

MINUTE ITEM

This Calendar Item No. C40 was approved as
Minute Item No. 40 by the California State Lands
Commission by a vote of 2 to 0 at its
2/27/96 meeting.

**CALENDAR ITEM
C40**

A 78
S 39

02/27/96
W 24435
H. Maricle
PRC 7888

RIGHT-OF-WAY PUBLIC AGENCY USE

APPLICANT:

City of San Diego and the United States Section of the International Boundary
and Water Commission
%The City of San Diego
Metropolitan Wastewater Department
Attn: Mr. Rolf Lee
600 B Street, Suite 500
San Diego, California 92101-4587

AREA, TYPE LAND AND LOCATION:

Submerged lands located in the Pacific Ocean, vicinity of Border Field State Park,
San Diego County.

LAND USE:

82.62 acres; A buried 132-inch diameter outfall line, (tunnel) joined to a seabed
120-inch diameter marine pipeline, with diffusers extending therefrom, and 1.29
acres; a temporary 8-inch diameter dewatering line, for use during construction of
the outfall line.

PROPOSED LEASE:

Lease period 49-years beginning January 1, 1996.

CONSIDERATION:

Public use and benefit.

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Special Consideration:

State to receive a royalty of the greater of 10 percent of the gross sale price, or \$0.25 per cubic yard, if lessee or lessee's contractor sells material dredged from sovereign lands to another party for cash or its equivalent.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing costs have been received.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. This project is sponsored by the City of San Diego and the U. S. Section of the International Boundary and Water Commission, and is an outgrowth of efforts to deal with surface and groundwater contamination problems in southern San Diego County. With regard to offshore sovereign lands, the project includes an ocean outfall line and a temporary dewatering line located northerly thereof.
2. The South Bay Ocean Outfall is jointly proposed by the U.S. Section of the International Boundary and Water Commission and the City of San Diego to dispose of effluent from the proposed South Bay International Water Treatment Plant and the City of San Diego South Bay Wastewater Reclamation Plant into the Pacific Ocean. The goal of the project is to eliminate the contamination, due to untreated wastewater flows originating from Mexico, of the Tijuana River Valley and United States offshore coastal waters.

CALENDAR ITEM NO. C40 (CONT'D)

3. The proposed ocean outfall is located in a coastal area where the water table is close to the land surface. A dewatering operation will be necessary to maintain an upland anti-intrusion structure and tunnel in a suitably dry state during construction activities. Effluent from muck processing operations will also be disposed along with dewatering effluent. After treatment, effluent will be discharged into the Pacific Ocean through a temporary, approximately 8-inch diameter, pipeline and a specially-designed diffuser. The temporary pipeline would be laid along an existing horse trail through Border Field State Park. The approximate dewatering pipeline and discharge locations are shown on Exhibit "B".
4. The temporary dewatering line will be removed from sovereign lands after specific segments of the ocean outfall line are completed.
5. The majority of the ocean outfall line will be placed in an underground tunnel through sovereign lands. The materials removed from the tunnel will be disposed of at an approved upland location.
6. The initial environmental documentation, the International Wastewater Treatment Plant (IWTP) and Outfall Facilities Final EIR/EIS, was completed in February, 1994. A Final EIR/EIS, SCH No. 94081016, was subsequently prepared and certified by the City of San Diego for this project, and the project was adopted by the City Council under Resolution Number R-285823 on May 22, 1995. In August, 1995, a Final Supplemental Environmental Assessment for the South Bay Ocean Outfall Modifications, San Diego County, California was prepared for the International Boundary and Water Commission (IBWC) U.S. Section and the U. S. Environmental Protection Agency, (EPA), Region IX by the United States Army Corps of Engineers, Los Angeles District. A Finding of No Significant Impact (FONSI) was adopted by the IBWC and the EPA in the same month.

APPROVALS OBTAINED:

Regional Water Quality Control Board, City of San Diego, Coastal Commission, U.S. Corps of Engineers.

CALENDAR ITEM NO. C40 (CONT'D)

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

- A. Land Description
- B. Location and Site map
- C. Notice of Determination
- D. CEQA Findings and Statement of Overriding Considerations
- E. Mitigation Monitoring and Reporting Program

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR/EIS WAS PREPARED IN FEBRUARY, 1994, AN EIR/EIS AND MITIGATION MONITORING AND REPORTING PROGRAM WERE PREPARED AND CERTIFIED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SAN DIEGO, SCH NUMBER 94081016, MAY 22, 1995, AND A FINAL SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT/FONSI WAS PREPARED AND ADOPTED IN AUGUST, 1995, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION, MADE BY THE CITY OF SAN DIEGO ACTING AS LEAD AGENCY, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ITS GUIDELINES AS CONTAINED IN EXHIBIT "D".
3. ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM AS CONTAINED IN EXHIBIT "E".
4. FIND THAT THE ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C40 (CONT'D)

5. AUTHORIZE ISSUANCE TO THE CITY OF SAN DIEGO AND THE UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION OF A 49-YEAR LEASE, RIGHT-OF-WAY USE BEGINNING JANUARY 1, 1996; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT; PROVIDED, HOWEVER, THAT THE STATE WILL RECEIVE A ROYALTY OF THE GREATER OF 10 PERCENT OF THE GROSS SALE PRICE, OR \$0.25 PER CUBIC YARD, IF LESSEE OR LESSEE'S CONTRACTOR SELL MATERIAL DREDGED FROM SOVEREIGN LANDS TO ANOTHER PARTY FOR CASH OR ITS EQUIVALENT, FOR A BURIED 132-INCH DIAMETER OUTFALL LINE, JOINED TO A SEABED 120-INCH DIAMETER MARINE PIPELINE, WITH DIFFUSERS EXTENDING THEREFROM; AND A TEMPORARY 8-INCH DIAMETER DEWATERING LINE AND DIFFUSER, FOR USE DURING CONSTRUCTION OF THE OUTFALL LINE, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION
SOUTH BAY OCEAN OUTFALL

W24435

Five parcels of submerged lands, located in the Pacific Ocean, within a portion of Township 19 South, Range 2 West, San Bernardino Meridian and situated within the City of Imperial Beach, San Diego County, State of California and more particularly described as follows:

PARCEL 1

A vertical corridor 100.00 feet square being 50.00 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 5; thence along the North line of said Southwest Quarter of the Southeast Quarter, South 89°54'08" East, 1330.67 feet to the Northeast corner of said Southwest Quarter of the Southeast Quarter as shown on the City of San Diego Drawing No. 24431-3-D; thence South 68°50' 18" West, 328.31 feet to the POINT OF BEGINNING; thence in a vertical direction downward to an elevation of negative 161.34 feet (based on Mean Lower Low Water datum) said point being herein designated as Point "A"; thence continuing in a vertical direction downward to an elevation of negative 211.34 feet (based on Mean Lower Low Water datum). The Northerly and Southerly sidelines of said parcel bear North 85°50'12" East.

