CALENDAR ITEM
C31

A 70, 72, 73 08/09/16
W 26927
S 34, 36 K. Foster

GENERAL LEASE – DREDGING

APPLICANT:
Orange County Flood Control District
300 North Flower Street
Santa Ana, CA 92703

PROPOSED LEASE:

LAND TYPE AND LOCATION:
Sovereign land in the lower Santa Ana River and the Pacific Ocean, in the cities of Seal Beach and San Clemente, Orange County.

AUTHORIZED USE:
Maintenance dredging in the lower Santa Ana River in the city of Seal Beach, and deposition of dredged materials at a receiver site at North Beach in the city of San Clemente.

LEASE TERM:
Five years, beginning August 9, 2016.

CONSIDERATION:
The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:
Lessee is authorized during the term of the Lease to deposit up to 100,000 cubic yards of dredged materials from the Project at the North Beach receiver site, and shall coordinate with the City of San Clemente to meet all the criteria for such placement pursuant to Lease No. PRC 8567.9, a General Lease – Public Agency Use, for the San Clemente Opportunistic Beach Replenishment Program.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301;
California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The Orange County Flood Control District (Applicant) began conducting maintenance dredging activities in the lower Santa Ana River in 1990 to improve flood control capacity, and due to ongoing sediment deposition has continued to conduct dredging activities periodically since that time in order to ensure flood protection. The U.S. Army Corps of Engineers has estimated that the river requires periodic maintenance dredging approximately once every 18 years. The last dredging cycle occurred approximately 10 years ago, but did not remove sufficient material to restore the river bottom to a previously-engineered design grade.

The Applicant's current proposed dredging project is intended to re-establish approximately 3.5 miles of the lower Santa Ana River to its original design grade by dredging up to 1.1 million cubic yards of sediment. A relatively small portion of that material would be removed from sovereign land at the river mouth, with a majority of the material removed from the river channel upland and outside of the Commission's jurisdiction.

Dredged material suitable for placement on the beach for sand nourishment purposes would be deposited on several local beaches, including five sites within Huntington Harbour in the city of Huntington Beach, two sites in and near Newport Harbor in the city of Newport Beach, and one site at North Beach in the city of San Clemente. Only the mouth of the Santa Ana River and the North Beach site are located within the Commission's jurisdiction. The Huntington Harbor sites are located at small neighborhood beaches adjacent to artificial channels cut within the Huntington Harbour community, and the Newport Harbor sites are located within a legislative grant to the city of Newport Beach pursuant to Chapter 74, Statutes of 1978, and as amended.

The North Beach receiver site in the city of San Clemente (City) is currently included in the City of San Clemente Opportunistic Beach Replenishment Program (Program) under Lease No. PRC 8567.9, a General Lease – Public Agency Use authorized by the Commission on April 5, 2016. The Program, as its name implies, seeks opportunities to

deposit sand on the City's public beaches, and has established a limit for sand deposition at North Beach of up to 125,000 cubic yards per year. The Project proposes to place up to 100,000 cubic yards of sand at North Beach in a one-time event. The Applicant will coordinate with the City to ensure that the volume cap for the site is not exceeded, and will comply with the Program's reporting requirements to ensure that the material being placed is suitable for the site. Although the North Beach deposition would be a one-time event, a 5-year term is proposed due to uncertainties in the Applicant's construction schedule with respect to anticipated beginning and ending dates for overall lease activities.

Southern California beaches are narrowing due to various factors, including sea level rise and a sand supply deficit. By utilizing materials dredged from the Santa Ana River, which would otherwise be a natural source of sand for beaches in Orange County, the Project would help to maintain or expand public beaches, thereby enhancing recreation and supporting increased public access to the surrounding region. A public beach access trail and a concession/public restroom building exists at the North Beach site, which promote the public's recreational opportunities along the beach.

The proposed lease does not substantially interfere with Public Trust uses, and is for a limited 5-year term. The dredging component of the Project is intended to promote public health and safety by minimizing flooding threats. The beach nourishment component of the Project would use a local sand source to augment area beaches, thereby increasing public access and recreational opportunities.

For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the State's best interests.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has the right to use the uplands adjoining the lease premises.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to protect, expand, and enhance appropriate

public use and access to an along the State's inland and coastal waterways.

3. **For Santa Ana River Mouth Dredging:** A Supplemental Environmental Impact Statement prepared by the U.S. Army Corps of Engineers was used by the Orange County Flood Control District as a California Environmental Quality Act (CEQA) equivalent document and approved on November 28, 1989, and an Addendum was prepared by the Orange County Flood Control District and approved on April 29, 2016, for this Project. The California State Lands Commission staff has reviewed such documents.

   A Mitigation Monitoring Program was adopted by the Orange County Flood Control District.

   Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

4. **For Deposition of Dredging Spoils on North Beach:** A Mitigated Negative Declaration, State Clearinghouse No. 2002081044, and Mitigation Monitoring Program was prepared by the City of San Clemente and adopted on October 7, 2003, for this Project. Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of CEQA (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

   As part of the Commission's approval of the Project on October 6, 2004, and June 28, 2010, the Project relied on the same environmental document, and the Commission adopted the Mitigation Monitoring Program, as contained in Exhibit C of Calendar Item 35 at the October 6, 2004, Commission meeting (http://archives.slc.ca.gov/Meeting_ Summaries/2004_Documents/10-06-04/Items/100604C35.pdf).

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

California Coastal Commission
California Regional Water Quality Control Board
U.S. Army Corps of Engineers

EXHIBITS:

A. Land Description
B. Site and Location Map
C. Mitigation Monitoring Program
D. CEQA Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

For Santa Ana River Mouth Dredging: Find that a 1988 Supplemental Environmental Impact Statement prepared by the U.S. Army Corps of Engineers was used by the Orange County Flood Control District as a CEQA equivalent document and approved on November 28, 1989, and an Addendum was prepared by the Orange County Flood Control District and approved on April 29, 2016, for this Project, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

Determine that the Project, as approved, will not have a significant effect on the environment.

For Deposition of Dredging Spoils on North Beach: Find that a Mitigated Negative Declaration and a Mitigation Monitoring Program were prepared by the City of San Clemente and adopted on October 7, 2003,

for this Project and that the Commission has reviewed and considered the information contained therein.

A Mitigation Monitoring Program was adopted by the Commission on October 6, 2004 (www.slc.ca.gov).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the State's best interests.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Dredging to the Orange County Flood Control District beginning August 9, 2016, for a term of 5 years, for maintenance dredging in the lower Santa Ana River and deposition of dredge spoils at North Beach in the city of San Clemente as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

EXHIBIT A-1

W 26927

LAND DESCRIPTION

That certain parcel of tide and submerged lands adjacent to Fractional Section 19, Township 6 South, Range 10 West, San Bernardino Base and Meridian, in the County of Orange, State of California, described as follows: bounded on the north by the line of ordinary high tide of the Pacific Ocean; bounded on the east by the southwesterly prolongation of the westerly boundary of the City of Newport Beach, being also the southwesterly prolongation of the easterly line of Summit Street as per map of Seashore Colony Tract, recorded in Book 7, Page 25 of Miscellaneous Maps, in the Office of the County Recorder of said County; bounded on the northwest and southwest by a line described as follows: commencing at a point on the easterly line of Rancho Las Bolsas, as said line is shown on a map filed in Book 28, Page 17 of Record of Surveys in the Office of said County Recorder, said point being described on said map as "Fd.1" iron rod Sta. 4+28.35"; thence South 15°48'40" West along said Rancho line, 202.47 feet to a point described on said map as "Sta. 6+30.82 Set 1" I.P.", said point being also at the intersection of the southerly line of the Pacific Electric Railway Company right of way as shown on said map; thence North 53°58'30" West along said southerly right of way line, 4.46 feet; thence South 36°01'30" West, 374.00 feet; thence South 24°59'14" West, 650.00 feet; thence South 65°00'46" East to said southwesterly prolongation of the westerly boundary of the City of Newport Beach.

APPROVED

John D. Pavlik Date: 9/28/09

John D. Pavlik L.S. 5168
Expiration Date: June 30, 2011

PROFESSIONAL LAND SURVEYOR
JOHN DAVID PAVLIK
NO. 5168
Exp. 6/30/11
STATE OF CALIFORNIA

*The above description is a duplicate of that original description prepared by John D. Palvik, LS 5168 on 9/28/09 as found in PRC file 2171, Calendar Item 26 approved on 10/22/09.

EXHIBIT A-2

W 26927

LAND DESCRIPTION

A parcel of land situated in the City of San Clemente, County of Orange, State of California described as follows:

PARCEL 1 – (North Beach Receiver Site)

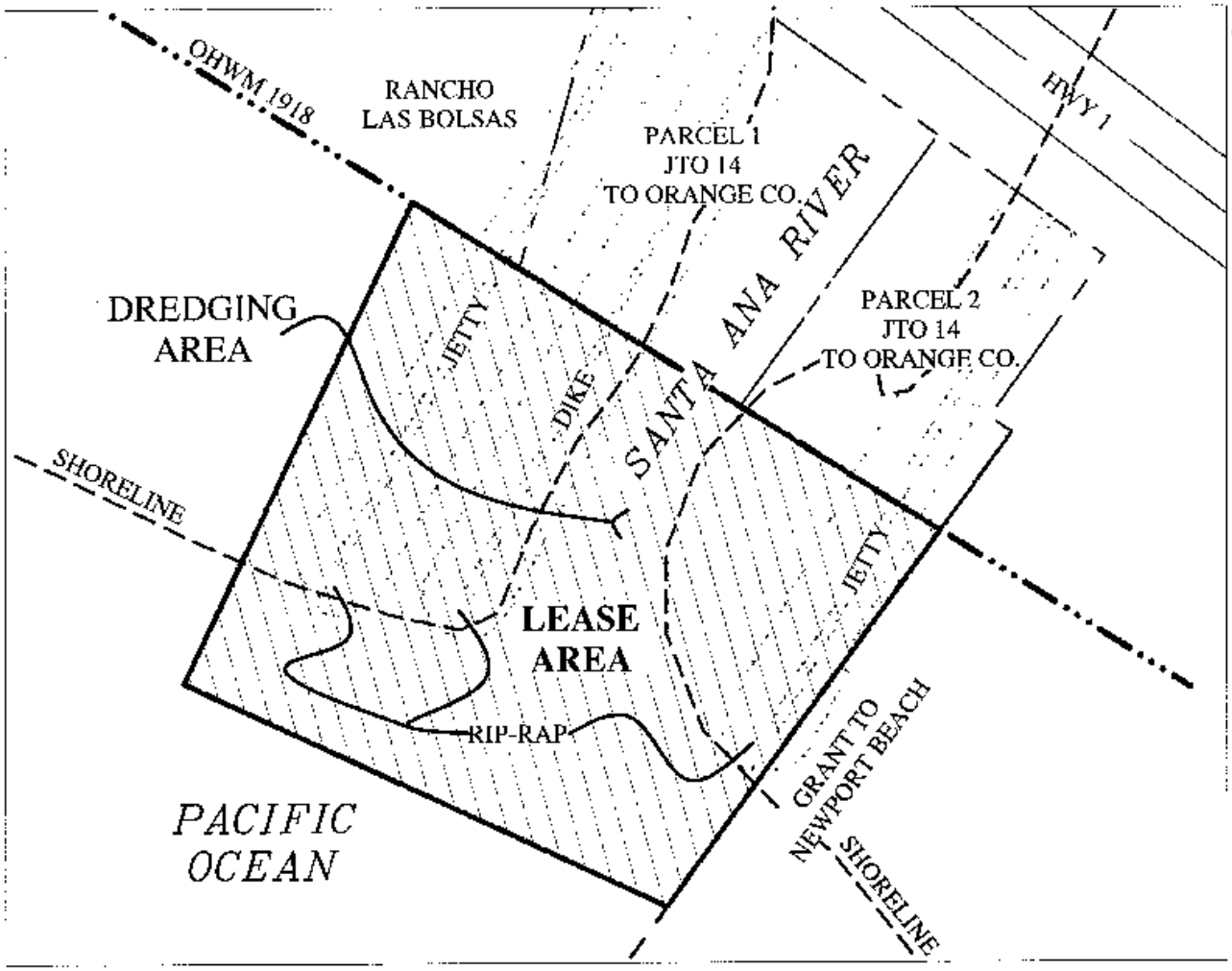
A 280 feet wide parcel of tide and submerged land in the Pacific Ocean lying adjacent to Tract 981 recorded in Book 31 of Miscellaneous Map Page 26, and Tract 793 recorded in Book 24 of Miscellaneous Map Page 1, Orange County Recorders Office, said parcel being bounded on the Northeast by the ordinary high water mark of said ocean; bounded on the Southeast by the prolongation of the most southwesterly line of the northwesterly right of way line of Dije Court; bounded on the Southwest by a line lying 280 feet southwesterly of and parallel with said ordinary high water mark; and bounded on the Northwest by the prolongation of the northwesterly line of Lot 17 of said Tract 981.

