existing channels (due to minimal channel grades and infrequent major runoff in the channel system throughout most of the year).

Air Quality

The proposed project will contribute infinitesimally to the degradation of air quality in the South Coast Air Basin. Therefore, no quantifiable cumulative impacts upon air quality have been identified.

Hydrology

The construction of this project, in conjunction with the Santa Ana River Main Stem project and upgrading of the local storm drain systems, and pump stations to accommodate 100-year storm capacity would result in containment of the 100-year flood limits of the various channels within the Talbert Valley Channel System and the Santa Ana River. This would result in the cumulative effect of complete flood protection of the areas within the Talbert Valley Channel System drainage area.

Biological Resources

Any loss of the environmentally sensitive coastal dune and wetland habitats will contribute to the cumulative elimination of these areas within the region.

Disruption of the Least Tern feeding or breeding areas or Belding's Savannah Sparrow's nesting area could result in the cumulative decline of these species.

Lining of some of the channel areas could contribute to the cumulative loss of shoreline feeding habitat for shorebirds.

Land Use

The proposed project, in conjunction with other proposed, and approved projects through the area, will have a cumulative impact upon open space in the vicinity. In addition to the effects of the Santa Ana River widening project, the proposed project will cumulatively result in the reduction of State Beach area.

UNAVOIDABLE ADVERSE IMPACTS

Ocean Outlet, Channel Areas, and Retarding Basin Sites 3 and 6

1) Landform, Geology and Soils

- Displacement of a portion of the State Beach

2) Climate and Air Quality

No unavoidable adverse impacts have been identified.

3) Hydrology

No unavoidable adverse impacts have been identified.

4) Biological Resources

- Construction-related mortality of existing benthic fauna and increased siltation of downstream channel water
- Displacement of inland, wetland, and dune habitat resulting from lining and widening the channel system and relocating the outlet. A net loss of approximately 2% of the soft bottom channel area would occur.
- Displacement of a portion of the State Beach.

5) Cultural and Scientific Resources

No unavoidable adverse impacts have been identified.

6) Aesthetics

- Alteration of the existing visual quality of Huntington State Beach due to displacement of a portion of the beach by an open water channel

7) Land use and Relevant Planning

Unavoidable adverse impacts to land Use and Relevant Planning will occur in the area where the proposed preferred alternative crosses Huntington Beach State Park. This area will be significantly impacted by loss of recreational beach area.

8) Circulation and Traffic

No unavoidable adverse impacts have been identified.

9) Public health and Safety

There will exist a potential threat to beach safety in the jetty area as a result of realignment of the ocean outlet. This level of threat will vary with the level of lifeguard supervision provided at the outlet area.

10) Noise

Unavoidable adverse noise impacts will occur on a short-term basis to residences or other developments within close proximity to construction activities during the period of construction. It is anticipated that a specific site will only be subject to construction noise for a one to two month period, as construction will occur in phases along the channels.

11) Utilities and Services

No unavoidable adverse impacts have been identified.

ATTACHMENT "A"

STATEMENT OF OVERRIDING CONSIDERATIONS

A. STATUTORY FINDINGS

The Board of Supervisors finds that the mitigating changes which have been incorporated into the project and discussed fully in Attachment "A" will avoid or substantially lessen most of the significant effects identified in the Final EIR. The specific rationale for this finds with respect to each avoided or mitigated significant effect is also set out in Attachment "A". However, economic, social, and other considerations, set out specifically in the discussion which follows make it infeasible to avoid, or substantially lessen, through the use of mitigation measures or project alternatives, certain other significant effects identified in the Final EIR. Therefore, the Board of Supervisors finds that these other significant effects are unavoidable for the reasons set out below.

The Board of Supervisors also finds that the benefits of the project will outweigh the adverse environmental effects that have been found to be unavoidable. Based on this finding, the rationale for which is also set out below in detail for each unavoidable environmental effect, the Board of Supervisors finds that the unavoidable adverse environmental effects are acceptable, and therefore approves the project.

