

EXHIBIT C – San Diego Association of Government’s Regional Beach Sand Project II

STATEMENT OF FINDINGS

INTRODUCTION

These Findings address the environmental impacts identified in the Environmental Assessment/Final Environmental Impact Report (EA/FEIR) prepared for the San Diego Association of Governments (SANDAG) Regional Beach Sand Project II (Project) (State Clearinghouse No. 2010051063). The Project involves SANDAG coordinating with the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, San Diego, and Imperial Beach as well as other local, state, and federal agencies and organizations on the Regional Beach Sand Project (RBSP) II. SANDAG is entering into a new 5-year lease of California sovereign land offshore of the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, San Diego, and Imperial Beach, San Diego County, California. A new 5-year lease, if granted, would allow SANDAG to continue to dredge sand and enhance the local beach community areas through August 31, 2016. The proposed action would serve four main functions: (1) to replenish the three littoral cells in the San Diego region and receiver sites with suitable beach sand; (2) to provide enhanced recreational opportunities and access at the receiver sites; (3) to enhance the tourism potential of the San Diego region; and (4) to increase protection of public property and infrastructure.

The California State Lands Commission (CSLC) is making these Findings pursuant to the State California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations [CCR], section 15091(a)),¹ which states in part:

No public agency shall approve or carry out a project for which an EIR has been certified 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 of each finding.

There were no significant environmental impacts of the proposed Project identified in the EA/FEIR. Implementation of Project Alternative 2-R, identified in the EA/FEIR, would not result in any long-term significant direct or indirect effects because project design features have been incorporated into the project to avoid impacts. Monitoring requirements were included as part of the project and incorporated into the document. The significance of each impact is classified according to the definitions shown in Table 1.

¹ The State CEQA Guidelines are found in Title 14 of the California Code of Regulations (CCR), commencing with section 15000.

Table 1. Definitions of Impact Classes (I-IV) Used in the Project EIR

Class	Definition	Findings Required
I	Significant adverse impact that remains significant after mitigation	Yes
II	Significant adverse impact that can be eliminated or reduced below an issue's significance criteria	Yes
III	Adverse impact that does not meet or exceed an issue's significance criteria	No
IV	Beneficial impact	No

Pursuant to CEQA Guidelines section 15091(a), Findings were not made for significant impacts (i.e., Class I or II) as there were no significant impacts identified in the EA/FEIR. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental impact as identified in the EA/FEIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce any mitigation discussed within each type of impact that could result from project implementation. However, under the CEQA (Public Resources Code [PRC] section 21081.6), the CSLC, as a CEQA Responsible Agency, has the responsibility to ensure that the Lead Agency adequately and completely monitors any mitigation measures contained are effectively implemented on State sovereign lands. This project does not have mitigation measures therefore eliminating the need for a mitigation monitoring program and further findings.

Other specified State, local, regional, and federal public agencies include, but are not necessarily limited to the following:

- California Department of Fish and Game (CDFG);
- California Coastal Commission (CCC);
- San Diego Regional Water Quality Control Board (SDRWQCB);
- San Diego County Air Pollution Control District (SDCAPCD);
- National Oceanic and Atmospheric Administration (NOAA) Fisheries;
- U.S. Army Corps of Engineers (USACE);
- U.S. Coast Guard (USCG);
- U.S. Environmental Protection Agency (EPA);
- U.S. Fish and Wildlife Service (USFWS);

A summary of the potential environmental effects for each issue in the California Environmental Quality Act (CEQA) Environmental Checklist (Appendix G of the CEQA Guidelines) is provided below. Each issue area was analyzed in the EA/FEIR.

Geology and Soils

After placement of sand onto a receiver site, the existing beach area north and south of the receiver site would widen as a result of long shore and cross-shore spreading. No long-term significant impacts to coastal geology are anticipated due to sediment transport or the incremental temporary increased sediment thickness at the existing, seasonal offshore sandbar. No significant geology and soils impacts are anticipated to occur at the borrow sites, as the proposed dredging activities would remove sand from borrow sites outside (deeper than) the depth of closure and place sand within the three littoral cells. New sand would be introduced to the system. As such, the borrow sites would not intercept sand that typically rebuilds beaches in the summer. Accordingly, no mitigation measures would be necessary as stated in Section 4.1 of the EA/FEIR.