END OF DESCRIPTION

Prepared July 8, 2016 by the California State Lands Commission Boundary Unit

NO SCALE

SITE



Santa Ana River at the Pacific Ocean

NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

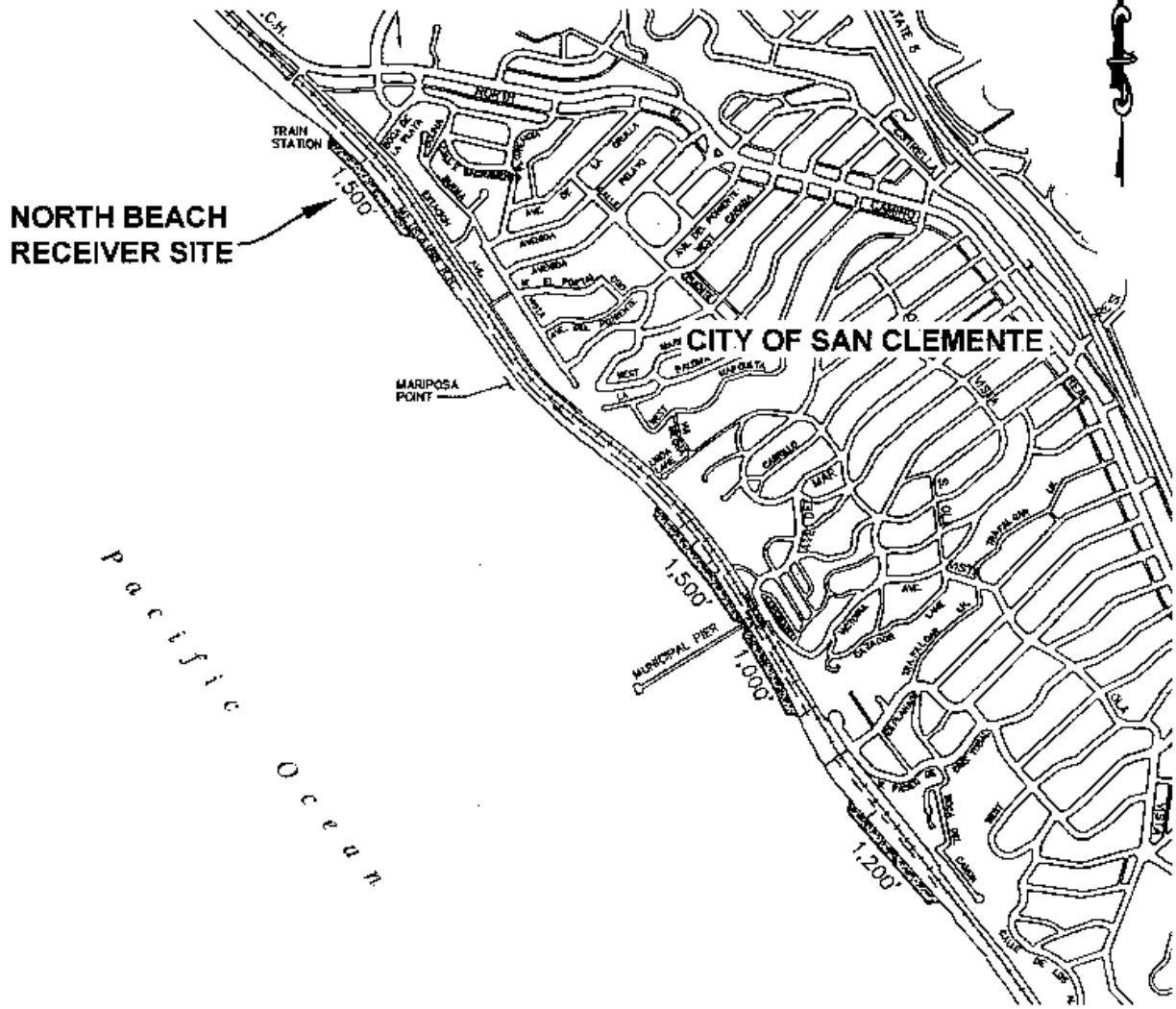
Exhibit B-1

W 26927
ORANGE CO. FLOOD
CONTROL DISTRICT
DREDGING LEASE-
ORANGE COUNTY

MTF 7/08/16

NO SCALE

SITE



NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B-2

W 26927
ORANGE COUNTY
FLOOD CONTROL DISTRICT
GENERAL LEASE -
DREDGING
ORANGE COUNTY

MJJ 07/08/2016

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

SANTA ANA RIVER MAINSTEM PROJECT PHASE II
(W26927)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Santa Ana River Mainstem Project Phase II (Project). The CEQA lead agency for the Project is the Orange County Flood Control District (OCFD) for Santa Ana River mouth dredging.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:[1]

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The U.S. Army Corps of Engineers prepared the Supplemental Environmental Impact Statement along with a Mitigation Measure Monitoring and Reporting for the whole of the Project under the National Environmental Policy Act. The lead agency has certified a Supplemental Environmental Impact Statement as a CEQA equivalent document, adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and adopted an Addendum and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP and the Resolution prepared by the CEQA lead agency and listed in Table C-1, including Attachment C-1 and C-2 are incorporated by reference in this Exhibit C. Table C-1 only includes the mitigation measures applicable to the mouth of the Santa Ana River on State sovereign land; Attachment C-1 includes the whole MMP. Attachment C-2 includes the 1989 Resolution of the Board of Supervisors, OCFD that includes additional mitigation measures adopted in OCFD Findings (see Exhibit D of this Calendar Item).

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[1] The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures for Lower Santa Ana River.

Potential Impact	Mitigation Measure (MM)[2]
Sedimentation/Water Quality	III. Lower River (page SEIS-VI-8) A. **Sedimentation (page SEIS-VI-8)** MM WQ-1-1: Employment of erosion control and slope stabilization methods, and a reseeding program will be implemented on excavated surfaces. MM WQ-1-3: Project compliance with State and Federal water quality permits. B. **Contaminant free sediment (page SEIS-VI-8)** MM WQ-3-1: Project compliance with State and Federal permits for channel dewatering. MM WQ-3-2**:** Soil material high in organic matter shall not be used for shore disposal. All non-suitable non-toxic materials shall be removed to a landfill or fill area. MM WQ-3-3 and WQ-4-1**:** Soil material from the marsh areas near the Santa Ana River mouth shall be treated on site to remove any oil or chromium prior to its use as fill or for beach replenishment. If this is not feasible, the material shall be disposed of in a designated landfill. MM WQ-3-4 and WQ-4-2**:** The suitability of required invert materials for placing on the beach shall be monitored during construction. MM WQ-3-6 and WQ-4-3**:** Only non-polluting natural sediment shall be deposited on the beach or in ocean. **Minimize turbidity (page SEIS-VI-8a)** MM WQ-3-7**:** Sand dikes shall be used for slurried beach replenishment. MM WQ-3-8**:** Increases in turbidity shall be monitored during construction. If impacts on California least tern are identified, appropriate measures shall be taken. These could include relocating beach deposition activities further south; ceasing beach replenishment and the placing of materials in the surf zone; ceasing of dredging during the nesting period of CA least tern.

[2] See Attachment C-1 and C-2 for the full text of each MM taken from the MMP and Resolution prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM)[2]
	MM WQ-3-9**:** If determined to be necessary as a result of monitoring during construction, the beach deposition point shall be relocated further south. **Maintain tidal opening for marsh (page SEIS-VI-9)** MM WQ-3-5**:** The design of the inlet at the mouth of the river is designed to improve tidal flushing. MM WQ-3-10**:** The tidal opening for the marsh shall be maintained.
Air Resources	III. Lower River (refers to I.D.) I.D.1. **Dust control (page SEIS-VI-3)** MM AR-1-1**:** Adequate dust control measures will be implemented during construction. These measures would include (but are not limited to) adequate watering (especially of haul routes) and use of biodegradable dust suppressants. I.D.2. **Air quality permit compliance (page SEIS-VI-3)** MM AR-1-2**:** All local and State permits related to construction activities shall be obtained. MM AR-1-3**:** All local, State, and Federal regulations and requirements related to construction-related dust emissions shall be followed. These may include baghouses or similar controls.
Noise	III. Lower River (refers to I.F.) I.F. **Time restrictions to nearby residences (page SEIS-VI-3)**
Biological	III. Lower River G.1. **Acquisition and restoration of Santa Ana salt marsh (page SEIS-VI-10)** MM BIO-5-1**:** Eight acres of mitigation lands will be acquired in the Santa Ana River Salt Marsh and 84 acres of enhancement lands for endangered (and other) species preservation shall be acquired at the Marsh. The combined 92 acres shall be restored. MM BIO-5-2**:** The marsh restoration plan shall include excavation of the existing marsh, recontouring, and planting of wetland plant species. Existing tidal channels will be deepened, and smaller "sprite" channels will be created in the upper

Potential Impact	Mitigation Measure (MM)[2]
	marsh area to ensure adequate soil saturation. Two todal gate locations will be constructed in the east side slopes of the Santa Ana River channel. An enlarged culvert constructed between the north and south sections of the marsh will also be constructed. MM BIO-5-3**:** Marsh excavation and settling of turbidity shall be completed prior to construction begins on the lower Santa Ana River channel. MM BIO-5-4**:** A biological monitoring program shall be conducted during restoration.