B. ANALYTICAL BASIS FOR THE STATUTORY FINDINGS

1. LANDFORM, GEOLOGY, AND SOILS

Natural Landform will be altered within Retarding Basin Sites 3 and 6. The channel outlet area will suffer unavoidable adverse landform impacts crossing Huntington Beach by displacement of a portion of the beach area in that vicinity. The Board of Supervisors finds that this effect is unavoidable because the following project alternatives and specific mitigation measures are infeasible due to the following specific economic, social or other considerations:

a. Feasibility of Alternatives and Mitigation Measures.

1) Alternatives

Alternatives to the preferred alternative would not completely avoid this environmental effect. Each retarding basin alternative would require grading and alteration that would permanently alter the landform at each site. In addition, each ocean outlet would remove at least a portion of the beach area. Realignment alternative No. 1 of Exhibit "B" would lessen the beach impact due to their more southerly location (allowing a larger, contiguous portion of beach) yet would not eliminate impacts.

2) Specific Mitigation Measures

The Final EIR identified alternative ocean outlets as specific mitigation measures for this environmental effect. However, no alternative would result in elimination of the landform alteration or negate removal of a portion of beach except for the no project alternative. Widening of the existing Talbert Channel outlet or realignment upcoast of the existing least tern nesting area would have, however, less beach impacts. The no project alternative was deemed infeasible as a mitigation measure because of its inability to accommodate the 100-year flood event or provide adequate flood protection. Realignment upcoast of the least tern nesting area was considered infeasible because of its impacts to state beach facilities (structures) and possible state beach facility replacement as well as loss of beach, and lack of mitigation of impacts to the wetlands area.

b. Project Benefits

The Board of Supervisors finds that the following benefits will result from the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents, under high tide conditions, from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. Determination

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects of changes in landform and beach disruption are acceptable because the project benefits outweigh the unavoidable environmental effects. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year flood capacity within the channels as expediently and efficiently as possible to protect the existing development in the area from flooding.

2. BIOLOGICAL RESOURCES

The project will result in the removal of approximately 5.5 acres of wetland habitat and 5.5 acres of beach in the ocean outlet area. The Board of Supervisors finds that this effect is unavoidable because the following project alternatives and specific mitigation measures are

infeasible due to the following specific economic, social and other considerations:

a. Feasibility of Alternatives and Mitigation Measures

1) Alternatives

Project Alternatives to the selected alternatives would not avoid or substantially lessen this environmental effect because each project alternative would result more substantial habitat losses, and would not allow for wetland enhancement to the degree of the selected alternatives.

2) Specific Mitigation Measures

The Final EIR identified alternative outlets and retarding basin sites as specific mitigation measures for this environmental effect. All alternative outlets would result in some loss of wetland habitat. However, the other alternatives were not selected because of the inability to mitigate impact to the same degree by a substantial wetland enhancement program as is proposed with the selected alternatives.

b. Project Benefits

The Board of Supervisors finds that the following benefits will result from the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents, under high tide conditions, from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. Determination

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects are acceptable because the project benefits outweigh the unavoidable environmental risks related to loss of biological resources. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year storm capacity and increased flood protection for existing and planned development in the area.

3. LAND USE AND RELEVANT PLANNING

The Talbert Valley Channel system improvements will result in the loss of approximately 5.5 acres of Huntington Beach State Park. The Board of Supervisors finds that this effect is unavoidable because the following project alternatives and specific mitigation measures are infeasible due to the following specific economic, social and other considerations:

a. Feasibility of Alternatives and Mitigation Measures

1) Alternatives

Each project alternative would avoid or lessen this environmental effect. However, each alternative is associated with additional constraints which outweigh loss of the beach area, as follows:

The no project alternative was deemed infeasible as a mitigation measure because of its inability to provide adequate flood protection, in providing 100-year storm capacity and risk posed to adjacent residents.

Realignment upcoast of the least tern nesting area was rejected because of its impacts to state beach facilities (structures) as well as loss of beach, lack of mitigation of impacts to the wetlands area, and possible state beach facility replacement.

Widening of the existing Talbert Channel outlet was rejected because of its impacts to residences in Newport Beach, its impacts to the marsh area easterly of the Greenville-Banning Channel, and the excessive costs and impacts associated with relocation of the two sewer outfalls.