Coastal Wetlands

Turbidity plumes would be localized near the receiver site boundaries; if project-related turbidity enters any of the various lagoons, particulate concentrations would be low given the distance to the lagoon and rapid settling rate of the predominantly sandy material. Impacts would not be significant. Potential sedimentation due to project implementation is anticipated and predicted based on a methodology developed in coordination with the lagoon entities concurrent with release of the Draft EA/EIR for public review. Design features and monitoring commitments were incorporated into the project to ensure no significant impacts (refer to Section 4.2 of the EA/Final EIR).

Water Resources

None of the fill material would exceed criteria established in the Basin Plan for bacteria, dissolved oxygen, contaminants and sulfides, nutrients or pH, and there would be no impacts associated with placement of fill material at the receiver sites. Based on the relatively localized nature of the dredge turbidity plumes and rapid diluting capacity of the open ocean, turbidity would not result in significant impacts to water quality at any of the borrow sites. Due to the localized nature of turbidity plumes, and the presence of training dikes, there would be no significant impacts to water quality at the receiver sites. This assessment is supported by Section 4.3 of the EA/Final EIR. Water quality monitoring would be required as part of the Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification Order. Design features and monitoring commitments were incorporated into the project to ensure no significant impacts occur.

Biological Resources

There would be no significant direct impacts from sand placement as sensitive resources (vegetated hard substrate) have been avoided by design and non-sensitive biological resources (such as benthic invertebrates) at the receiver sites are adapted to seasonal burial and would quickly recolonize. A monitoring program has been designed for the period of sand placement to ensure that no significant impacts occur to grunion (see below). There would be no significant indirect impacts due to turbidity and no

significant impacts to the California least tern or western snowy plover with implementation of specific design features, and because each receiver site has unaffected shoreline nearby to allow for foraging.

A risk of partial sedimentation to 0.1 acre of hard substrate with surfgrass has been identified at Batiquitos, with minimal areas at risk of sedimentation at Solana Beach and Torrey Pines. No burial of surfgrass for extended periods of time is anticipated. No burial or partial sedimentation of kelp beds is predicted. Under the worst-case, partial sedimentation is predicted on up to 1.26 acres of reefs with sensitive indicators and burial of up to 1.1 acres of such reef also could occur. Sedimentation would not result in significant, long-term indirect impacts because surfgrass is morphologically adapted to withstand shifting sand movement with long shoots that can extend above a variety of sand depths and are protected from sand abrasion by fibrous sheaths.

Dredging would impact up to 275 acres of surface area, which is less than 2 percent soft-bottom habitat on the inner shelf within the local region. Biota in these locations would recover quickly and the impact would not be significant. Dredging would create localized turbidity plumes but buffers have been provided between the dredge area and marine resources (i.e., artificial reefs) and the amount of turbidity reaching reefs would be expected to be within normal ranges. There would be no significant impacts. This assessment is supported by Section 4.4 of the EA/FEIR.

Cultural Resources

While the borrow sites have been designed to avoid locations of high probability for cultural resources, there are sediments of low to moderate probability for archaeological sites within the dredge footprint of the borrow sites. A monitoring program will be designed to identify archaeological sites during dredging activities, and avoidance measures implemented as warranted, and referenced in Section 2.5 of the EA/Final EIR.

Land and Water Use

The project would result in a beneficial impact by enhancing/creating new recreational beach area, totaling 181.3 acres (new area post-construction). There would not be significant, long term impacts to surfing or other recreational pursuits. Some temporary incremental sediment accumulation is anticipated in reef areas, however, natural transport processes move sediments through these reef areas under normal conditions. Changes in the formation of offshore sandbars are a naturally occurring event, and there are seasonal periodic changes to surfing localities. Due to the short-term nature of dredging and distance from underwater resources, no significant long-term impacts are anticipated at the borrow sites. The replenishment action would not preclude the viability of any planned land use, either onshore or offshore. This assessment is supported by Section 4.6 of the EA/FEIR.