ATTACHMENT C-1

Mitigation Monitoring Program Adopted by the

Orange County Flood Control District

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
I. SEVEN OAKS DAM				
A. Sedimentation	Slope stabilization on roads, borrow areas, and other impacted soil.	Specify procedures. Implement. Environmental Compliance (EC) inspections.	Input into Plans & Specifications (P&S). During and after construction. Same as above.	USFWS concerns over mass movement.
B. Water Quality 1. Reservoir Pool	Monitor water quality upon filling.	Specify WQ analysis. Take and analyze samples.	Can wait until construction near complete. During and after initial filling of reservoir.	B.1. - B.4.: Need to assure pool water quality.
	Monitoring during operation.	Sampling for chemical and limnological parameters.	In pool and outlet. Months when water is present.	Corps regulations, EPA concerns.
	Control measures.	Selective withdrawal from different levels.	If and when anaerobic problems occur.	EPA concerns.
2. Turbidity	Design borrow areas to minimize turbidity. Controls such as settling basins.	Detailed design. Implement. EC inspections.	P&S input. During construction. During construction.	Regional Water Quality Control Board (RWQCB) concern. RWQCB regulations for dewatering and discharges.
3. Toxics	Leakproof areas--impervious aprons for lubrication and other toxic fluids. Leave no contamination.	Specify procedures. Design containment areas. EC inspections.	P&S input. P&S input. During, after construction.	Clean Water Act.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
4. Permits	Obtain and comply with all necessary water quality permits (Contractor responsibility).	Specify in P&S Implement requirements.	Design phase pre- and Pre- and construction phase.	
C. Recreation	(No recreation proposed.) Control access.	No action. Lock dam access gate.	Not applicable. After construction.	Request of USFS. Request of USFS.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
I. SEVEN OAKS DAM (Con't)				
D. Air Quality 1. Particulates (dust)	Control measures: Approved Approved dust suppressants; water dirt haul routes and excavation and deposition areas frequently.	Specify procedures. Implement. EC Inspections	P&S input. During construction. During construction.	South Coast Air Quality Management District (SCAQMD).
2. Permits	Obtain and comply with all necessary AQ permits.	Specify in P&S. Implement requirements.	Design phase. Pre- and construction phase.	SCAQMD dust control regulations.
E. Transportation & Utilities	Traffic control-flagman and signs as needed.	Determine specific measures. Coordinate with local authorities.	Input into P&S. P&S phase.	County guidelines and public concerns over traffic impacts.
	New Powerhouse No. 3	Environmental analysis, NEPA document. Detailed design Construction.	Before detailed design P&S (separate project). After construction of dam.	Southern Calif. Edison Company concerns, NEPA.
F. Noise	Time and day restrictions on noise near residences may be necessary.	Determine exact requirements. Write specs. EC inspection.	Before detailed design. P&S phase. During construction.	County and local noise ordinances.
G. Biological Resources: 1. Project habitat impacts a. Riparian, deer, other	(1a) Acquisition of Filaree Flats (139 acres) and Section 5 (649 acres) and transfer of title to USFS. Acquisition and riparian habitat improvement of 60 acres of Santa	Real estate purchases. Define land to be purchased. Purchase land. Input to O&M plans.	Agreements: before completion of final plans. Acquisition: prior to project construction.	(1.a. and 1.b.) USFS, USFWS, and CDFG, public concern. Fish and Wildlife Coordination Act. Endangered Species Act.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
I. SEVEN OAKS DAM (Con't)				
G. Biological Resources (cont'd)				
a. (Con't)	Ana River Wash between Greenspot Road and Seven Oaks Dam.		Habitat improvements: after construction activities at Seven Oaks Dam are complete.	
b. Endangered Species: Eriastrum	Acquisition of wash lands below Greenspot Road.	Final definition of purchase.		Endangered Species Act.
	Incorporation of endangered species management responsibilities for these acquired lands into the local cooperative agreement as part of the local sponsor's overall O&M responsibilities.	Purchase of land. EC inspections. Input to O&M plans.	Prior to Construction. Prior to Construction. Prior to construction. During, after improvements.	
2. Borrow Areas, Haul Roads, Access Roads	Seed (including Eriastrum seed) and contour for erosion control.	Detailed design. Implementation. EC inspections.	P&S phase. During, after construction. During, after construction.	Good engineering practice.
H. Palentological Resources	Monitor during excavation of Potato sandstone and gather samples if fossils present.	Arrange for paleontological monitor on site.	Before excavation begins.	NEPA; Reservoir Salvage Act. Archeologic and Historic Preservation Act.
I. Cultural Resources	Mitigation of National Register eligible sites.	Negotiate MOA-including mitigation program design.	Before and during P&S.	National Historic Preservation Act and requirements as to be specified in MOA.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
I. SEVEN OAKS DAM (Con't)				
I. Cultural Resources (cont'd)		Implement measures such as avoidance, long term preservation, interpretation programs, documentation, and data recovery excavation.	Before and during construction, depending on the type and timing of impact.	SHPO, Advisory Council on Historic Preservation requirements.
		EC inspections.	During mitigation actions.	
J. Esthetics	On downstream side of dam: esthetic colored or stained boulder placement.	Detailed P&S	During design phase.	USFS concerns over appearance of dam.
		Implementation.	Part of construction.	
		EC Inspection.	During and after implementation.	
II. PRADO DAM				
A. Sedimentation	See I. A.	See I. A.	See I. A.	See I. A.
B. Water Quality	See I. B.2,3,4.	See I. B.2,3,4.	See I. B.2,3,4.	See I. B.2,3,4.
C. Recreation	Recreation Use Plan.	Public comment.	Results in FSEIS.	Water Resources Development Act.
	Detailed recreation features as plans are designed by the Corps and local sponsors.	Cost-sharing and specific plan.	Deferred at present.	Local sponsors.
		Implementation.	Indefinite at present.	Cost-sharing agreements when signed, NEPA.
		Additional NEPA documents.	As needed.	

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
II. PRADO DAM (Con't)				
D. Air Quality	See I. D.1 and 2.	See I. D.1 and 2.	See I. D.1 and 2.	See I. D.1 and 2.
E. Transportation & Utilities.	Flagmen, dip crossings where needed.	See I. E.	See I. E.	See I. E.
F. Noise	See I. F.	See I. F.	See I. F.	See I. F.
G. Biological Resources				
1. Shrublands	Esthetic Treatment Plan. Change land use category of 32 acres to category 1 (lowest use). Protect mitigation area.	See II.J. Update Resource Use Plan. Input to O&M manual.	See II.J. Prior to future recreation plans. Prior to completion of construction.	See II.J. USFWS, CDFG, and public concerns. Fish and Wildlife Coordination Act.
2. Canada Geese	Phased use of borrow area #2. Mow geese habitat area. Esthetic treatment plan.	Input to, and review of construction plans & specs. Implementation. EC inspections.	During design phase. During construction period.	USFWS, CDFG, & public concerns. Fish and Wildlife Coordination Act.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
II. PRADO DAM (Con't)				
3. Oak Woodlands	Establishment of new oak woodlands near Prado Regional Park; replace 84 trees impacted by Hwy 71 dike at 4:1 ratio.	Confirm proposed site. Design site.	Prior to or during construction.	USFWS, CDFG, & public concerns. Fish and Wildlife Coordination Act.
	Irrigate and protect trees.	P&S input. EC Inspections.	During design. During construction.	
	Minimize impacts to oaks.	P&S input. Flag trees. EC Inspections.	During design. Prior to construction. During construction.	
	Protect mitigation area.	Input to O&M manual.	Prior to completion of construction.	
4. Riparian Woodlands	Avoid impacts to sycamore trees along north edge of borrow area #1.	P&S input. EC Inspections.	During design. During construction.	Fish and Wildlife Coordination Act.
5. Endangered Species	Establish 133 acres of willow woodland with understory above 505 ft elevation.	Establish site plan design and evaluation criteria. P&S input. Evaluate results-P&S input.	Prior to construction. During design. Annually for 5 years.	USFWS and public concerns over effects to Federally listed endangered species. Endangered Species Act.
	Set aside $450,000 for a monitoring program for least Bell's vireo and a management program for its pests.	Develop scope of work. Set up funding mechanism. Review annual reports.	Prior to construction. At onset of construction.	
	Protect replacement habitat.	Input to O&M manual.	Prior to completion of construction.	

Table SEIS-16. Environmental Comments

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
H. Palentological Resources	Monitoring during excavation of borrow site 1 and gather samples if fossils present.	Arrange for paleontologic monitor on site. Monitor.	Before excavation begins. During excavation.	See I. H.
I. Cultural Resources	Same as commitments under Seven Oaks Dam. (I. I.)	See I. I.	See I. I.	See I. I.

Table SEIS-16. Environment Commitments.

Resource Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
II. PRADO DAM (Con't)				
J. Esthetics	Stockpile topsoil from dike sites and borrow areas; reuse it. Seed and maintain downstream sides of 3 dikes with forbs and grasses. Contractor limit disturbance to previously designated areas. Esthetically reshape borrow areas and reseed with native shrubland, native wetland, or geese foraging species, as appropriate. Scarify haul roads when retired from use.	P&S input. EC Inspections.	As individual project segments are completed.	USFWS, CDFG, & public concerns. Fish and Wildlife Coordination Act.
III. LOWER RIVER				
A. Sedimentation	See Water Quality below.			
B. Water Quality	Deposit only non-polluting natural sediment on beach or in ocean.	P&S input. Clean up and abandon oil wells.	Design phase. Before construction.	RWQCB, CWA, USFWS, CCC, Calif. Health and Safety Code.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
III. LOWER RIVER (Con't)				
		Separate unsuitable material.	During construction.	
		Remove unsuitable non-toxic material to landfill or fill area.	During construction.	
		Remove oily and hazardous material to Class III landfill.	During construction.	
		EC inspections.	During construction.	
	Minimize turbidity.	P&S input.	Design phase.	
		Design marsh construction sequence.	Design phase.	

Table SEIS-16. Environmental Commitments.

Resource Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
III. LOWER RIVER (Con't)				
		Use sand dikes for slurried beach replenishment.	During construction.	
		Monitor turbidity.	During construction.	
		Relocate beach deposition point farther south if needed.	During construction.	
		EC inspections.	During, after construction.	
	Maintain tidal opening for marsh.	P&S input.	Design phase.	
		Monitor any blockage.	During construction.	
		Excavate mouth if plugged.	During construction.	
		EC inspections.	During & after construction.	
C. Recreation	No mitigation, except for rerouting of trails as is possible during construction.	Coordinate with local sponsors. P&S input.	Design and construction phases.	
D. Air Resources	See I. D.	See I. D.	See I. D.	See I. D.
E. Transportation & Utilities	Avoid closing bridges.	Coordination with locals.	Design phase.	County guidelines and public concern over traffic impacts.
	Avoid reducing traffic capacity on two adjacent bridges simultaneously.	P&S input.	Design phase.	
	Use of signing & flagmen.	Implementation.	During construction period.	