PARCEL 2

A horizontal corridor 100.00 feet square being 50.00 feet on each side of the following described centerline:

BEGINNING at said Point "A"; thence South 85°50'12" West, 17,960.00 feet to an elevation of negative 210.33 feet (based on Mean Lower Low Water datum), said point being herein designated as Point "B".

PARCEL 3

An irregular shaped corridor, the lower limits of which are 50.00 feet below and the upper limits are 50.00 feet above the following described parcel.

BEGINNING at said Point "B"; thence South 04°09'48" East, 50.00 feet, said point having an elevation of negative 210.33 feet (based on Mean Lower Low Water datum); thence South 80°07'29" West, 610.30 feet, said point having an elevation of negative 212.00 feet (based on Mean Lower Low Water datum); thence continuing South 80°07'29" West, 386.98 feet, said point having an elevation of negative 220.00 feet (based on Mean Lower Low Water datum); thence North 09°52'31" West, 150.00 feet said point having an elevation of negative 220.00 feet (based on Mean Lower Low Water datum) said point also being herein designated as Point "C"; thence North 01°32'55" East, 150.00 feet, said point having an elevation of negative 220.00 feet

(based on Mean Lower Low Water datum); thence South 88°27'05" East, 386.98 feet, said point having an elevation of negative 212.00 feet (based on Mean Lower Low Water datum); thence continuing South 88°27'05" East 610.30 feet, said point having an elevation of negative 210.33 feet (based on Mean Lower Low Water datum); thence South 04°09'48" East, 50.00 feet to the TRUE POINT OF BEGINNING

PARCEL 4

A cylinder shaft 300.00 feet in diameter, the centerline of which is described as follows:
BEGINNING at said Point "C"; thence vertical in a downward direction to an elevation of negative 270.00 feet (based on Mean Lower Low Water datum) to the TRUE POINT OF BEGINNING; thence vertical in an upward direction to the surface of said submerged land in the bed of the Pacific Ocean, said point being herein designated as Point "D".

PARCEL 5

BEGINNING at said Point "D"; thence South 05°47'16" East, 150.00 feet; thence South 84°12'44" West, 4,583.11 feet; thence South 14°26'12" West, 886.84 feet; thence South 10°08'51" West, 1180.00 feet; thence North 79°51'09" West, 150.00 feet; thence North 10°08'51" East, 1180.00 feet; thence North 05°51'30" East, 965.18 feet; thence North 14°10'08" West, 965.18 feet; thence North 18°27'29" West, 1,180.00 feet; thence North 71°32'31" East, 150.00 feet; thence South 18°27'29" East, 1180.00 feet; thence South 22°44'50" East, 880.39 feet; thence North 84°12'44" East, 4,576.62 feet; thence South 05°47'16" East, 150.00 feet to the TRUE POINT OF BEGINNING

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END DESCRIPTION

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EXHIBIT "A"
LAND DESCRIPTION
TEMPORARY DEWATERING LINE

W24435

A strip of tide and submerged land 100 feet wide, which includes portions of the California Intertidal Zone in the Pacific Ocean, for the installation and maintenance of an 8" dewatering effluent pipeline and diffuser frame with terminus marker pole, flag and light. Said strip of land is situated within a portion of Border Field State Park and located within Section 6, Township 19 South, Range 2 West, San Bernardino Meridian, in the City of Imperial Beach, County of San Diego, State of California, said strip of land lying 50 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 2 West, San Bernardino Meridian; thence S00°07'14"W, 30.00 feet to the southerly Right of Way Line of Monument Road, per Road Survey 360; thence N89°52'46"W, 1,160.80 feet along said southerly Right of Way line of Monument Road to the beginning of a curve concave Southeasterly, having a radius of 370 feet; thence continuing N89°52'46"W, 871.94 feet to the POINT OF BEGINNING; thence continuing N89°52'46"W, 562.43 feet to the end of the herein described centerline. The easterly side lines of said strip of land to be shortened or lengthened to terminate at the Mean High Tide Line of the Pacific Ocean.

END DESCRIPTION



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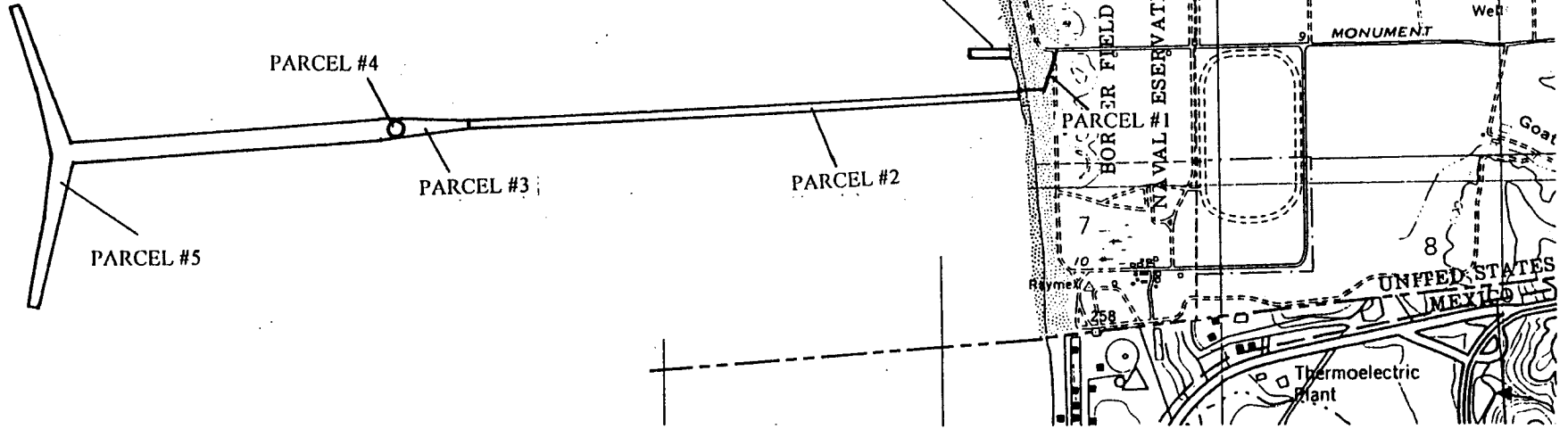
EXHIBIT "B"