Aesthetics

Sand placement operations would be short-term overall, and the daily construction area would travel down the beach, which would reduce the visual contrast to any one

sensitive viewer. In addition, the end result would be enhancement of the region's beaches, and the visual impact would be considered less than significant. Any discoloration of the sediment would be short term (USACOE, 1984) and no permanent adverse visual conditions would result from the discoloration of fill materials at any of the receiver beaches. Dredging activity at the borrow sites would not be highly evident or dominate the landscape, and the impact would not be regarded as significant. This assessment is supported by Section 4.7 of the EA/FEIR.

Socioeconomics

There would be no significant direct impacts to the commercial fishery as a result of area preclusion of fishing effort. This conclusion is based on the distribution of the commercial catch among fish blocks along the coast, and the relatively low contribution of the North County area, where most dredging and sand placement would occur, to the overall area fishery. Also, there would be no long-term damage to target species populations as a result of sedimentation of nursery habitat areas for commercial species.

In terms of the regional fishery, there would be no significant impact to the overall fishery. Individual lobster fishermen and, to a lesser extent, urchin and live trap (primarily crab and sheephead) fishermen may experience temporary localized effects from short-term displacement from favored small area fishing locations. Nursery habitat may experience short-term localized effects but the relative size of potentially affected areas would be small compared to the overall available habitat. Impacts to help harvesting activities would be less than significant, as noted above. Impacts to sport fishermen and divers will be less than significant. Short-term effects may be experienced by dive operations in the "Wreck Alley" area off of Mission Beach during dredging operations at the adjacent borrow site, and there may be temporary effects to sport fishing and diving resulting from localized turbidity plumes at borrow and receiver sites, but not at significant levels. Design features and coordination commitments were incorporated into the project to ensure no significant impacts occur. This assessment is supported by Section 4.8 of the EA/FEIR.

Public Health and Safety

During beach replenishment operations, safety measures would be implemented in the vicinity of the receiver beaches, including fencing, barricades, and flag personnel, as necessary. SANDAG would coordinate with the respective jurisdiction to temporarily relocate nonpermanent lifeguard towers during construction. Near permanent lifeguard towers, the line-of sight from tower viewing platforms would be preserved. Sediment characterization analyses confirmed that replenishment material is clean beach-quality material and would not pose a threat to public health and safety. Beach fill would not be placed above the height of the existing beach berm so increased scarp heights would not occur. For vessel safety, an approximate 300-foot-radius buffer area would be established around the mono buoy in offshore waters and a buffer area would be maintained around the dredge offshore waters, to allow proper anchoring and pump line operation, and the anchoring area would be included in the Notice to Mariners, which is overseen by the U.S. Coast Guard. Design features and coordination commitments

were incorporated into the project to ensure no significant impacts occur, as stated in Section 4.9 of the EA/FEIR.

Structures and Utilities

At all receiver sites, any sand placed around storm drain outlets would be dug out to allow proper drainage. The bottom of public stairs and public access ramps may be covered by the fill, which would tend to stabilize the stairways. Sand at the base of lifeguard towers would provide additional protection against storm surge damage and would temporarily benefit the lifeguard towers. Design features were incorporated into the project to ensure no significant impacts occur. Overall, as stated in Section 4.10 of the EA/FEIR, impacts would be less than significant.

Traffic

Beach replenishment activities would not significantly affect traffic, as the project would generate very few trips. Personnel would park in public parking areas and would not create significant parking impacts given the small size of the land-side beach construction crew (approximately 12 persons). There would be no significant impacts to traffic. This assessment is supported by Section 4.11 of the EA/FEIR.

The replenishment of receiver sites where there is currently little sand could make these locations more attractive to both residents and tourists, and it are expected that traffic could increase accordingly. The use of parking also would increase. Traffic and parking congestion at beaches are an accepted occurrence, and it is not common practice to design infrastructure to accommodate these peak loads. Additionally, the relatively limited amount of sand placed at an individual receiver site is predicted to remain noticeable at the beach for an average of four to five years (as shown in Table 4.1-1 of the EA/FEIR). This would reduce the long-term attractiveness of a site relative to other nearby locations, or to its condition prior to project implementation. The long-term impact of the proposed beach sand replenishment on traffic and parking would not be significant.