Table SEIS-16. Environmental Commitments.

Resource Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
III. LOWER RIVER (Con't)				
F. Noise	See I. F.	See I. F.	See I. F.	See I. F.[1]
G. Biological Resources 1. Marsh	Acquisition & restoration of 92 acres of Santa Ana salt marsh (84 acres enhancement and 8 acres mitigation).	Details of Victoria Pond and marsh restorations. P&S input. EC Inspections.	Design phase. Design phase. Biological monitor on-site during construction.	USFWS, CDFG, and NMFS. Fish and Wildlife Coordination Act. Endangered Species Act.
	Restoration of 5 acres of Victoria Pond land. A 100-foot fenced buffer area to be constructed around the pond.			
	Marsh excavation and settling of turbidity to be complete before construction begins on lower SAR channel.	Coordinate disposal plan with CCC and local cities. Disposal plan specifications on site monitoring.	During P&S phase.	Public Comment. California Coastal Commission. Coastal Zone Management Act. USFWS.
	Biological monitoring of least tern foraging during channel excavation and beach disposal.		During construction.	
	Monitor turbidity from beach replenishment.	Formalize marsh management and ownership of marsh by FWS.	Before or during construction.	
	Biological monitor during restoration.			
2. Santa Ana Canyon	Maintenance of approx. 1100 acres of floodplain acquired in the canyon for wildlife habitat values.	Input to O&M manual.	Prior to completion of construction.	Fish and Wildlife Coordination Act.
	Agricultural lands acquired in fee will not be leased back for agriculture.	Real Estate Purchase Agreements.	Prior to construction.	

Table SEIS-16. Environmental Committments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
H. Palentological Resources	No mitigation (no impact)			

Table SEIS-16. Environmental Commitments.

Resource Impacted	Commitment	Action	Implementation and When to Occur	Source of Commitment
III. LOWER RIVER (Con't)				
I. Cultural Resources	Same as for Seven Oaks Dam. (See I. I.) Also, avoid old Pacific Electric Railway bridge.	See I. I.	See I. I. During construction.	See I. I. See I. I.
J. Esthetics	Landscape planting of exotics and natives along the channel. Irrigation system.	P&S input. Planting. EC inspections.	During design phase. During and after construction.	Public concern over esthetic impacts.
IV. MILL CREEK LEVEE				
A. Sedimentation	No mitigation required.			
B. Water Quality	No mitigation required.			
C. Recreation	None required. No recreation planned at Mill Creek.			
D. Air Quality	See I. D.	See I. D.	See I. D.	See I. D.
E. Transportation Utilities	See I. E.	See I. E.	See I. E.	See I. E.
F. Noise	See I. F.	See I. F.	See I. F.	See I. F.

Table SEIS-16. Environmental Commitments.

Resource Impacted	Commitment	Action	Implementation and When to Occur	Source of Commitment
IV. MILL CREEK LEVEE (Cont'd)				
G. Biological Resources				
1. Alluvial Scrub (erosion control & esthetics)	Reseed disturbed areas with natives. Avoid disturbance of trees. Replace trees impacted.	Input to plans and specs. P&S input. EC inspections	During and after construction. Design phase. During and after construction.	USFWS, CDFG, & public concerns over impacts to biological resources. Fish and Wildlife Coordination Act.
2. Endangered Species	Survey for Eriastrum and Centrostegia in spring 1988.	Conduct survey. No action.	Accomplished Spring 1988. (Survey negative).	USFWS and public concerns. Endangered Species Act.
H. Palentological Resources	No impact - no mitigation.			
I. Cultural Resources	No mitigation required.			
J. Esthetics	Plant native trees and shrubs near levee.		Mitigation to occur when construction of levee is complete.	Public concern.
	Drip irrigation system.	P&S input. Planting. EC inspections.	Design phase. After construction.	

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
V. OAK STREET DRAIN				
A. Sedimentation	No mitigation required.			
B. Water Quality	No mitigation required.			
C. Recreation	None required.			
D. Air Quality	See I. D.	See I. D.	See I. D.	See I. D.
E. Transportation Utilities	See I. E.	See I. E.	See I. E.	See I. E.
F. Noise	See I. F.	See I. F.	See I. F.	See I. F.
G. Biological Resources	No additional mitigation necessary.	None required.		
H. Palentological Resources	No impact - no mitigation.			
I. Cultural Resources	No mitigation required.			
J. Esthetics	No mitigation required.			
VI. SANTIAGO CREEK				
A. Sedimentation	No mitigation required.			
B. Water Quality	No mitigation required.			

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
VI. SANTIAGO CREEK (Cont'd)				
C. Recreation	No mitigation necessary at this time. Specific project details not yet known.	Detailed design of trail system.		Local sponsors.
D. Air Quality	See I. D.1.	See I. D.1.	See I. D.1.	See I. D.1.
E. Transportation Utilities	Temporarily re-route bike route. Flagmen if necessary for truck traffic.	Coordinate with local authorities. Implementation.	P&S phase. During construction period.	 County and local traffic ordinances.
F. Noise	See I. F.	See I. F.	See I. F.	See I. F.
G. Biological Resources	Plant 2.7 acres of willows, cottonwoods, sycamores, & mulefat along old creek bed upstream from overflow structure. Irrigation for 2 years. Protect mitigation area.	Develop detailed planting and irrigation plan. P&S input. Planting. EC inspections. Input to O&M manual.	Design phase. Design phase. During, after construction. During, after construction. Prior to completion of construction.	USFWS, CDFG, & public concerns. Fish and Wildlife Coordination Act.
H. Palentological Resources	No impact - no mitigation.			
I. Cultural Resources	Same as mitigation under Seven Oaks Dam (I. I.).	See I. I.	See I. I.	See I. I.

Table SEIS-16. Environmental Commitments.

Resources Impacted	Commitment	Action	Implementation and When to Occur	Source of Requirements
VI. SANTIAGO CREEK (Con't)				
J. Esthetics	Along downstream channel fence line: planting of shrubs and ground cover.	Specific landscaping plan,	Indefinite.	Strong public concern over esthetic quality of downstream reach.
	Landscaping.	P&S input	Design phase.	
	Drip irrigation system.	Implementation.	During, after construction.	
		EC inspections.	During, after construction.	

ATTACHMENT C-2

Resolution of the Board of Supervisors

Orange County Flood Control District

EXHIBIT C-1, ATTACHMENT C-2

RESOLUTION OF THE BOARD OF SUPERVISORS
ORANGE COUNTY FLOOD CONTROL DISTRICT
NOVEMBER 28, 1989

On motion of Supervisor Riley duly seconded and carried, the following resolution was adopted:

WHEREAS, the Orange County Flood Control District seeks to implement the Santa Ana River Mainstem Project; and

WHEREAS, the Santa Ana River Mainstem Project is designed to provide needed urban flood protection to the growing communities in Orange, Riverside, and San Bernardino Counties; and,

WHEREAS, the Santa Ana River Mainstem Project includes construction of the Seven Oaks Dam in upper Santa Ana Canyon; delineation and management of the 100-year floodway and floodway fringe from Seven Oaks Dam to Prado Dam; modifications to Mill Creek Levees; construction of Oak Street Drain in Corona; modifications to existing Prado Dam; and, improvements to the Santiago Creek Channel and the Lower Santa Ana River Channel; and,

WHEREAS, the 1980, 1985, and 1988 Final Supplemental Environmental Impact Statements (FSEISs) prepared by the U.S. Army corps of Engineers Pursuant to the National Environmental Policy Act (NEPA) thoroughly analyze and document existing environmental conditions, significant adverse impacts, mitigation measures, and unavoidable adverse impacts of the recommended plan and evaluates other project alternatives, and all discretionary actions related thereto; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the County of Orange is acting as local lead agency and is responsible for assuring that an adequate environmental analysis of the entire Santa Ana River Mainstem project has been conducted; and,

WHEREAS, CEQA encourages local lead agencies to rely on NEPA documents is lieu of preparing new CEQA documents in the case where a federal agency has already analyzed a project (CEQA, Section 21083.7, CEQA Guidelines Section 15221); and,

WHEREAS, the County of Orange issued a notice to all affected agencies that it intends to rely on the three FSEISs and that the County of Orange believes that the documents satisfy the requirements of CEQA; and,

WHEREAS, such notice was also published in four newspapers of general circulation in the area effected by the project; and,

WHEREAS, the Planning Commission of the County of Orange conducted a public meeting on November 13, 1989 to review and consider the subject documents; and,

WHEREAS, the Planning Commission has reviewed all environmental documentation comprising the FSEIS and has found the FSEIS considers all environmental effects of the proposed Santa Ana River Mainstem Project, and is complete and adequate and fully complies with all requirements of CEQA and the CEQA Guidelines; and,

WHEREAS, Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines require that the Board of Supervisors for the Orange County Flood Control District ("Board of Supervisors") make one or more of the following findings prior to approval of a project for which one or more significant effects of the project has been identified, along with statements of facts supporting each finding:

FINDING 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FINDING 2. 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.

FINDING 3. Specific economic, social, or other considerations make infeasible the mitigation measures of project alternatives identified in the Final EIR.

WHEREAS, Section 15093(a) of the Guidelines requires that the Board of Supervisors balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project; and,

WHEREAS, Section 15093(b) requires, where the decision of the Board of Supervisors allows the occurrence of identified significant effects that are not at least substantially mitigated, the Board must state in writing the reasons to support its action based on the final environmental documentation or other information in the record.

NOW, THEREFORE, BE IT RESOLVED that:

1. Prior to approval of the FSEIS for the Santa Ana River Mainstem Project, the Board of Supervisors for the Orange County Flood Control District has reviewed and considered the above-mentioned FSEIS and hereby certifies the FSEIS for the implementation of the Santa Ana River Mainstem Project as complete and adequate in that the FSEIS addresses the significant adverse effects of the proposed project and actions and complies with the requirements of CEQA and the State CEQA Guidelines. Said FSEIS is composed of the following items:

1. 1980, 1985 and 1988 Final Supplemental Environmental Impact Statements and all supporting technical memoranda and studies.

2. Environmental Management Agency staff report dated November 13, 1989 and attachments thereto.

3. Final Orange County Planning Commission Resolution 89-63 dated November 13, 1989.

All of the above information has been and will be on file with the County of Orange Environmental Management Agency, Environmental Planning Division, 12 Civic Center Plaza, Santa Ana, California.

2. This Board adopts the Findings with respect to each significant environmental effect identified in the FSEIS and the mitigation measures related thereto and alternatives to the proposed project, as set forth in the document entitled "CEQA" Statement of Findings and Facts in Support of Findings - Santa Ana river Mainstem Project", attached hereto as Exhibit A and made a part hereof.