Location Map W24435
San Diego, California



MAP NOT TO SCALE

TEMPORARY DEWATERING LINE



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EXHIBIT "C"

980193

TO: X County Clerk
 County of San Diego
 220 W. Broadway, MS C-13 D D
 San Diego, CA 92101

City of San Diego
 Dev. and Env. Planning Div. L E D
 1222 First Ave. MS 501
 San Diego, CA 92101

MAY 30 1995

DEP Number: 94-0615

MAY 25 1995

State Clearinghouse No.: 94061016

DEPUTY

BY [Signature] DEPUTY
 Project Title: SOUTH BAY TUNNEL AND OCEAN OUTFALL: FOCUSED SUPPLEMENT TO THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC) INTERNATIONAL WASTEWATER TREATMENT PLANT AND OUTFALL FACILITIES FINAL ENVIRONMENTAL IMPACT STATEMENT

Project Location: The project is located in the Tijuana River Valley south of Monument Road generally near Goat Canyon. Approximately 14 acres will be used during the construction of the shaft and outfall facilities, which will include a 4.5-mile tunnel and ocean outfall at a depth of 95 feet.

Project Description: The construction of a 132-inch diameter, 19,100-foot long tunnelled outfall pipeline connected via a riser to a 4,700 feet-long, 120-inch diameter, reinforced concrete pipeline buried on the seafloor. The end of the outfall pipeline will be constructed to a diffuser-wye structure at a depth of about 95 feet, which will distribute effluent to two diffuser legs. In addition, there will be associated onshore structures including staging areas, drop shaft, dechlorination building, and anti-sea water intrusion structures. The proposed outfall will be designed to discharge an average flow of 174 million gallons per day (mgd) (with an ultimate peak flow of 333mgd) of treated effluent through the International Boundary and Water Commission's (IBWC) planned treatment plant and the City's proposed South Bay and Otay Valley water reclamation plants. The proposed outfall will be connected to the plants via the existing South Bay Land Outfall, completed late 1993.

This is to advise that the City of San Diego CITY COUNCIL on May 22, 1995 approved the above described project and made the following determinations:

1. The project in its approved form will have a significant effect on the environment.
2. An Environmental Impact Report (DEP No. 94-0615) was prepared for this project and certified pursuant to the provisions of CEQA. R-285823

Record of project approval may be examined at the above address.

3. Mitigation measures were made a condition of the approval of the project. A Mitigation Monitoring and Reporting Program was adopted with this approval.
4. A Statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

It is hereby certified that the final environmental document is available to the general public at the office of the Development and Environmental Planning Division, Development Services Department, Fifth Floor City Operations Building, 1222 First Avenue, Mail Station 501, San Diego, CA 92101.

Analyst: John M. Kovac
 Sr. Env. Planner

Telephone: (619)
 Filed by: [Signature]

Deputy City Clerk	CALENDAR PAGE	124.9
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**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
SOUTH BAY OCEAN OUTFALL**

The California Environmental Quality Act ("CEQA") requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects unless such public agency makes one or more of the following findings:

- (a) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the complete environmental impact report
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency; or
- (c) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report (Cal. Pub. Res. Code section 21081) CEQA further requires that, where the decision of the public agency allows the occurrence of significant mitigated, the agency shall state in writing the specific reasons to support its action based on the Final EIR or other information in the record (Section 15093(b) of the CEQA Guidelines). These Findings contain a Statement of Overriding Considerations (pursuant to CEQA Guidelines section 15093(b)) which indicates that the decisionmakers have weighed the benefits of the project, as revised, against the unmitigated significant effect identified in the Final EIR.

These Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision-making body. The Environmental Analysis Section does not recommend that the decision-making body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

**CANDIDATE FINDINGS FOR THE SOUTH BAY OCEAN OUTFALL
(DEP NO. 94-0615; SCH NO. 94111024)**

INTRODUCTION

These findings are made relative to the conclusions in the Final Environmental Impact Report ("Final EIR") for the South Bay Ocean Outfall located in the City of San Diego (DEP NO. 94-0615). This project consists of approximately 15 acres

of property in	
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the Tijuana River Valley Plan. This outfall project will include the extension of the existing South Bay Land Outfall 5,400 feet west to the Pacific Ocean in a tunnel nearly 200 feet below ground surface and a completed ocean outfall 18,400 feet offshore to treated effluent diffusers. The depth of the treated wastewater diffusers would be 95 feet. The purpose of the proposed project is to solve the persistent contamination of the Tijuana River Valley in the United States by untreated wastewater flows from Mexico. This proposed plant is cost effective and should be expedited as quickly as possible. The project objective is to provide a conveyance to dispose wastewater from the City of Tijuana, Mexico, treated at the International Wastewater Treatment plant in the Tijuana River Valley (USA) and treated wastewater from the City of San Diego's proposed South Bay and Otay River Valley Wastewater Treatment plants.

Construction of the proposed project is scheduled to begin in mid to late 1995 and be completed in mid to late 1998.

These findings are made pursuant to the California Environmental Quality Act ("CEQA") (Cal.Pub.Res.Code %21081) and the State CEQA Guidelines (14 Cal.Code Regs. %%15091 and 15093). The project applicant is the City of San Diego Metropolitan Wastewater Department. The City of San Diego is the lead agency responsible for making final discretionary decisions with respect to the project.

