

**STAFF REPORT
C66**

A 76
S 36

10/19/17
W 26967
S. Avila

GENERAL LEASE – OTHER

CO-APPLICANTS:

San Elijo Lagoon Conservancy

California Department of Transportation

PROPOSED LEASE:

LAND TYPE AND LOCATION:

Sovereign land in the San Elijo Lagoon and the Pacific Ocean, city of Encinitas, San Diego County.

AUTHORIZED USE:

Restoration activities, including dredging and grading of the lagoon inlet and main channel, vegetation removal and planting, the construction, use, and maintenance of an overdredge pit and riprap protective structures, and the removal/installation of dikes/weirs to enhance hydrologic connectivity. Reuse of dredged material includes on-site fill for creation of upland habitat, and disposal of 850,000 cubic yards of dredge material at two onshore receiver sites and at two offshore sites. Long-term maintenance includes on-site maintenance dredging activities including the annual removal of approximately 40,000 cubic yards of dredged material from the lagoon inlet and disposal at the beach and offshore sites.

LEASE TERM:

20 years, beginning October 19, 2017.

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:

1. The Lessees shall coordinate with the California Department of Fish and Wildlife (CDFW) as Lessee under Lease No. PRC 5328.9 for management of the State's San Elijo Lagoon parcel, to ensure

CALENDAR ITEM NO. **C66** (CONT'D)

that no activities conducted within the parcel interfere, conflict with, or otherwise impact with CDFW's lease management responsibilities for the San Elijo Lagoon Ecological Reserve.

2. The Lessees shall coordinate with the County of San Diego (County) as Lessee under Lease No. PRC 5953.9 for management of the State's San Elijo Lagoon parcel, to ensure that no activities conducted within the parcel interfere, conflict with, or otherwise impact with County's lease management responsibilities for the San Elijo Lagoon Regional Park and Wildlife Sanctuary.
3. Within 60 days of Project completion, Lessee shall provide to Lessor a set of as-built drawings, a post-construction written narrative report, and revised Exhibits A and B describing the as-built location of the land portion of the protective structures, if the as-built locations fall outside the Lease Premises as described in the Lease. Revised Exhibits, if any, shall be incorporated into the Lease and shall supersede corresponding Exhibits upon review and written approval by the Commission's Executive Officer or her designee.
4. Lessee shall conduct visual inspections of the protective structure using diver/ROV video at least once every 2 years, and an integrity assessment of the protective structure when warranted by extraordinary circumstances such as a significant storm event.
5. At least 30 days prior to the start of the first beach replenishment activity performed at either of the authorized receiver sites, Lessee shall submit a mean high tide line survey for Lessor's review and approval per the lease terms and conditions.
6. Lessee shall, at no cost to the State, remove all or any portion of any abandoned improvements if such improvements are determined by the Commission to be adverse to the public interest or the environment, or become a hazard to navigation.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

CALENDAR ITEM NO. **C66** (CONT'D)

Public Trust and State's Best Interests Analysis:

Efforts have been made since the mid-1990s to actively manage San Elijo Lagoon. The San Elijo Lagoon Enhancement Plan (County of San Diego 1996) identified several opportunities for enhancement and restoration, mostly by reducing sedimentation and improving tidal exchange and circulation. A long-term financial endowment was established in the 1990s to fund inlet maintenance for tidal flushing. As a result of this endowment, the San Elijo Lagoon Conservancy (SELC) has actively opened the inlet annually for at least 10 years, and the lagoon inlet has remained open more than 80 percent of the time over that period. These efforts do not remedy the underlying water quality issues, so the Co-Applicants have applied for a lease for proposed activities under the San Elijo Lagoon Restoration Project (Project). The Project proposes to restore the physical biological functions within the lagoon that have been degraded over the years.

The Project will promote lagoon restoration through modifications to channels and habitat areas within the lagoon. The main tidal channel would be extended and a mix of mudflats and secondary channels south of the main channel would be enhanced. The existing CDFW dike and weir would be removed, and protective riprap would be placed along the tidal entrance channel, particularly on the outer bank nearest to Highway 1, and under both abutments for the rail bridge and the I-5 bridge. The former sewage settling pond would be capped and filled with sand and crushed shell for use as a nesting area.

The Project has the potential to generate approximately 850,000 cubic yards of excess material through excavation. An overdredge pit would be created to provide larger-grained material suitable for re-use within the littoral zone, which would be exported from the site. Placement would occur at Cardiff beach, Fletcher Cove, and at the San Diego Association of Governments (SANDAG) SO-6 offshore borrow sites. Inlet maintenance will also require the annual removal of approximately 40,000 cubic yards of dredged material.