Air Quality

The sand being disturbed would be damp as it is spread on the beach. Therefore, the potential for dust generation would be very low, and impacts would be less than significant. The emissions of CO, ROC, and NO_x from dredge and construction equipment would be less than the General Conformity de minimis thresholds, and less than 10 percent of the area's annual emissions forecast. Therefore, the proposed action is presumed to conform to the State Implementation Plan (SIP), and a formal conformity determination is not required. Emissions would not expose sensitive receptors to pollutant concentrations. Air quality impacts would be less than significant, as supported by Section 4.12 of the EA/FEIR.

Noise

While dredging activity and placement of the conveyor pipe and sand distribution at the receiver sites would generate noise; the impact would be less than significant. Nighttime and weekend work at receiver beaches would be performed under a noise variance or

equivalent from each local jurisdiction where required. Residents of homes near the receiver sites would be notified prior to the work, and work would occur for no more than three consecutive days within 200 feet of an individual home. This assessment is supported by Section 4.13 of the EA/FEIR.

Greenhouse Gas Emissions

While construction-related emissions would occur as a result of implementation of the proposed project, emissions from the proposed project activities are well below the metric provided by the Council on Environmental Quality (CEQ) and do not require additional analysis. The project's Greenhouse Gas (GHG) emissions would not have a significant impact, either directly or indirectly, on the environment and would not conflict with California's GHG reduction goals and strategies of Assembly Bill 32 (2006). The replenishment would act as a buffer against increasing sea level rise, which would increase the receiver sites' resiliency to sea level rise, but only in the near-term. No significant impacts from GHG emissions are anticipated through implementation of the project as supported by Section 4.14 of the EA/FEIR.

Agricultural Resources

This project would not convert farmland to nonagricultural use, nor would this project conflict with the existing agricultural zoning, as there is no farmland in the project area. No changes to the existing environment that could result in conversion of farmland to nonagricultural use will occur. No agricultural land would be affected under the proposed project, as stated in Section 6.5 of the EA/FEIR.

Hazards and Hazardous

No hazards would be created and no hazardous materials would be emitted or used for the proposed project. The proposed project would not contribute to the formation of scarps, and sand would not be placed above the height of any existing beach berm. No replenishment sites are included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. No impacts due to hazards or hazardous materials would occur under the proposed project, as stated in Section 6.5 of the EA/FEIR.

Mineral Resources

Testing of subsurface deposits indicate that no known mineral resources would be affected by the proposed project, as stated in Section 6.5 of the EA/FEIR.

Population and Housing

The proposed project would not induce substantial population growth, displace existing housing, or displace people, as stated in Section 6.5 of the EA/FEIR.

Public Services

No public services (including police and fire protection), facilities, or infrastructure (including parks and schools) would be affected by the proposed dredging and beach replenishment operations, as stated in Section 6.5 of the EA/FEIR.

MONITORING

Monitoring requirements have been incorporated into the project to reduce the potential for significant effects, as stated in Section 2.5 of the EA/FEIR. The requirements include preconstruction monitoring and/or training for beach conditions, near shore biological resources, grunion, marine mammals and turtles, Pismo clams, and cultural resources. The requirements also include monitoring during construction to verify water quality within 401 permit parameters, minimize construction in areas of spawning grunion, implement a Marine Mammal and Turtle Contingency Plan, protect California least tern and western snowy plover foraging and nesting sites, and avoid significant archaeology impacts during dredging activities. Post construction monitoring would be primarily focused on physical profile monitoring

EA/FEIR FINDINGS

Findings were made for the project based on the information contained in the EA/FEIR for the Project, as well as information provided by SANDAG and gathered through the public involvement process, all of which is contained in the administrative record. References cited in these Findings can be found in the EA/FEIR, Section 9.0, References. The administrative record is located in the Sacramento office of the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.