As a result of comments received during the public review period for the Draft EIR (EIR 94-0615) and comments from City staff, significant unmitigated environmental impacts could result if the proposed project were adopted and implemented. In response to the environmental impacts addressed in the EIR, these Findings have been prepared with a Statement of Overriding Considerations.

A. SECTION 21081 (A) FINDINGS

Pursuant to Public Resources Code section 21081(a), the decisionmaker, having independently reviewed and considered information contained in the Final EIR, the appendices and the record, finds that, pursuant to CEQA and the Guidelines, changes or alterations have been required in, or incorporated into, the Redesigned Project Alternative which avoid or substantially lessen the significant environmental effects as identified in the Final EIR with respect to the areas of: (1) biological resources; (2) Land use; (3) oceanography; (4) noise; (5) visual quality, Specifically;

1. Biological Resources

A. Marine Biology

Impacts:

There is a potential impact to marine life from potential accidental discharge of solid waste and oil from anchored construction barges. There is also a potential impact due to disposal of solid waste by construction workers into the ocean.

Temporary intrusions on water column space during construction of the riser, the sea floor portion of the outfall and diffuser system, may potentially effect gray whales during their winter migration as well as other marine mammals.

Findings:

All project barges will be required to carry absorbent material for use in case of a fuel or oil spill and the crews will receive training in the use of these materials. Significant impacts of solid waste discharge is considered mitigated to below a level of significance because workers will receive training about existing maritime laws prohibiting ocean disposal of solid waste and will be required to strictly adhere to these regulations.

If ocean construction occurs during the whale migration period, appointed whale monitors shall be required for all supply and worker transport vessels. The appointed monitor will be assigned no other duty than to watch for possible confrontations with any cetacea and to alert the pilot of any potential encounters. Any incident with whales shall be reported to the proper authorities. A letter report of the incidents shall be provided upon request to the City's Development and Environmental Planning Division.

B. Terrestrial Biology

Impacts:

The 14 acre expanded western staging area adjoins the coastal sage scrub vegetated slopes of Spooner's Mesa. This is California gnatcatcher occupied habitat and is classified as consisting of high habitat value/quality. Although the site will not directly impact the coastal sage scrub, some portions of the expanded staging area is expected to extend to the edge of the occupied habitat. Construction noise may cause potential indirect effects on the gnatcatchers.

The western staging area is adjacent to least Bell's vireo habitat that consists of mule fat scrub. One identified occupied habitat is just north of Monument Road from the tunnel access shaft. No destruction of this habitat or the loss of any least

Bell's vireo is anticipated; however , there will be indirect construction noise impact.

The southern portion of the western staging area approaches the narrow southern willow scrub riparian vegetation found along the drainage in Goat Canyon. While the staging area will not result in any loss of this riparian vegetation, the use of this portion of the staging area adjacent to this habitat may cause runoff and sedimentation effects.

The Tijuana National Estuarine River Reserve remains one of a very few sites where California least terns still nest on their traditional ocean beach/barrier dune nesting sites. Construction of the project site in this area may have direct impacts to their nesting sites and behaviors.

The Pacific pocket mouse (*Perognathus longimembris pacificus*) is an endangered species pursuant to the Endangered Species Act of 1973, as amended. It was listed in February, 1994. The habitat of this mouse ranges from Tijuana to Marina del Rey/El Segundo in the Los Angeles County. The potential exists for the mouse to inhabit the land of the proposed extended tunnel staging area, which was not surveyed in the IWTP Dairy Mart Road Biological opinion. It will be surveyed in April, 1995.

If there is a need for near surface dewatering, and this activity impacts the quality of this habitat, the health of the habitat will be maintained through surface irrigation during construction of the project.

Turbidity associated with the outfall tunneling may affect the distribution of prey species and interfere with the California least tern's ability to see its prey. The mitigation measures as proposed with slight modification should preclude adverse impacts to this species.

Findings:

Sufficient buffer from certain staging area activity shall be delineated or certain activities shall be limited, if necessary to avoid impacts, as determined by the required gnatcatcher territorial survey. Such activities such as the usage of lights during construction or operation of the IWTP and noise level will be monitored and reduced so that the habitat of the California gnatcatcher or the least Bell's vireo will have minimal significant impacts.

The expanded western staging area (14 acres) will be surveyed for the presence of the pocket mouse in April, 1995. Results of this survey will be included in the Final EIR. If this endangered species is detected, avoidance of its habitat will be assured in the use of the staging area or by the relocation of the staging area. The Pacific pocket mouse was

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historically known to inhabit the area of the Tijuana River Valley.

A temporary pipeline (16" diameter) is proposed to convey tunnel dewatering effluent and muckwashing effluent to the surf through sensitive least tern habitat. To comply with discharge standards, a diffuser connected to the end of this pipeline is now proposed. Monitoring of the dewatering effluent discharge into the surf zone will be conducted to ensure that turbidity will dissipate as expected before extending into foraging areas of the least tern.

2. Land Use

Impacts:

The proposed ocean outfall extends from the westerly terminus of the South Bay Land Outfall as a 150- to 200- foot-deep (45.8 to 61m) tunnel westward along the ocean floor 18,700 feet (5.7 km). The entire length of the outfall underlies public lands belonging to the City of San Diego and State of California. The fourteen acre construction staging area for the tunnel is south of Monument Road on disturbed vacant lands. Uses along the shoreline are public recreational opportunities are limited, however, due to the quarantine of coastal waters for human contact from sewage contamination and restricted hours of access to the park. This land use impact is considered to be significant.

The proposed construction method of building the tunnel under the estuary would result in no direct effects, the use of the tunnel access/western staging area and use of Monument Road by construction-related vehicles for over one and one-half years may pose a potentially significant impact on access to recreational opportunities in the state park and estuarine preserve. Construction at the western staging area with tall construction cranes, 20-foot high noise attenuation curtain, temporary parking lots for a maximum of 100 worker vehicles may pose temporary but potentially significant impact on users of the state beach or visitors to the estuarine sanctuary.