The San Elijo Lagoon Ecological Reserve (Reserve), which is a part of the larger Project, provides critical migrating waterfowl habitat and nesting sites for sensitive bird species, contributes to coastal fisheries replenishment by providing nursery habitat for young fish, and generally protects a tremendous diversity of plant and animal species. Wildlife viewing is available in the lagoon by way of eight hiking trails. The lease will require the SELC to coordinate with CDFW, as Lessee under Lease No. PRC 5328.9 for management of the State's San Elijo Lagoon parcel,

CALENDAR ITEM NO. **C66** (CONT'D)

to ensure Project activities do not interfere, conflict with, or otherwise impact CDFW's lease management responsibilities for the Reserve.

The San Elijo Lagoon Regional Park and Wildlife Sanctuary (Sanctuary), which is also within part of the larger Project, provides sanctuary to waterfowl and sensitive bird species, contributes to coastal fisheries replenishment by providing nursery habitat for young fish, and generally protects a tremendous diversity of plant and animal species. The lease will require the SELC to coordinate with the County, as Lessee under Lease No. PRC 5953.9 for management of the State's San Elijo Lagoon parcel, to ensure Project activities do not interfere, conflict with, or otherwise impact the County's lease management responsibilities for the Sanctuary.

The proposed authorized lease activities and uses do not substantially interfere with Public Trust uses because the lease requires that the SELC not interfere with or otherwise cause to restrict the public's access, use, and enjoyment of any state-owned lands or public easements in or near the Project area except as necessary to ensure public safety during Project construction. The lease further requires periodic testing of the protective structure to ensure integrity, and if the Commission determines that any portion of the abandoned sewage settling pond has become a hazard to the public or the environment, the SELC will be required to remove that portion.

Staff believes this use of public land is consistent with the common law Public Trust Doctrine because the restoration of the lagoon will enhance and encourage a more functional coastal estuarine environment and wildlife habitat, will improve public passive recreational use, and will temporarily increase protection of public infrastructure.

Furthermore, the lease is for a limited term, it requires the Lessee to indemnify the state, and upon termination of the lease, the Lessee may be required to remove the improvements and restore the lease premises to their original condition.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in a tidally influenced area vulnerable to flooding at current sea levels that will be at a higher risk of flood exposure given future projection scenarios of sea-level rise. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5

CALENDAR ITEM NO. C66 (CONT'D)

feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding and larger tidal events, and can affect erosion and sedimentation rates. As stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. Climate change and sea-level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run up, potentially resulting in greater beach erosion than previously experienced.

The project objectives are to restore hydrologic connectivity and tidal inundation to San Elijo Lagoon, and restore habitat regimes to historical conditions. The project also includes reuse of dredged materials from the lagoon for offshore disposal, placement at various beach receiver sites, and creation of transitional upland habitat topography. Restoration design pertaining to channel dredging, fill, and habitat restoration has been designed for adaptation to future anticipated sea-level rise projections. The EIS/EIR for the restoration project recommends a design horizon for sea-level at San Elijo Lagoon of 2 feet, assumed to occur in approximately 2065 (Moffatt & Nichol February 2010). Placement of dredged material at offshore disposal areas and beach receiver sites will also serve to increase sediment supply and armor associated shorelines within affected littoral cells. Overall, the project is expected to enhance resiliency of the project area to sea-level rise impacts.

Conclusion:

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

OTHER PERTINENT INFORMATION:

1. The Co-Applicants own portions of the upland adjoining the lease premises.
2. An EIR/EIS, State Clearinghouse No. 2011111013, was prepared by the County of San Diego Parks and Recreation Department and certified on February 26, 2016, for this project. Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

CALENDAR ITEM NO. **C66** (CONT'D)

Findings and a Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15093, and 15096) are contained in Exhibit D, attached hereto.

3. 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.
4. 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.

APPROVALS OBTAINED:

California Coastal Commission
California Department of Fish and Wildlife
California Regional Water Quality Control Board – San Diego
County of San Diego Parks and Recreation Department

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Parks and Recreation

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR/EIS, State Clearinghouse No. 2011111013, and a Mitigation Monitoring Program was prepared by the County of San Diego Parks and Recreation Department and approved on February 26, 2016, for this Project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of

CALENDAR ITEM NO. **C66** (CONT'D)

the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

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

Adopt the Findings and a Statement of Overriding Considerations, made in conformance with California Code of Regulations, title 14, sections 15091, 15093, and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

PUBLIC TRUST AND STATE'S BEST INTERESTS FINDING:

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

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:

1. Authorize issuance of a General Lease – Other to the San Elijo Conservancy and California Department of Transportation beginning October 19, 2017, for a term of 20 years, for restoration activities including dredging and grading of the lagoon inlet and main channel, vegetation removal and planting, the construction, use, and maintenance of an overdredge pit and riprap protective structures, and the removal/installation of dikes/weirs to enhance hydrologic connectivity. Reuse of dredged material includes on-site fill for creation of upland habitat, and disposal of 850,000 cubic yards of dredge material at two onshore receiver sites and at two offshore sites. Long-term maintenance includes the annual removal of approximately 40,000 cubic yards of dredged material from the lagoon inlet and disposal at the beach and offshore sites, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being 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.