The Box Culvert across State Beach would allow access across the top of it, but it would still result in the beach being raised approximately ten feet higher at the culvert compared to the surrounding beach. This would still act as a barrier to some beach users and would require regular stockpiling of sand along its length to maintain it as a portion of the beach.

A box culvert along the beach would also pose a severe safety hazard for swimmers and other recreational users of the beach area. These hazards include swimmers and rafters going inside of the culvert, away from the view of lifeguards. This problem is magnified by the fact that the channel bottom is below the mean high tide line, meaning that the culvert would usually have water in it.

Additionally, a box culvert would post a maintenance problem from siltation due to longshore transport of beach sand and clogging of the culvert from storm debris.

For these reason, as well as the tremendous cost of constructing the box culvert, this alternative was rejected.

The Talbert Channel flowing into the Santa Ana River alternative was rejected because the channel bottom of the Santa Ana River is presently at a higher elevation than that of the Talbert Channel. If the two channels were connected, the Santa Ana river would flow into the Talbert Channel, potentially flooding the area adjacent to the channel. Because this alternative is infeasible from an engineering standpoint, it was rejected.

The existing channel outlet/wetland runoff storage alternative was rejected because in order to reduce flows enough so that the existing outlet could accommodate them, the storage area would have to be modified to contain approximately 500 acre-feet of discharge. Because of required water surface elevations, the high groundwater table in the wetland area and restricted acreage available, this area would not be able to contain the 500 acre-feet required to allow utilization of the existing outlet, regardless of the height of berms. For this reason, as well as aesthetic and maintenance problems which would result, this alternative was rejected as infeasible.

Downcoast widening of the Talbert Channel would necessitate relocating the southeasterly levee of the Greenville-Banning Channel approximately 300 feet downcoast from its existing location. Because of the degree of this realignment, it would require that the Santa Ana River/Greenville-Banning Channel be realigned as far upstream as the proposed Banning - 19th Street Bridge location.

This alternative was rejected because of its impacts to residents in the City of Newport Beach, its resultant loss of restorable coastal salt marsh downcoast of the Santa Ana River and because of the excessive costs associated with the realignment of the Santa Ana River/Greenville-Banning Channel, acquiring the homes in Newport Beach and associated relocation costs, and the lengthening of the Pacific Coast Highway and Brookhurst Street bridges. As the timing of these improvements would like precede those proposed by the Corps of Engineers and Caltrans, the County of Orange would be responsible for a substantially larger share of the costs.

2) **Specific Mitigation Measures**

The Final EIR identified alternatives as specific mitigation measures for this environmental effect. However, the selection of an alternative would result in other unavoidable adverse impacts such as wetland impacts.

b. **Project Benefits**

The Board of Supervisors finds that the following benefits will result from the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents, under high tide conditions, from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. **Determination**

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects are acceptable because the project benefits outweigh the unavoidable environmental risks related to loss of beach area. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year flood capacity to existing development in the area.

4. **AESTHETICS:**

The project will result in alteration of the existing visual quality of Huntington State Beach due to its crossing of the beach. This will create unavoidable adverse aesthetic impacts upon the beach area.

a. **Feasibility of Alternatives and Mitigation Measures**

1) **Alternatives**

Project Alternatives would not completely eliminate these environmental effect. Although they would lessen effects by changing the outlet location, similar impacts would occur downcoast with all other feasible alternatives, impacting other areas of Huntington State Beach or Newport Beach, depending upon the alternative.

2) Specific Mitigation Measures

The Final EIR identified alternative ocean outlets and retarding basin sites as Specific Mitigation measures for this environmental effect. However, no alternative would eliminate the effects upon aesthetics except the no project alternative. However, each of the other alternatives, as described in the Land Use section of this Attachment is associated with additional constraints which outweigh the loss of beach area.

b. Project Benefits

The Board of Supervisors finds that the following benefits will result from the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents, under high tide conditions, from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. Determination

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects are acceptable because the project benefits outweigh the unavoidable environmental risks related to aesthetics. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year flood protection for existing development in the area.