3. The Board of Supervisors finds that the unavoidable significant environmental effects of the project have not been reduced to a level of insignificance, as identified in the document entitled, "CEQA Statement of Findings and Facts in Support of findings - Santa Ana river Mainstem Project", attached hereto as Exhibit A, but have been substantially lessened in their severity by the imposition of mitigation measures. The Board finds that the remaining unavoidable adverse impacts of the project are clearly outweighed by the public welfare, social, economic, and other benefits of the project, as set forth in the "Statement of Overriding Considerations," attached hereto as Exhibit B and made a part hereof.

4. This Board adopts the recitation of overriding considerations which justify approval of the project notwithstanding certain unavoidable significant environmental effects which cannot feasibly be substantially mitigated, as set forth in the document entitled "Statement of Overriding Considerations," attached hereto as Exhibit B.

5. This Board adopts the mitigation monitoring and reporting plan as set forth in the document entitled "Mitigation Measure Monitoring and Reporting for the Santa Ana River Mainstem Project" attached hereto as Exhibit C and made a part hereof.

6. This Board finds that all significant environmental effects have been identified, as set forth in the findings attached hereto as Exhibit A.

7. This Board finds that, although the FSEIS identifies certain significant environmental effects that may occur if the project is approved, all significant effects that can feasibly be mitigated or avoided have been reduced to an acceptable level by the imposition of mitigation measures.

8. This Board finds that the project alternatives are infeasible, based upon specific social, public welfare, and other considerations, as set forth in the document entitled "CEQA Statement of Findings and Facts in Support of Findings", attached hereto as Exhibit A, and the FSEIS.

Thomas F. Riley

Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

Linda D. Ruth

LINDA D. RUTH
Clerk of the Board of Supervisors
of the Orange County Flood Control
District of Orange County,
California

AYES: SUPERVISORS Thomas F. Riley, Harriett M. Weider, Roger R. Stanton, Gaddi H. Vasquez, Don R. Roth

NOES: SUPERVISORS None

ABSENT: SUPERVISORS None

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STATE OF CALIFORNIA)
)ss.
COUNTY OF ORANGE)

I, LINDA D. RUTH, Clerk of the Board of Supervisors of the Orange County Flood Control District of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 28th day of November, 1989, and passed by a unanimous vote of said board members present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of November, 1989.

Linda D. Ruth

LINDA D. RUTH
Clerk of the Board of Supervisors
of the Orange County Flood
Control District of Orange
County, California

COUNTY COUNSEL
ORANGE COUNTY

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EXHIBIT A

CEQA STATEMENT OF FINDINGS AND FACTS IN SUPPORT OF FINDINGS

SANTA ANA RIVER MAINSTEM PROJECT

SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED, FINDINGS WITH RESPECT TO SAID EFFECTS AND STATEMENT OF FACTS IN SUPPORT THEREOF, ALL WITH RESPECT TO THE PROPOSED CERTIFICATION OF THE 1980, 1985, AND 1988 FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS (HEREIN REFERRED TO COLLECTIVELY AS "FSEIS") PREPARED PURSUANT TO NEPA AS COMPLYING WITH CEQA AND APPROVAL OF A LOCAL COOPERATION AGREEMENT FOR THE SANTA ANA RIVER MAINSTEM PROJECT, COUNTIES OF ORANGE, RIVERSIDE, AND SAN BERNARDINO, CALIFORNIA.

The Board of Supervisors for the County of Orange Flood Control District ("Board of Supervisors") proposes to approve the District's participation in the Local Cooperation Agreement in conjunction with the San Bernardino Flood Control District, the Riverside Flood Control and Water Conservation District and the U.S. Army Corps of Engineers. In approving the Local Cooperation Agreement for the Santa Ana River Mainstem Project, the Board of Supervisors makes the findings set forth below.

BACKGROUND

The U.S. Army Corps of Engineers has prepared a number of environmental documents pertaining to the Santa Ana River Mainstem project. Pursuant to NEPA, the Corps of Engineers prepared a Final Environmental Impact Statement (FEIS) for the Review Report on the Santa Ana River Project in September 1977. Subsequently, a Final Supplemental Environmental Impact Statement (FSEIS) was prepared for the Phase I General Design Memorandum (GDM) in September 1980.

At the time the 1980 FSEIS was prepared, the Mentone Dam was supported by local interest as the upstream flood storage element of the All River Plan. However, local support for a dam at that location was withdrawn due to potential

effects on nearby communities and groundwater recharge capabilities within the Santa Ana River Wash.

In 1983, the Corps of Engineers was directed by Congress to conduct a study of alternatives to the Mentone Dam. As such a Final SEIS and Upper Santa Ana River Flood Storage Alternatives Study was prepared in 1985 to supplement the Phase I GDM. The study focused on alternatives to Mentone Dam. It recommended the Seven Oaks Dam as the preferred alternative.

The 1988 FSEIS accompanied the Phase II GDM which provided greater design detail than the 1980 Phase I GDM and 1985 Supplemental Phase I GDM. The 1988 FSEIS supplemented the 1980 and 1985 FSEISs. It addressed changes in or new information on the project alternatives and design details, new information about the affected environment, and potential impacts and issues which may involve significant project impacts.

Based on the 1988 Phase II General Design Memorandum and Supplemental Environmental Impact Statement, a Record of Decision for the Santa Ana River Mainstem project was signed by the U.S. Army Corps of Engineers on June 2, 1989.

Under the provisions of CEQA, the County of Orange Flood Control District (hereafter referred to as the County of Orange) is acting as local lead agency for the Santa Ana River Mainstem Project. As such, the County of Orange is responsible for assuring that the environmental analysis for the project complies with CEQA. .

In the case where a federal agency has already analyzed a project, CEQA encourages lead agencies to rely on NEPA documents in lieu of preparing new CEQA documents. (CEQA, Section 21083.7, CEQA Guidelines Section 15221). Consequently, where a federal EIS complies with the provisions of the CEQA guidelines regarding contents, notice, and public review, the local lead agency can rely on the EIS instead of preparing an EIR.

The Board of Supervisors has determined that the contents, notice and public review of the documents comply with the requirements of CEQA. Consequently, the County of Orange, as local lead agency, is relying on the three Supplemental Environmental Impact Statements prepared by the Corps of Engineers in 1980, 1985, and 1988 in lieu of preparing an EIR. Hereafter, the three Final Supplemental Environmental Impact Statements will be referred to collectively as "FSEIS".

MANDATORY FINDINGS AND FACTS IN SUPPORT OF FINDINGS

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Guidelines) promulgated pursuant thereto provide:

"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 possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. 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.

3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (Section 15091 of the Guidelines)."

The Board of Supervisors proposes to approve the District's participation in the Local Cooperation Agreement in conjunction with the San Bernardino Flood Control District, the Riverside Flood Control and Water Conservation District and the U.S. Army Corps of Engineers.

The flood protection improvements of the recommended plan (as described in the Phase II GDM prepared in 1988) consist of the following elements on the Santa Ana River Mainstem:

1. Construction of Seven Oak Dam in the upper Santa Ana Canyon to control a 350-year flood event at the damsite.

2. Delineation of the 100-year floodway and floodway fringe for the 35-mile reach between Seven Oaks Dam and Prado Dam, with

local authorities managing this area in accordance with guidelines established by the Federal Emergency management Agency (FEMA).

3. Modifications to the existing Federal flood control levees at Mill Creek (San Bernardino County) to restore their original Standard Project Flood (SPF) level of protection.

4. Construction of a 100-year level of protection channel on Oak Street Drain (City of Corona).

5. Modifications to the existing Prado Dam to provide a 190-year level of protection.

6. Channel improvements to provide 100-year level flood protection along Santiago Creek in Orange County.

7. Construction of the Lower Santa Ana River Channel to provide 190 year level flood protection.

The recommended plan also provides for extensive environmental features which include:

1. 84 acres of enhancement lands for wildlife resources at the mouth of the Santa Ana River providing a wetland habitat for migrating waterfowl and for the California least tern, a federally listed endangered species.

2. 8 acres of wildlife mitigation lands also at the mouth of the Santa Ana River.

3. 133 acres of wildlife mitigation lands at Prado Dam

4. 1,567 acres of biological mitigation lands for Seven Oak Dam, including 700 acres for Eriastrum, a federally listed endangered species.

5. 2.7 acres of biological mitigation at Santiago Creek.

6. Restoration of temporary loss of habitat values with appropriate plant species in areas disturbed during construction of Mill Creek levees.

7. Cultural resources mitigation at Seven Oaks Dam and at Prado Dam.

The project is also intended to provide increased recreation opportunities through project-related recreational developments on the Lower Santa Ana River and Santiago Creek. The recommended recreation plan consists of bicycle-hiking and equestrian trails along the Lower Santa Ana River Channel; a bicycle-hiking trail along the upper channel of the Santiago Creek improvements and around the perimeter of the gravel pits; and, rest stops at the gravel pits.

The FSEIS has identified certain significant effects which may occur as a result of the project. Further, the County desires to approve the Local Cooperation Agreement related to the project and, after determining that the FSEIS is complete and complies with CEQA and the Guidelines, the following findings are made.

EFFECTS DETERMINED TO BE INSIGNIFICANT

The following effects were determined to have no potential for significant adverse impacts (either project-specific or cumulative) and no mitigation measures were required.

* Sedimentation/Water Quality (Mill Creek Levees, Oak Street Drain, Santiago Creek)
* Groundwater (All areas)
* Effects of Increased Inundation Frequency/Duration at Prado Dam on Water Quality
* Effects of Protective Dikes in Prado Dam Inundation Area on Water Quality
* Land Use/Recreation/Social Concerns (Seven Oaks Dam, Lower River, Mill Creek Levees, Oak Street Drain, Santiago Creek)
* Recreation (Prado Dam)
* Agricultural Lands (Mill Creek Levees, Oak Street Drain, Lower River, Santiago Creek)
* Access (Seven Oaks Dam, Mill Creek Levees, Oak Street Drain, Santiago Creek)

* Construction-related noise (Mill Creek Levees)
* Biological Resources (Oak Street Drain)
* Paleontological Resources (Lower River, Mill Creek Levees, Oak Street Drain, and Santiago Creek)
* Cultural Resources (Oak Street Drain, Mill Creek Levees, Santiago Creek)
* Esthetics (Lower River)
* Public Safety (Seven Oaks, Prado Dam, Lower River, Mill Creek, and Oak Street Drain)
* Air Quality/Construction Equipment Emissions (All areas)

EFFECTS DETERMINED TO MITIGABLE TO LEVEL OF INSIGNIFICANCE AND MITIGATION MEASURES

SEDIMENTATION/WATER QUALITY

Significant Effect

Impact WQ-1

* Short-term impacts will result from construction and excavation activities (for 5 to 10 years) related to construction at the Seven Oaks Dam and Prado Dam and improvements to the Lower River. Abutment stripping, spillway construction, and construction and excavation of haul/access roads and borrow areas could increase the amount of sediment released from exposed soil surfaces. This will result in a temporary increase in turbidity in downstream water courses.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the design modifications and Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

WQ-1-1

1. Erosion will be kept to a minimum because most excavated areas will be lined, erosion control/slope stabilization methods will be used during construction, and a reseeding program will be used on excavated areas.