The siting of permanent structures associated with the ocean outfall such as the dechlorination building near the terminus of Monument Road in the proximity of the state park and within the estuarine preserve may pose a significant impact.

Findings:

Access to the Border Field State Park and the Tijuana River National Estuarine Sanctuary via Monument Road shall remain open and passable to the public at all times. The state park and estuary interpretative center shall be notified of any prolonged closure/restriction of access to the state park and/or the estuarine sanctuary.

After the construction of the tunnel outfall and associated facilities, the western staging area will be revegetated with native plant species such that the transition from upland to riparian area which previously existed is restored. This would aid in returning this area to a more compatible condition with the habitat management and estuary preservation plans and future park uses in the Tijuana River Valley.

Due the proximity of the state park and estuarine preserve, all permanent structures shall incorporate architectural treatment, heavy landscaping to screen the site, and other site planning techniques to reduce potential land use incompatibilities.

3. Oceanography

Impacts:

The significance criteria for discharges that could affect water quality is as followed: (1) Magnitude of change compared to natural backgrounds (2) Area of change (small, local, regional) (3) Comparison of change with applicable standards or with known toxic concentrations (4) Duration of change (short- or long-term) (5) Potential to cause change in indigenous marine populations. Any disturbances to the above criteria will implement mitigation measures to reduce the occurrence to below a level of significance. For water and sediment quality, impacts will be judged based on the regulatory standards along with consideration of changes from natural levels. The significance level is based on impacts to water quality and/or biological resources according to state and local regulatory standards.

The Final IBWC EIS concluded that mitigation for the potential health risk will include the following; notification of divers and commercial fishermen through advertising in dive shops, dive club newsletters, fishing supply retailers, and fishing industry newsletters about the health dangers and by posting warning buoys in the impacted areas.

Findings:

The potential impact of the expected elevated toxics/heavy metal content of the treated Mexican effluent is considered potentially significant and not mitigated at this time. Total reliance on future source control in Mexico to pretreat wastewater prior to conveyance to the IWTP is not sufficiently guaranteed to occur such that the impact can be considered mitigated. Furthermore, if continued exceedance of

State Ocean Plan standards due to Mexican effluent were to be detected and violations were cited in the United States by state/local regulatory agencies, remedial action in response to the violation would be difficult to implement.

Due to dilution at the diffusers, the selected length of the ocean outfall, proposed chlorination, the studied transport characteristics of the ocean currents including the South Bay gyre, and the proposed secondary-level of treatment at the planned IWTP and the proposed City plants, there would not be a significant effect to the ocean environment outside the immediate area (200 feet) of the outfall diffusers. The outfall alignment will also be delineated on navigation charts. This would reduce significant impacts to below a level of significance.

4. Noise

Impacts:

The noise level limits are set for different land uses based on the land use's sensitivity to noise. In City Ordinance 59.5.0404, a construction noise level limit of 75 decibels equivalent sound level (db Leq), between the hours of 7:00 A.M. and 7:00 P.M. is established for residential uses only. Operation noise level limits established in Ordinance 59.5.0401 vary with time of day for most types of land uses with nighttime limits being lower. Limits for residential uses range from 45 to 60 dB Leq, limits for commercial uses range from 60 to 65 dB Leq, and industrial uses have a limit of 75 dB Leq. The proposed ocean outfall would be constructed with the tunnel shaft staging area north and east of Goat Canyon. At the Mouth of Goat Canyon, about 1,000 feet south of Monument Road, the 24 hour average noise level was 58.6 dBA Leq. One-hour average noise levels ranged from 43.1 dBA Leq at midnight to 65.6 dBA Leq at noon. The dominant sources of noise at this location were helicopter training activities from the Imperial Beach Naval facility, Border Patrol helicopters, airplane overflights, and traffic on Monument Road.

Therefore, with the addition of noise from the construction of the ocean outfall would not exceed allowable City standard of 75 dBA Leq at the nearest sensitive human receptors and impacts would not be considered significant.

The habitats of the least Bell's vireo and the California gnatcatcher may be significantly impacted without mitigation measures due to construction noise.

Findings:

Mitigation for the potentially significant noise impacts

are described below and shall fully reduce the noise impacts to below a level of significance. A 20-foot-tall (6.1 m) temporary noise-attenuating curtain will be erected around the north, west, and south sides of the tunnel access shaft. This curtain would reduce noise levels approximately 20 dBA Leq 100 feet from the staging area. This measure would reduce any potential impacts to visitors to the recreation areas around the site.

Operation of the IBWC collector pumps in the mouths of Goat Canyon and Smuggler Gulch will be designed to produce no more than 60 dBA Leq at the pump station boundary to avoid exceeding the noise level limits established for the surrounding agricultural land and wildlife. Based on the field measurements of the existing pump station at the mouth of Smuggler Gulch, an operating noise level below 65 dBA Leq would be achievable.

Implementation of these mitigation measures would reduce significant noise impacts to below a level of significance. To protect people near the construction site from noise, all applicable California Occupational Safety and Health Act requirements and regulations relating to construction noise will be conformed with.

5. Visual Quality

Impacts:

The site is within the southeastern edge of the federally designated Tijuana National Estuarine River Reserve, under the authority of the United States Fish and Wildlife Service. The construction at the 14-acre staging area will be a highly intensive operation for at least 34 months. The site will contain tall construction cranes, the tunnel access shaft will be flanked on the north, south and west by a 20-foot high noise attenuation curtain, and there will be parking for 100 worker vehicles.

Upon completion of construction, there will be a permanent structure on the site, a 30 feet by 36 feet dechlorination building made of concrete and metal. This structure will be located approximately 200 feet south of Monument Road, at an elevation 4 feet higher than the road. This will be the first permanent structure in the project vicinity.

Traveler's on Monument Road headed for the state park or the estuarine sanctuary would be exposed to an intensive operation. Last year, 9,687 persons visited the estuarine sanctuary. However, this would be a short term impact lasting for less than three years.

Findings:

Permanent structures in the vicinity of tunnel access shaft should be designed to reduce visibility of the facilities from travellers to the state park and estuary to visually blend with colors of the natural landscape.