5. PUBLIC HEALTH AND SAFETY

The Talbert Valley Channel flood control improvements will result in a potential threat to beach user safety as a result of realignment of the ocean outlet in the jetty area. The Board of Supervisors finds that this effect is unavoidable because the project alternatives and specific mitigation measures have been found infeasible as described within the land use discussion of this attachment, and due to the following specific economic, social and other considerations:

a. Feasibility of Alternatives and Mitigation Measures

1) Alternatives

Alternatives to the project, except for the "no project" alternative, would not completely avoid this environmental effect because each ocean outlet would have similar health and

safety hazards. The impact would be lessened by an alternative using the same jetty as the Santa Ana River due to the fact that the additional separate jetty would not be required.

2) **Specific Mitigation Measures**

The Final EIR identified alternative outlets as specific mitigation measures for this environmental effect. However, no alternative would eliminate the hazard except for the "no project" alternative or widening of the existing Talbert channel outlet. The "no project" alternative was deemed infeasible as a mitigation measure because of its inability to provide adequate flood protection, in accommodating the 100-year flood event and risks posed to adjacent residents. The widening alternative was rejected due to its further impacts upon the marsh area and the condemnation of dwellings within Newport Beach that would be required.

b. **Project Benefits**

The Board of Supervisors finds that the following benefits will result in the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents under high tide conditions from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. **Determination**

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects are acceptable because the project benefits outweigh the unavoidable environmental risks related to the Public Health and Safety. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year flood protection for existing development in the area.

6. **NOISE**

The Talbert Valley Channel improvements will result in increase short-term noise levels along Pacific Coast Highway and along the channels due to construction activity. The Board of Supervisors finds that this effect is unavoidable because the following project alternatives and specific mitigation measures are infeasible due to the following specific economic, social and other consideration:

a. Feasibility of Alternatives and Mitigation Measures

1) Alternatives

Project Alternatives would not avoid or substantially less this environmental effect because of the construction of the channel will result in short-term truck traffic noise and construction-related noise.

2) Specific Mitigation Measures

The Final EIR identified alternative as specific mitigation measures for this environmental effect. However, specific economic, social and other considerations render this mitigation measure infeasible because the unavoidable short-term construction related noise adverse impacts would not be reduced.

b. Project Benefits

The Board of Supervisors finds that the following benefits will result in the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents under high tide conditions from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. Determination

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse environmental effects are acceptable because the project benefits outweigh the unavoidable environmental risks related to short-term noise increase. The project benefits are deemed to outweigh the unavoidable risks because of the need to provide 100-year flood protection for existing development in the area.

7. CUMULATIVE AND GROWTH INDUCING IMPACTS

The Talbert Valley Channel Improvements will result in possible cumulative impacts:

- o Vegetation habitat/wildlife effects due to reduction in the inventory of Coastal Strand and wetlands with channel widening; and

- o Open space/recreation losses due to reduction in beach area with the new ocean outlet combined with the Corps of Engineers' Santa Ana River Widening in the same vicinity.

No growth inducing impacts will occur.

a. Feasibility of Alternatives and Mitigation Measures

1) Alternatives

The project alternatives would not avoid or substantially lessen the environmental effects because any alternative would involve the same unavoidable adverse cumulative impacts.

2) Special Mitigation Measures

The Final EIR specifies significant mitigation measures for the rehabilitation of any cumulative loss of wetland area. A wetland enhancement program will be implemented in cooperation with other relevant projects to protect the cumulative wetland loss. Additionally, a mitigation program for Huntington State Beach is specified to assure mitigation of cumulative effects upon open space/recreation resources.

b. Project Benefits

The Board of Supervisors finds that the following benefits will result from the proposed project:

- 1) Provision of 100-year storm channel capacity within the Talbert Valley Channel system and protection to residents under high tide conditions from channel levee breakage.
- 2) Respect for significant biological habitats in the project area through the enhancement of significant wetland areas.
- 3) Providing leadership and coordination of other proposed public works projects in the area to assure congruency in planning and mitigation efforts.

c. Determination

The Board of Supervisors has balanced the project benefits against the unavoidable environmental risks and finds that the adverse effects are acceptable because project benefits outweigh the unavoidable environmental risks related to cumulative impacts.