2. Controls such as settling basins shall be constructed downstream of Seven Oaks Dam and Prado Dam.

WQ-1-3

3. All necessary State and Federal water quality permits shall be obtained by the contractor.

Significant Effect

* Seven Oaks Dam will result in a significant long-term reduction in the amount of sedimentation moving downstream. The character of the outwash plain below the dam will change, although tributaries downstream will continue to transport and deposit sediment. The reduction in sediment may affect sand and gravel mining downstream and the survival of the endangered species Eriastrum.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of provisions incorporated into the Recommended Plan and the Mitigation

Measures identified in the FSEIS and incorporated into the project. These include the following:

1. The Seven Oaks Dam will be designed to facilitate aggregate removal behind the dam.

2. Seven hundred acres of mitigation lands will be acquired and managed to offset the direct and indirect impacts on the endangered species Eriastrum. The United States Fish and Wildlife Service and the Corps of Engineers have agreed that the amount and location of mitigation land will be sufficient to avoid jeopardy to the species.

3. A mitigation plan has been developed in conjunction with the U.S. Forest Service, U.S. Fish and Wildlife Service, and California Department of Fish and Game. This plan includes the acquisition of acreage at Filaree Flats and Section 5 and transfer of title to the U.S. Forest Service. Acquisition and riparian habitat improvement of 60 acres of Santa Ana Wash between Greenspot Road and Seven Oaks Dam. Acquisition of wash lands below Greenspot Road and management of the lands for Eriastrum habitat.

4. Further mitigation for Eriastrum includes: 1) After construction, haul roads within the 50-year floodplain will be plowed to relieve compaction, returned to pre-construction existing grade, and revegetated with Eriastrum; 2) When excavation of the borrow area is completed, slopes of the pit shall be contoured and revegetated as appropriate with Eriastrum; 3) An area of the wash will be set aside as a management area for Eriastrum; and, 4) A management plan to insure success of these compensation measures shall be developed in cooperation with the U.S. Fish and Wildlife Service.

Significant Effect

Impact WQ-3

* Excavation and dewatering for improvements to the lower river channel could temporarily introduce turbidity and possibly organic sediment into the river channel. Placement of fill material on local beaches and near-shore disposal areas could also temporarily increase turbidity. Increased turbidity could effect Least Tern feeding areas by making surface waters murky. It also could effect the esthetics (appearance) and recreational use of the waters within the channel and along the shore.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of provisions incorporated into the Recommended Plan and the Mitigation Measures identified in the FSEIS and incorporated into the project. These include the following:

WQ-3-1 | 1. All necessary State and Federal permits will be obtained for any required dewatering.

WQ-3-2 | 2. Soil material high in organic matter shall not be used for shore disposal. All non-suitable non-toxic materials shall be removed to a landfill or fill area.

WQ-3-3 | 3. Soil material from the marsh areas near the Santa Ana River mouth shall be treated on site to remove any oil or chromium prior to its use as fill or for beach replenishment. If this is not feasible, the material shall be disposed of in a designated landfill.

WQ-3-4 | 4. The suitability of required invert materials for placing on the beach shall be monitored during construction.

WQ-3-5 | 5. The design of the inlet at the mouth of the river is designed to improved tidal flushing.

WQ-3-6 | 6. Only non-polluting natural sediment shall be deposited on the beach or in ocean.

WQ-3-7 | 7. Sand dikes shall be used for slurried beach replenishment

WQ-3-8

8. The increase in turbidity shall be monitored during construction. If impacts on the least tern are identified appropriate measures shall be taken. These could include relocating beach deposition activities further south; ceasing beach replenishment and the placing of materials in the surf zone; ceasing of dredging during the nesting period.

WQ-3-9

9. If determined to be necessary as a result of monitoring during construction, the beach deposition point shall be relocated further south.

WQ-3-10

10. The tidal opening for the marsh shall be maintained.

Significant Effect

Impact WQ-4

* Contamination by petroleum and possibly chromium was observed in soil samples within the Marsh restoration area. Sediment excavated from this area would not be acceptable for beach replenishment or placement within the surf zone or the near shore area.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of provisions incorporated into the Recommended Plan and the Mitigation Measures identified in the FSEIS and incorporated into the project. These include the following:

WQ-4-1

1. Soil material from the marsh areas near the Santa Ana River mouth shall be treated on site to remove any oil or chromium prior to its use as fill or for beach replenishment. If this is not feasible, the material shall be disposed of in a designated landfill.

WQ-4-2

2. The suitability of required invert materials for placing on the beach shall be monitored during construction.

WQ-4-3

3. Only non-polluting natural sediment shall be placed on the beach or in the ocean.

WQ-4-4

4. Existing oil wells within the mitigation lands and construction area shall be abandoned and cleaned up prior to construction.

Significant Effect

* When the Seven Oaks Dam impounds water for a significant length of time, water quality of the reservoir may deteriorate due to decomposing biological materials resulting in increased nutrients. These nutrients can combined with warmer weather conditions to produce algal blooms and anoxic conditions.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of provisions incorporated into the Recommended Plan and the Mitigation Measures identified in the FSEIS and incorporated into the project. These include the following:

1. Water quality of the reservoir shall be monitored after initial filling and during operation. If warranted a number of control measures are available and shall be used to control water quality in the reservoir.

These measures could include selective withdrawal of water from different levels of the pool, flushing and/or mixing the pool, etc.

LAND USE AND SOCIAL CONCERNS

Significant Effect

* Residential and commercial development will be impacted by improvements to Prado Dam. Numerous residential, commercial, farm and dairy uses are located within areas required for dikes and floodway structures, the dam inundation area, flowage easements, or mitigation lands. The project will limit the type of facilities and structures that can be located on project land. Unfloodproofed habitable structures below elevation 566 will be prohibited.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of provisions incorporated into the Recommended Plan and the Mitigation Measures identified in the FSEIS and incorporated into the project. These include the following:

1. Effected properties will be flood proofed, relocated, or leased back, if feasible. In none of these options are feasible, the effected properties will be acquired in fee.

2. The Alcoa Aluminum Plant, Corona Sewage Treatment Plant, Corona

National Housing Tract, and the women's prison will be floodproofed with diking.

3. All landowners who are affected, either through fee acquisition or easements, will be monetarily compensated in accordance with the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970.

AIR RESOURCES

Significant Effect

Impact AR-1

* Dust emissions are expected from a wide variety of activities associated with the construction of the Seven Oaks Dam and improvement to the Prado Dam. These activities would include quarrying the rock, screening and crushing to obtain suitably-sized materials, depositing the crushed material into the dam, and moving the material from borrow sites to the work site. Dust emissions are also expected to result from improvements to the Lower River, Santiago Creek, and the Oak Street Drain. These activities could include excavating excess material from the riverbed and moving it to a disposal site, stabilizing riverbed slopes and bottoms with stone or concrete, and constructing new culverts . Dust emissions from the Mill Creek Levees improvements would result from soil disturbance, travel on unpaved surfaces, loading and unloading of dusty material, etc.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

AR-1-1

1. Adequate dust control measures will be implemented during construction. These measures would include (but are not limited to) adequate watering (especially of haul routes) and use of biodegradable dust suppressants.

AR-1-2

2. All local and State permits related to construction activities and shall be obtained.

AR-1-3

3. All local, State, and Federal regulations and requirements related to construction-related dust emissions shall be followed. These may include baghouses or similar controls.

4. Effects of dust emissions shall be monitored during construction at the Corona National Housing Tract and the California Institute for Women. If dust levels are unacceptable, additional dust control measures shall be required and implemented by the contractor.

TRANSPORTATION AND UTILITIES

Significant Effect

* The Southern California Edison Powerhouse No. 2, transmission lines, and flume system will be impacted by construction of Seven Oaks Dam due to the potential for inundation from the reservoir and sedimentation accumulation.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. The transmission lines and flume system will be relocated into an area where they will not be impacted by the operation of the dam.

2. Realistic relocation plans are available to mitigate the impacts to Powerhouse No. 2. One feasible mitigation for the impacts to Powerhouse #2, is to replace SCE's Powerhouse #2 and #3 with a larger, more efficient powerhouse at the existing location of Powerhouse No. 3. The local sponsors shall cooperate with SCE to determine the most feasible relocation plan.

Significant Effect

* Construction traffic related to the construction of Seven Oaks Dam and improvements to Mill Creek Levees, Santiago Creek, and Oak Street Drain may create impacts on local roads related both to the amount and timing of traffic and the weight of trucks hauling materials and equipment.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. The Corps of Engineers and contractors shall cooperate with local jurisdictions to determine specific traffic control measures needed during construction. These could include the use of signs, flagmen, and temporary signals; restricting traffic to certain routes; restricting trucks over a specified weight to certain routes; restricting the time of day and day of week specified routes may be used; and the use of dip crossings to avoid bridges with restricted weight capacities.

BIOLOGICAL RESOURCES

Significant Effect

* Construction and operation of the Seven Oaks Dam would result in the direct and permanent loss of much of the floodplain scrub flora throughout the Standard Project Flood inundation area. This loss is considered significant in that the riparian community is of considerable biological value and is regarded as the highest priority biological resource. Impacts to the floodplain community is also significant because it is relatively unique and increasingly rare in the southern California area. Upland areas of coastal sage scrub and various chaparral plants would also be impacted. Although of somewhat less significance, this impact is still considered potentially significant.

  Construction of Seven Oaks Dam would also impact two sensitive species of reptiles (orange-throated whiptail and San Diego coast horned lizards); eventual loss of Eriastrum habitat; and, reduction in habitat for numerous bird species that rely on the floodplain community.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. A mitigation plan has been developed in conjunction with the U.S. Forest Service, U.S. Fish and Wildlife Service, and California Department of Fish and Game. This plan includes the acquisition of acreage at Filaree Flats and Section 5 and transfer of title to the U.S. Forest Service. Acquisition and riparian habitat improvement of 60 acres of Santa Ana Wash between Greenspot Road and Seven Oaks Dam. Acquisition of wash lands below Greenspot Road and management of the lands for Eriastrum habitat.

2. Further mitigation for Eriastrum includes: 1) After construction, haul roads within the 50-year floodplain will be plowed to relieve compaction, returned to pre-construction existing grade, and revegetated with Eriastrum; 2) When excavation of the borrow area is completed, slopes of the pit shall be contoured and revegetated as appropriate with Eriastrum; 3) An area of the wash will be set aside as a management area for Eriastrum; and, 4) A management plan to insure success of these compensation measures shall be developed in cooperation with the U.S. Fish and Wildlife Service.