After the use of the western staging area, all non-built, disturbed areas which are not used for facility access should be revegetated with native plant materials to attempt to restore the transition from upland to riparian area seed mix and container-planted at densities similar to adjacent natural areas. This is also stated in the IBWC Final Environmental Impact Report, as well as in compliance with City rules and regulations.

Structures, parking lots, and other facilities shall be visually screened by the addition of container-planted trees, shrubs, and other vegetation. The intent is to reduce visibility of the project facilities as seen from Monument Road, the sanctuary and the state park.

Section 21081(b) Findings

Pursuant to Public Resources Code section 210821(b), the decisionmaker, having independently reviewed and considered the information contained in the Draft EIR, the appendices and the record, finds that there are no changes or alterations to the project that are within the responsibility and jurisdiction of another public agency, which would avoid or substantially lessen the significant effects of the project revised.

The potential impact of the expected elevated toxics/heavy metal content of the treated Mexican effluent is considered potentially significant and not mitigated at this time. Total reliance on future source control in Mexico to pretreat wastewater prior to conveyance to the IWTP is not sufficiently guaranteed to occur such that the impact can be considered mitigated. Furthermore, if continued exceedance of State Ocean Plan standards due to Mexican effluent were to be detected and violations were cited in the United States by state/local regulatory agencies, remedial action in response to the violation would be difficult to implement.

The newly proposed dechlorination facility by the IBWC to be located near the outfall access shaft poses potentially significant and unmitigated public health and odor impacts. The use, storage, and transfer of 17,000 gallons of liquid sodium bisulfite every two weeks may cause accidental spills. This liquid is a hazardous material, acidic, and has the smell

of sulfur dioxide. The determination that the public health and odor impacts are unmitigated at this time is made due to the lack of specific construction design and operation details.

Section 21081(c) Findings

The Final EIR discusses mitigation measures and a range of reasonable project alternatives that would substantially reduce identified significant impacts of the project as revised.

A. No US Action, No Mexican Action Project Alternative

The No Project Alternative addressed in the IBWC Final EIS would result in no City participation in the funding or construction of a South Bay Ocean Outfall. Under this scenario, the responsibility of the significant environmental effects resulting from the project would be avoided for the City and would leave the IBWC as the sole agency in charge of building and funding of an ocean outfall. This alternative assumes that if and when the City builds the plants in the South Bay and in the Otay Valley, it would reimburse the IBWC for the use of the federally funded and built SBOO or construct another conveyance to transport for discharge into the ocean.

As a result, the existing conditions will continue until the IBWC builds an ocean outfall. This alternative would not be consistent with the intent of the approved Tijuana River Valley Plan, local Coastal plan, State ocean plan and international non-binding agreements for the project site or project objectives. In addition, both Mexico and the United States would not build any new sewage handling facilities and continue to operate its existing sewage disposal and conveyance system at its present level. As for Mexico, their sewage facilities cannot reliably handle the capture of flows or treat them prior to discharge to the ocean. This results in the live discharge of wastewater into the Tijuana River Valley, Tijuana National Estuary River Reserve, and South San Diego beaches. As for the US, the City of San Diego has constructed a diversion emergency pump for the Tijuana municipal sewer system that has been operating since 1991 and is used on a temporary basis for treatment at the Point Loma facility. However, the Point Loma plant can not sustain this additional flow indefinitely as the populations of both border cities continue to grow.

With the current situation of wastewater impacts to the region, many adverse effects may include risks to the public health of both border cities, loss of endangered species and

watershed and enter the US via the Tijuana River. These projected flow volumes will far exceed those considered acceptable to the Tijuana River estuary and in addition, 16mgd will be discharged from an additional treatment works or would be added to the river flow as untreated sewage.

This alternative is considered to be infeasible and has yet to be accepted by Mexico, USEPA, USIBWC, or SWRCB. Opposition mainly rejects the idea of live discharge into the Tijuana River and that the construction of the conveyance and treatment facilities will not be constructed. Another reason is that the probability of Mexico constructing the appropriate structures to treat their wastewater to USEPA standards are not likely. This would result in the continuance of untreated wastewater into the Tijuana River.

C. Standby Interceptor Project Alternative

The Standby Interceptor project by the USEPA was an alternative to impede sewage flows from entering the Tijuana River and Tijuana River estuary. All project operations was discontinued in 1988 pending the results of US-Mexican negotiations and initial feasibility work regarding the IWTP. Thus, the IWTP was proposed as an alternative to this project.

This Standby project is a return to sender system, whereby wastewater flows are intercepted after they cross the international border and are pumped back into the Mexican wastewater conveyance disposal system. This collector system would be placed in the tributary canyons in the US to intercept sewage flows as it crosses the border.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED SOUTH BAY OCEAN OUTFALL

The California Environmental Quality Act and the state CEQA Guidelines (Section 15093) provide;

- (a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the Final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its

action based on the Final EIR and/or other information in the record.

- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

The City Council, pursuant to CEQA Guidelines Section 15093, having balanced the benefits of the South Bay Ocean Outfall project against its unavoidable environmental effects which remain notwithstanding the mitigation measures and alternatives described above, determines that such remaining significant environmental effects are acceptable due to the following considerations:

Wastewater dilemma

The potential impact of the expected elevated toxics/heavy metal content of the treated Mexican effluent is considered potentially significant and not mitigated at this time. Total reliance on future source control in Mexico to pretreat wastewater prior to conveyance to the IWTP is not sufficiently guaranteed to occur such that the impact can be considered mitigated. Furthermore, if continued exceedance of State Ocean Plan standards due to Mexican effluent were to be detected and violations were cited in the United States by state/local regulatory agencies, remedial action in response to the violation would be difficult to implement.

Due to dilution at the diffusers, the selected length of the ocean outfall, proposed chlorination, the studied transport characteristics of the ocean currents including the South Bay gyre, and the proposed secondary-level of treatment at the planned IWTP and the proposed City plants, there would not be a significant effect to the ocean environment outside the immediate area of the outfall diffusers. The dechlorination building will in fact serve as a safeguard to treating the wastewater.

Both of these overriding considerations are crucial to protect the public health of San Diego. With the addition of the dechlorination and ocean outfall, the wastewater flows from Tijuana and emergency declarations (local, state, and federal levels) will be reduced and will provide greater safety to the residents of San Diego. In addition, the south bay beaches will ultimately be opened to the public more frequently and will improve diving conditions, as well. Recreation, sportfishing, boating, whale watching, commercial fishing, and shipping will also occur if this preferred alternative is implemented.

SBTOO DEIR
DEP No. 94-0615

MITIGATION MONITORING AND REPORTING PROGRAM

OCEANOGRAPHY

As stated in the IBWC Final EIS, the review of the Tijuana wastewater data indicated that several constituents, including aldrin, dieldrin, DDT, tributyltin, toxaphene, chlordane and PCBs, would require initial dilutions much higher than 100/1 to meet State Ocean Plan standards. This conclusion assumed a 50% reduction of these constituents was attainable by secondary treatment at the IWTP.

The potential impact of the expected elevated toxics/heavy metal content of the treated Mexican effluent is considered potentially significant and not mitigated at this time. Total reliance on future source control in Mexico to pretreat wastewater prior to conveyance to the IWTP is not sufficiently guaranteed to occur such that the impact can be considered mitigated. Furthermore, if continued exceedance of State Ocean Plan standards due to Mexican effluent were to be detected and violations were cited in the United States by state/local regulatory agencies, remedial action in response to the violation would be difficult to implement.

Due to dilution at the diffusers, the selected length of the ocean outfall, proposed chlorination, the studied transport characteristics of the ocean currents including the South Bay gyre, and the proposed secondary-level of treatment at the planned IWTP and the proposed City plants, there would not be a significant effect to the ocean environment outside the immediate area of the outfall diffusers.

HYDROLOGY/GROUNDWATER IMPACTS

The potential toxicity of groundwater found at the tunnel shaft entrance must be considered a significant impact. Due to the features of the project design including the initial ground freezing of the shaft location, these impacts will be reduced to below a level of significance. The initial ground freezing is expected to seal the tunnel shaft as it is being dug and will minimize groundwater intrusion through the shaft walls.

The Draft EIR concurs with the determination of the IBWC Final EIS that no significant adverse effects on groundwater recharge are expected.

CALENDAR PAGE	124.22
MINUTE PAGE	000295

The impact of liquids released off-site from the proposed tunnel muck washing and from muck storage during periods of rain is potentially significant when considering the location of the western storage area to riparian habitat.

MITIGATION MEASURES AND REPORTING

No runoff from the staging area should drain off-site. Adequate temporary, perimeter drainage control shall be designed and placed on all construction drawings and/or plans.

Tunnel muck stored on site prior to cleaning shall be covered in the event of rain.

Tunnel muck kept on site prior to cleaning shall be stored in a lined area such as to prevent percolation into the groundwater.

CULTURAL RESOURCES IMPACTS

Nineteen sonar detected targets were determined by the ROV survey to be not significant.

Three sonar detected targets of the 22 targets (Number 9 and Numbers 10/11) are assessed as cultural objects but remain unidentified due to poor underwater visibility. Because these objects could not be identified or fully evaluated, they are considered as potentially significant.

No prehistoric sites, localities, features, artifacts, or areas of sensitivity were detected or recorded by this marine archaeological study.

The siting of this 7-acre, eastern staging area with a sufficient buffer will avoid any significant effect to the known archaeological site.

MITIGATION MONITORING AND REPORTING

The one magnetic anomaly and the three targets considered potentially significant, will be avoided. The exact location of these targets have been accurately plotted. They will be clearly shown on construction drawings as areas to avoid. If avoidance proves to be not feasible during construction, these targets will be further evaluated prior to any disturbance.

BIOLOGICAL RESOURCES IMPACTS

Marine Biology - This DEIR concurs with the IBWC Final EIS determination that dredging/side casting for diffuser and seafloor outfall pipeline construction are not considered significant because the temporary turbidity only affects individuals of benthic animals and fish, but does not affect whole populations of any one marine species.

If winter months work stoppage does not occur due to expected inclement weather, potential interference of offshore construction may cause a significant impact on the migration of the gray whale.

Potential nearshore turbidity cause by the dewatering effluent pipeline discharging to the surf may cause a significant impact to the foraging least terns.

Terrestrial Biology - Southern portion of the western staging area is adjacent to the narrow willow-riparian habitat/drainage of Goat Canyon. The use of this portion of the staging area may cause significant runoff and sedimentation impacts to the immediate riparian area.

There is a very slight possibility that the endangered Pacific pocket mouse may occupy the newly proposed expansion area of the western staging area. If the mouse is detected detected in the forthcoming spring survey, even the temporary use of its habitat as a staging area would be a significant impact.

The construction noise impacts on the endangered least Bell's vireo and the threatened California gnatcatcher are potential significant impacts.

MITIGATION MEASURES AND REPORTING

Ocean Outfall Construction Related Measures - All project barges will be required to carry absorbent materials for use in case of a fuel or oil spill and the crews will receive training in the use of these materials. Significant impacts of solid waste discharge is considered mitigated to below a level of significance because workers will receive training about existing laws prohibiting ocean disposal of solid waste and will be required to adhere to these regulations.

The USCG will issue a Notice to Mariners announcing the commencement of outfall construction activities and the location of the outfall.

If seasonal stoppage of construction occurs, potential effects on the gray whale migration will be avoided.

However, if ocean construction occurs during period, appointed whale monitors shall be required.

whale migration	124.24
CALENDAR PAGE	
MINUTE PAGE	000297

supply and worker transport vessels. The appointed monitor will be assigned no other duty than to watch for possible confrontations with whales and to alert the pilot of any potential encounters. A log shall be kept on each vessel with written notations of results of each monitored trip by the assigned monitors. Any incident with whales shall be reported to the proper authorities. A letter report of incidents shall be provided upon request to the City's Development and Environmental Planning Division.

Tunnel Access Shaft/Western Staging Area Measures - Coastal sage scrub habitat adjacent to the staging/tunnel shaft construction area shall be surveyed prior to the initiation of construction to locate territories of any gnatcatchers in the vicinity. Any gnatcatchers located shall be monitored once per month for the tunnel construction. Observations relating to the location of the territory, breeding activities, and movement patterns shall be recorded

Sufficient buffer area from certain staging area activity shall be delineated, if determined to be necessary, by the gnatcatcher territorial survey results.