Significant Effect

* Proposed construction and access related improvements to Alder Creek Road could facilitate and encourage development on Section 5 adjacent to the damsite. This parcel contains high quality upland habitat and associated deer use.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. A mitigation plan has been developed in conjunction with the U.S. Forest Service, U.S. Fish and Wildlife Service, and California Department of Fish and Game. This plan includes the acquisition of acreage at Filaree Flats and Section 5 and transfer of title to the U.S. Forest Service. Acquisition and riparian habitat improvement of 60 acres of Santa Ana Wash between Greenspot Road and Seven Oaks Dam. Acquisition of wash lands below Greenspot Road and management of the lands for Eriastrum habitat.

Significant Effect

* Utilization of Borrow Area #2 at Prado Dam could impact about 460 acres of grassland which is used for perennial foraging by the migratory Canada goose.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. Impacts to the Canada geese will be mitigated by efforts to avoid or minimize impacts and by efforts to provide suitable foraging areas. The borrow area will be utilized in a controlled manner (excavating consecutively in three sections), which will always provide for the availability of foraging habitat. The sites will be restored as soon as possible after completion of borrow activities. Restoration will include recontouring, respreading topsoil, fertilization, and seeding with barley, rose clover, and "Zorro" fescue. Borrow activities will be scheduled so at least one section will always be undisturbed or adequately restored between November and February.

2. 60 acres of the borrow area will be enhanced for the geese during each year in which borrow activities are ongoing. Enhancement will consist of mowing undisturbed or restored areas to allow the geese better access to young shoots.

Significant Effect

* Construction of improvements to Prado Dam would adversely impact oak woodlands and shrublands. Within the oak woodland, many of the impacted oak trees are very old and large. They provide a large volume of foraging, roosting, and nesting habitat for birds. Oak woodlands are a declining resource in the southern California area. Within willow woodlands are areas of occupied and potential least Bell's vireo habitat. These willow woodlands will be impacted to a degree which will reduce or eliminate their habitat value for the least Bell's vireo.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

1. Borrow area #1 will be reseeded with native shrub land species. If any areas are at too low an elevation for shrub land species, species suited for wetland conditions shall be substituted. Mulefat shall be planted in a 20 to 30 foot wide area between reestablished shrub land and wetland species.

2. Oak woodlands shall be established in suitable areas which do not currently support oaks. Assuming 50 percent mortality for irrigated oaks, 336 trees (4:1 ratio) shall be planted on COE land south of Prado Regional Park at a density of 65 trees per acre. The trees shall be irrigated for two years. If at the end of two years, there are fewer than 168 living trees, those lost would be replaced at a 10:1 ratio.

3. Biological experts shall be consulted during the selection of a specific planting site for the oak trees. In addition, the following measures will be taken:

    a. Holes, to at least 5 feet, will be augured for each plant prior to planting.

    b. Rodents will be controlled, if necessary.

    c. Fencing will be erected if necessary to exclude grazing by domestic animals.

    d. Trees will be a one-gallon size in long (14 inch) containers and shall not be root bound.

    e. Trees shall be planted in the fall after the first rain.

4. Oak trees that should be avoided and not scheduled for impacts shall be flagged prior to construction.

5. If pruning an oak tree is necessary to avoid the need for removal, an expert will be used to minimize the likelihood of the tree dying.

6. 133 acres of new willow woodland with understory at elevations above at least 505 feet shall be established to provide for habitat for the least Bell's vireo. The replacement site shall be located on land now owned by the Orange County Water District (currently used as pheasant hunting grounds).

7. A monitoring program for the least Bell's vireo and a management program for its predators (in particular the brown-headed cowbird) shall be established. The monitoring program shall include vireo surveys of the basin and collection of data on reproductive success of each pair. The management program shall include cowbird trapping and removal of cowbird eggs from vireo nests.

8. 32 acres within the Prado Basin shall have its designation on the Resource Use Plan changed to Category 1 (lowest use).

9. In conjunction with all appropriate agencies, the Resource Use Plan for the Prado Basin shall be revised to reflect the necessary biological mitigation.

Significant Effect

Impact BIO-5

* Project construction will directly eliminate about 8 acres of mostly man-altered high salt marsh east of the Greenville-Banning channel.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

Facts in Support of Finding

The significant effect has been substantially lessened to a level of insignificance by virtue of the Mitigation Measures identified in the FSEIS and incorporated into the project. These measures include the following:

BIO-5-1

1. 8 acres of mitigation lands will be acquired in the Santa Ana River Salt Marsh and 84 acres of enhancement lands for endangered (and other) species preservation shall be acquired at the Marsh. The combined 92 acres shall be restored.

BIO-5-2

2. The marsh restoration plan shall include excavation of the existing marsh, recontouring, and planting of wetland plant species. Existing tidal channels will be deepened, and smaller "sprite" channels will be created in the upper marsh area to ensure adequate soil saturation. Two tidal gate locations will be constructed in the east side slopes of the Santa Ana river channel. An enlarged culvert constructed between the north and south sections of the marsh will also be constructed.

BIO-5-3

3. Marsh excavation and settling of turbidity shall be completed prior to construction begins on lower Santa Ana River Channel.

BIO-5-4

4. A biological monitoring program shall be conducted during restoration.

Significant Effect

* Channel improvements to the Santa Ana River along Victoria Pond will result in the elimination of about 4.5 acres of freshwater wetland habitat.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIS.

2. 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 should be adopted by such other agency.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS
SANTA ANA RIVER MAINSTEM PROJECT

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide that:

(a) CEQA requires the decision maker to balance the benefits of a proposed project against it unavoidable environmental risks in determining whether to approve the project. If the benefits of the 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 for occurrence of significant effects which are identified in the Final Environmental Impact Report (FEIR), but are not mitigated, the agency must state in writing the reasons to support its action based on the FEIR and/or other information in the record. This statement may be necessary if the agency also makes the findings under SEction 15091(a)(2) or (a)(3).

(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 County of Orange Flood Control District proposes to approve the District's participation in the Local Cooperation Agreement for the Santa Ana River Mainstem project. The Santa Ana River Mainstem project constitutes a "project" under both NEPA and CEQA. The U.S. Army Corps of Engineers has prepared three Final Supplemental Environmental Impact Statements in 1980, 1985, and 1988 (hereafter collectively referred to as FSEIS). These documents have been prepared pursuant to NEPA and its guidelines. A Record of Decision was signed by the U.S. Army Corps of Engineers on June 2, 1989. A copy of the Record of Decision is attached to this Statement.

Briefly, the Record of Decision concluded "All practicable means to avoid or minimize environmental harm have been adopted...and listed in the Environmental Commitments section of the FSEIS...The monitoring program for mitigation includes environmental compliance inspections during construction and a biological monitoring program during and after construction...The benefits to be gained with construction of the project outweigh any adverse effects."

Pursuant to CEQA and its guidelines, the County of Orange Flood Control District (hereafter referred to as the County of Orange) is acting as local lead agency for the project. As allowed by CEQA, the County of Orange has reviewed the three previously prepared FSEISs and has determined that the documents satisfy the requirements of CEQA. The FSEIS has identified 11 significant effects that cannot feasibly be avoided with implementation of the Santa Ana River Mainstem project. These are:

1. Loss of prime and unique farmland resulting from excavation of the Mill Creek borrow site and improvements at Prado Dam.

2. Construction-related traffic impacts related to temporary road closures associated with improvements at Prado Dam and to the Lower River Channel.

3. Temporary increase in noise related to construction of the Seven Oaks Dam.

4. Temporary increase in noise related to construction of improvements at Prado Dam.

5. Impacts on upland habitat and the native mule deer population resulting from construction of Seven Oaks Dam.

6. Reduction of native brown trout reproduction and trout range resulting from construction of Seven Oaks Dam.

7. Impact on alluvial scrub and juniper woodland vegetation during construction related to improvements to the Mill Street Levees.

8. Visual/esthetics impacts resulting form construction of the Seven Oaks Dam and reservoir.

9. Visual/esthetics impacts resulting from construction of Oak Street Drain.

10. Public safety risk resulting from the lack of maintenance access roads along a portion of the downstream Santiago Creek improvements.

11. Impacts on historic and pre-historic properties from construction of improvements to Prado Dam and related increases in inundation area, sedimentation, and recreational use of the basin.

All mitigation measures identified in the FSEIS, except those found to be infeasible, have been imposed to lessen these impacts to the greatest extent possible. Furthermore, the alternatives have also been determined to be infeasible as discussed in the Statement of Findings and Facts in Support of Findings. These alternatives either have greater environmental impacts, are technically infeasible, do not meet the objectives of the project, cause greater social disruption and impacts, and/or are economically infeasible.

The following are benefits and overriding considerations which have been considered in light of the unavoidable adverse effects of the project. The Board finds that the benefits of the project outweigh the potential remaining unavoidable adverse impacts associated with the Santa Ana River Project. These impacts are found to be acceptable given the following overriding considerations:

1. Under present conditions, existing flood control works will not contain greater that a 70-year flood. Parts of the downstream channel near Fountain Valley and Huntington Beach are protected against only a 50-year flood. The Standard Project Flood would inundate a wide flood plain area in Riverside County, 6000 acres in San Bernardino County and a roughly triangular floodplain of over 160 square miles in Orange County. Should a standard project flood occur today, property damages would exceed $15 billion, mostly in urban sectors of Orange County. Because warning time would be only about 24 hours, transportation systems would be overloaded making evacuation difficult. Many people would be killed or seriously injured. Several major interstate highway and interstate railroad lines would be damaged. Hundreds of thousands of residences and business would be damaged or destroyed. Damages to sewage facilities and other utilities would create a massive health hazard in the basin.

   The project will provide various levels of flood protection including:

   A. Construction of Seven Oaks Dam to control a 350-Year flood event at the damsite.

   B. Delineation and management of the 100-year floodway and floodway fringe for the 35-mile reach between Seven Oaks Dam and Prado Dam.

   C. Modification to the Mill Creek levees to restore their original Standard Project Flood level of protection.

D. Construction of a 100-year level of protection channel on the Oak Street Drain in the City of Corona.

E. Modifications to existing Prado Dam to provide a 190-year level of protection.

F. Channel improvements to provide a 100-year level flood protection along Santiago Creek in Orange County.

G. Construction of Lower River Channel improvements to provide 190-year level flood protection.

2. Seven Oaks Dam will provide new habitat that is attractive to economically important species such as doves and waterfowl. Also, birds such as herons and egrets may be attracted to the new habitat.

3. The project will restrict development in the Prado Basin below elevation 566 to uses that are compatible with flood control. Agricultural uses would be included, hopefully encouraging preservation and/or expansion of agricultural activities. This is important in an area that is rapidly urbanizing and agricultural land is being quickly converted to urban uses.

4. As a result of Lower River Channel improvements, there will be increased tidal flushing at the mouth. Tidal flushing will extend further up the river, increasing the feeding area for sea birds. This tidal flushing is also important to the enhancement/restoration program planned for 92 acres of salt marsh near the river mouth.