Lights used during construction or operation of the IWTP shall be properly shielded and directed away from the coastal sage scrub (CSS) habitat adjacent to the site in an effort to minimize the illumination of the habitat.

Observations of the behavior of the California gnatcatcher shall be made by a qualified biologist during the construction of the tunnel access shaft.

Noise levels reaching the least Bell's vireo (LBV) and CCG habitat adjacent to the tunnel staging area shall be reduced by the installation of commercially available temporary noise curtains (20 feet in height) around the north, west and south perimeters of the tunnel access shaft. All available measures shall be employed to reduce construction noise reaching vireo habitat to meet the threshold 60 dBA level.

The tunnel access shaft is located in an open field approximately at the interface zone between riparian vegetation and salt marsh. The least Bell's vireo habitat located immediately north-west of the entrance shaft across Monument Road, will need to be carefully monitored.

Dewatering - If there is a need for near surface dewatering, and this activity impacts the quality or quantity of this habitat, the health of the habitat will be maintained through surface irrigation during construction of the project.

Surface turbidity shall be monitored on a daily basis when de-watering operations are occurring

The placement of a dewatering/muck washing pipeline associated with tunneling of the SBTOO shall occur during the non-nesting season of western snowy plover and California least tern (e.g. September 16 to March 14)

Pacific pocket mouse - The expanded western staging area will be surveyed for the presence of the pocket mouse in April, 1995. Results of this survey will be included in the Final EIR. If this endangered species is detected, avoidance of its habitat will be assured in the use of the western staging area or by the relocation of the staging area.

Reporting Program - Monthly monitoring reports to be prepared and submitted to the IBWC and the City's Development and Environmental Planning Division by the monitoring biologist that summarizes the observed behavior patterns of the gnatcatcher. Biannual reports shall be submitted to the USFWS detailing the results of the construction monitoring.

PUBLIC SAFETY IMPACTS

Due to the relative high volume of sodium sulfite needed to be handled for dechlorination of the treated wastewater from both the planned federal treatment plant and the proposed City plant, potential impacts of accidental release of liquid sodium bisulfite in the sensitive vicinity of the proposed dechlorination building is considered potentially significant. Due to lack of specific project design and/or facility operation, this significant public safety impact is considered not mitigated at this time.

LAND USE/RECREATION IMPACTS

While the proposed construction method of tunnel under the estuary would result in no direct effects, the use of the tunnel access/western staging area and use of Monument Road by construction-related vehicles for over one and one-half years may pose a potentially significant impact on access to recreational opportunities in the state park and estuarine preserve. Construction at the western staging area with tall construction cranes, 20-foot high noise attenuation curtain, temporary parking lots for a maximum of 100 worker-vehicles may pose a temporary but potentially significant impact on users of the state beach or visitors to the estuarine sanctuary.

CALENDAR PAGE	124.26
MINUTE PAGE	000299

The siting of permanent structures associated with the ocean outfall such as the dechlorination building near the terminus of Monument Road in the proximity of the state park and estuarine preserve may pose a significant impact.

MITIGATION MEASURES AND REPORTING

Access to the Border Field State Park and the Tijuana River National Estuarine Sanctuary via Monument Road shall remain open and passable to the public at all times. The state park and estuary interpretative center shall be notified of any prolonged closure/restriction of access to the state park and/or the estuarine sanctuary.

After the construction of the tunnel outfall and associated facilities, the western staging area will be revegetated with native plant species such that the transition from upland to riparian area which previously existed is restored. This would aid in returning this area to a more compatible condition with the habitat management and estuary preservation plans and future park uses in the Tijuana River Valley.

Due to the proximity of the state park and estuarine preserve, all permanent structures shall incorporate architectural treatment, heavy landscaping to screen the site, and other site planning techniques to reduce potential land use incompatibilities.

NOISE

This DEIR concurs with the IBWC Final EIS that noise from the construction of the ocean outfall would not exceed allowable City standard of 75 dBA L_{eq} at the nearest sensitive human receptors and impacts would not be considered significant.

Nighttime ambient noise levels in the vicinity of the tunnel access shaft will increase significantly for the projected 11 months of tunnel mining operation. However, due to the lack of sensitive human receptors within the project vicinity, the expected short-term duration of the operation, and the proposed sound attenuation curtains, nighttime noise impacts would not be considered significant.

Noise impacts to sensitive wildlife in the estuary are discussed in Biological Resources section.

MITIGATION MEASURES AND REPORTING

The 20 feet high noise attenuation curtain around the north, south and west sides of the access shaft site is expected to reduce the tunnel mining noise by 20 dBA.

See Biological Resource section for mitigation measures to reduce construction noise impacts on sensitive species in the project vicinity.

VISUAL IMPACTS/AESTHETICS

The short-term construction impact would not cause a lasting significant visual effect in the project vicinity.

Any permanent structure on the project site such as the dechlorination building may pose a significant visual impact to the estuarine preserve

MITIGATION MEASURES AND REPORTING

Permanent structures in the vicinity of tunnel access shaft should be designed to reduce visibility of the facilities from travellers to the state park and estuary to visually blend with colors of the natural landscape.

After the use of the western staging area, all non-built, disturbed areas which are not used for facility access should be revegetated with native plant materials to attempt to restore the transition from upland to riparian area. Revegetation will include a seed mix and container plantings at densities similar to adjacent natural areas.

Structures, parking lots, and other facilities shall be visually screened by the addition of container-planted trees, shrubs, and other vegetation. The intent is to reduce the visibility of the project facilities as seen from Monument Road, the sanctuary and the state park.

ODOR IMPACT

Due to the relative high volume of sodium sulfite needed to be handled for dechlorination of the treated wastewater from both the planned federal treatment plant and the proposed City plant, potential odor impact of accidental release of liquid sodium bisulfite in the sensitive vicinity of the proposed dechlorination building is considered potentially significant. Due to the lack of specific project design and/or facility operation, the significant odor impact is considered to be not mitigated at this time.