5. There will be increased groundwater recharge, specifically in the areas of Seven Oaks Dam and Prado Dam.

6. There will be increased recreational opportunities on the Lower River Channel and upper reaches of Santiago Creek.

7. The 92-acre salt marsh restoration and preservation program will provide valuable new and improved habitat values for wetland dependent species. This area is currently a seriously degraded marsh area. This will provide significant habitat for migrating waterfowl, the light-footed clapper rail and for the California least tern, a federally listed endangered species. The marsh will also provide a nursery area for halibut.

8. Landscaping along the Lower River Channel will improve the visual quality of the lower river.

9. About 1000-acres within the floodplain from Prado Dam to Weir Canyon Road will be acquired and managed for open space and wildlife habitat values.

10. Suitable excess material excavated from the Lower River Channel may be used for beach sand replenishment.

EXHIBIT D –SANTA ANA RIVER MAINSTEM PROJECT PHASE II

CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a Public Agency lease, to the Orange County Flood Control District (OCFCD), for use of sovereign lands associated with the proposed Santa Ana River Mainstem Project Phase II (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve a lease for the Project to go forward and because the OCFCD, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The OCFCD analyzed the environmental impacts associated with the Project in a Supplemental Environmental Impact Statement (EIS) and, in November 1989, certified the Supplemental EIS and adopted a Mitigation Monitoring Program (MMP) and Findings. The Orange County Board of Supervisors determined that the contents, notice, and public review of the documents comply with the requirements of CEQA. An Addendum was prepared by the OCFCD and approved on April 29, 2016, for this project. The Addendum did not identify any additional mitigation measures.

The Project involves dredging in the Santa Ana River and deposition of dredge material at West Newport Beach, Lower Newport Harbor, five locations in Huntington Harbor, Seal Beach, Sunset Beach, and San Clemente beaches in Huntington Harbor, Newport Harbor, and the Pacific Ocean, in the cities of Huntington Beach, Newport Beach, Seal Beach, and San Clemente.

The OCFCD determined that the Project could have significant environmental effects on the following environmental resources:

- Sedimentation/Water Quality;
- Land Use and Social Concerns;
- Air Resources;
- Transportation and Utilities;

[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

- Biological Resources;
- Paleontological Resources;
- Cultural Resources; and
- Esthetics.

Of the eight resource areas noted above, Project components within the CSLC's jurisdiction (i.e., dredging) could have significant environmental effects on three of the resource areas, as follows:

- Air Resources;
- Biological Resources; and
- Sedimentation/Water Quality.

In certifying the Final Supplemental EIS and approving the Project, the OCFCD imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant for most resource areas.

However, even with the integration of all feasible mitigation, the OCFCD concluded in the Supplemental EIS that some of the identified impacts would remain significant. As a result, the OCFCD adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts (see Attachment C-2). The OCFCD determined that, after mitigation, the Project may still have significant impacts on land use and farmland resources, traffic, noise, biological resources, esthetics, and public safety. Because these significant impacts do not occur near the mouth of the Santa Ana River and are outside the jurisdiction and approval authority of the CSLC, a Statement of Overriding Considerations is not required by the CSLC.

As a responsible agency, the CSLC complies with CEQA by considering the Supplemental EIS and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the Supplemental EIS certified by the OCFCD for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below

as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund* v. *Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in the Supplemental EIS, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC's exercise of discretion involves only issuing a General Lease – Dredging, for this Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the Supplemental EIS fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the Project Supplemental EIS. All significant adverse impacts of the Project identified in the Supplemental EIS relating to the CSLC's approval of a General Lease - Dredging, which would allow dredging at the mouth of the Santa Ana River, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

(1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

[2] See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

These Findings are supported by substantial evidence contained in the Supplemental EIS and other relevant information provided to the CSLC or existing in its files, all of which is contained in the administrative record. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Supplement EIS.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

A. SUMMARY OF FINDINGS

Based on public scoping, the proposed Project will have No Impact on the following environmental issue areas:

- Aesthetics (Lower River);
- Agricultural Resources (Mill Creek Levees, Oak Street Drain, Lower River, Santiago Creek);
- Mineral Resources;
- Population and Housing;
- Public Services;
- Utilities and Service Systems;
- Sedimentation/Water Quality (Mill Creek Levees, Oak Street Drain, Santiago Creek);
- Groundwater (All Areas);
- Water Quality;
- Land Use/Recreation/Social Concerns (Seven Oaks Dam, Lower River, Mill Creek Levees, Oak Street Drain, Santiago Creek);
- Access (Seven Oaks Dam, Mill Creek Levees, Oak Street Drain, Santiago Creek);
- Construction related noise (Mill Creek Levees);
- Biological Resources (Oak Street Drain);
- Paleontological Resources (Lower River, Mill Creek Levees, Oak Street Drain, and Santiago Creek);
- Cultural Resources (Oak Street Drain, Mill Creek Levees, Santiago Creek);
- Public Safety (Seven Oaks, Prado Dam, Lower River, Mill Creek, and Oak Street Drain);

The SEIS subsequently identified the following impacts as Less Than Significant:

- Noise

For the remaining potentially significant effects, the Findings are organized by significant impacts within the Supplemental EIS issue areas as presented below.

B. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Supplemental EIS to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

1. Sedimentation/Water Quality (WQ)	WQ-1Construction/Excavation; WQ-3 Turbidity, Contaminated Sediment, and Tidal Exchange; WQ-4 Petroleum/Chromium Contamination,
2. Air Resources (AR)	AR-1 Dust Emissions
3. Biological Resources (BIO)	BIO-1 Loss of Salt Marsh Habitat

1. SEDIMENTATION/WATER QUALITY (WQ)

CEQA FINDING NO. WQ-1

Impact: **Impact WQ-1. Construction/Excavation**.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the Supplemental EIS.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (Regional Water Quality Control Board) and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in soil erosion and turbidity to the Lower Santa Ana River from construction of flood control structures and vehicle access roads. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 6).

Implementation of MM(s) WQ-1-1 and WQ-1-3 has been incorporated into the Project to reduce this impact to a less than significant level. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 7).

MM WQ-1-1: Employment of erosion control and slope stabilization methods, and a reseeding program will be implemented on excavated surfaces.

MM WQ-1-3: Project compliance with State and Federal water quality permits.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-3

Impact: **Impact WQ-3. Turbidity, Contaminated Sediment, and Tidal Exchange**.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the Supplemental EIS.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (Regional Water Quality Control Board) and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in turbidity, release of organic matter, and loss of tidal exchange due to dredging, channel dewatering, and beach replenishment. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 8).

Implementation of MM(s) WQ-3-1 through WQ-3-10 has been incorporated into the Project to reduce this impact to a less than significant level. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (pages 9 and 10).

MM WQ-3-1: Project compliance with State and Federal permits for channel dewatering.

MM WQ-3-2: Soil material high in organic matter shall not be used for shore disposal. All non-suitable non-toxic materials shall be removed to a landfill or fill area.

MM WQ-3-3: Soil material from the marsh areas near the Santa Ana River mouth shall be treated on site to remove any oil or chromium prior to its use as fill or for beach replenishment. If this is not feasible, the material shall be disposed of in a designated landfill.

MM WQ-3-4: The suitability of required invert materials for placing on the beach shall be monitored during construction.

MM WQ-3-5: The design of the inlet at the mouth of the river is designed to improve tidal flushing.

MM WQ-3-6: Only non-polluting natural sediment shall be deposited on the beach or in ocean.

MM WQ-3-7: Sand dikes shall be used for slurried beach replenishment.

MM WQ-3-8: Increases in turbidity shall be monitored during construction. If impacts on California least tern are identified, appropriate measures shall be taken. These could include relocating beach deposition activities further south; ceasing beach replenishment and the placing of materials in the surf zone; ceasing of dredging during the nesting period of CA least tern.

MM WQ-3-9: If determined to be necessary as a result of monitoring during construction, the beach deposition point shall be relocated further south.

MM WQ-3-10: The tidal opening for the marsh shall be maintained.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-4

Impact: **Impact WQ-4. Petroleum/Chromium Contamination**

Finding(s):
(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the Supplemental EIS.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (Regional Water Quality Control Board) and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in petroleum and chromium contamination through dredging and beach replenishment activities. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 10).

Implementation of MM(s) WQ-4-1 through WQ-4-4 has been incorporated into the Project to reduce this impact to a less than significant level. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (pages 10 and 11).

MM WQ-4-1: Soil material from the marsh areas near the Santa Ana River mouth shall be treated on site to remove any oil or chromium prior to its use as fill or for beach replenishment. If this is not feasible, the material shall be disposed of in a designated landfill.

MM WQ-4-2: The suitability of required invert materials for placing on the beach shall be monitored during construction.

MM WQ-4-3: Only non-polluting natural sediment shall be deposited on the beach or in ocean.

MM WQ-4-4: Existing oil wells within the mitigation lands and construction area shall be abandoned and cleaned up prior to construction.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. AIR RESOURCES (AR)

CEQA FINDING NO. AR-1

Impact: **Impact AR-1. Dust Emissions**

Finding(s):
(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the Supplemental EIS.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (South Coast Air Quality Management District) and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in dust emissions from a variety of construction and excavation activities in the Lower Santa Ana River. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 13).

Implementation of MM(s) AR-1-1 through AR-1-3 has been incorporated into the Project to reduce this impact to a less than significant level. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 14).

MM AR-1-1: Adequate dust control measures will be implemented during construction. These measures would include (but are not limited to) adequate watering (especially of haul routes) and use of biodegradable dust suppressants.

MM AR-1-2: All local and State permits related to construction activities shall be obtained.

MM AR-1-3: All local, State, and Federal regulations and requirements related to construction-related dust emissions shall be followed. These may include baghouses or similar controls.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. BIOLOGICAL RESOURCES (BIO)

CEQA FINDING NO. BIO-5

Impact: **Impact BIO-5. Loss of Salt Marsh Habitat.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the Supplemental EIS.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency (U.S. Fish and Wildlife Service, CA Department of Fish and Wildlife, and National Marine Fisheries Service) and not the CSLC. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in elimination of eight acres of mostly man-altered high salt marsh east of the Greenville-Banning channel. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 21).

Implementation of MM(s) BIO-5-1 through BIO-5-4 has been incorporated into the Project to reduce this impact to a less than significant level. See Attachment C-2, 1989 Orange County Board of Supervisors Resolution (page 22).

MM BIO-5-1: Eight acres of mitigation lands will be acquired in the Santa Ana River Salt Marsh and 84 acres of enhancement lands for endangered (and other) species preservation shall be acquired at the Marsh. The combined 92 acres shall be restored.

MM BIO-5-2: The marsh restoration plan shall include excavation of the existing marsh, recontouring, and planting of wetland plant species. Existing tidal channels will be deepened, and smaller "sprite" channels will be created in the upper marsh area to ensure adequate soil saturation. Two todal gate locations will be constructed in the east side slopes of the Santa Ana River channel. An enlarged culvert constructed between the north and south sections of the marsh will also be constructed.

MM BIO-5-3: Marsh excavation and settling of turbidity shall be completed prior to construction begins on the lower Santa Ana River channel.

MM BIO-5-4: A biological monitoring program shall be conducted during restoration.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.