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2. Authorize the Executive Officer or her designee to replace Exhibits A and B, as needed, upon review of as-built plans, if the as-built location of the protective structures fall outside the Lease Premises as described in the Lease.

EXHIBIT A-1

W 26967

LAND DESCRIPTION

Twenty-three (23) parcels of tide and submerged land situate in the bed of San Elijo Lagoon, whether filled or unfilled, lying adjacent to fractional Sections 25, 26, 27, 34 and 35, Township 13 South, Range 4 West, SBM, as shown on Official Government Township Plat approved April 19th, 1881, San Diego County, State of California, and more particularly described as follows:

PARCEL 1

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded June 1, 1977 in Book 1977, Page 211013 in Official Records of said County.

PARCEL 2

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded September 24, 1976 in Book 1976, Page 314862 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 3

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Trustee's Deed Upon Sale recorded February 14, 1972 in Book 1972, Page 35535 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1613, patented March 7, 1889 and Swamp & Overflowed Land Location No 1656 patented July 31, 1912.

ALSO EXCEPTING THEREFROM any portion (s) lying within the exterior boundaries of those parcel (s) of land described in that Grant Deed recorded June 1, 1977 in Book 1977, Page 211013 in Official Records of said County.

PARCEL 4

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded April 6, 1972 in Book 1972, Page 84954 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1614, patented February 14, 1888.

PARCEL 5

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded July 3, 1973 in Book 1973, Page 184210 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 6

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded September 24, 1976 in Book 1976, Page 314860 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1614, patented February 14, 1888.

PARCEL 7

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded December 27, 1977 in Book 1977, Page 532286 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 8

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded March 4, 1977 in Book 1977, Page 079544 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 9

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded September 27, 2002 in Document No. 2002-0835196 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 10

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded August 2, 1961 in Book 1961, Page 132076 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1614, patented February 14, 1888.

PARCEL 11

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded July 7, 1978 in Book 1978, Page 283321 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1614, patented February 14, 1888.

PARCEL 12

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded October 10, 1973 in Book 1973, Page 285374 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 13

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded October 10, 1973 in Book 1973, Page 285375 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 14

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded November 12, 1973 in Book 1973, Page 315858 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 15

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded June 10, 1986 in Book 1986, Page 230802 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1634, patented September 23, 1887, Swamp & Overflowed Lands Location 2524, patented July 13, 1906 and Swamp & Overflowed Lands Location 3721, patented March 12, 1907.

PARCEL 16

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Quitclaim Deed recorded January 17, 2003 in Document No. 2003-0065800 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 17

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded March 5, 1992 in Document No. 1992-0122986 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 18

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded March 31, 1995 in Book 1995, Page 0136305 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 19

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of Parcel 1, Parcel 4, Parcel 5 and Parcel 6 as described in that Quitclaim Deed recorded December 30, 2002 in Document No. 2002-1197849 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

PARCEL 20

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded October 27, 2000 in Document No. 2000-0583990 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 21

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded December 24, 2008 in Document No. 2008-0654160 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 22

All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of that parcel "Lands of the State of California State Park Commission Book 3089 Page 458 O.R." as shown on that Record of Survey 7048 filed January 23, 1969 in said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

PARCEL 23

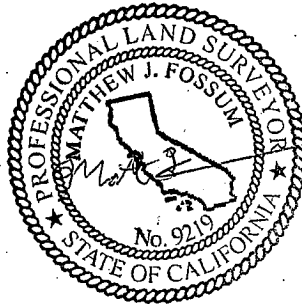
All those tide and submerged lands lying in the bed of San Elijo Lagoon within the exterior boundaries of those parcel(s) of land described in that Grant Deed recorded August 30, 2013 in Document No. 2013-0543750 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of San Elijo Lagoon.

ALSO EXCEPTING THEREFROM any validly portion(s) of Swamp & Overflowed Lands Location No 1656, patented July 31, 1912.

END OF DESCRIPTION

Prepared 10/05/2017 by the California State Lands Commission Boundary Unit



LAND DESCRIPTION

Four (4) parcels of tide and or submerged land lying in the bed of the Pacific Ocean, lying adjacent to Cardiff State Beach and Solana Beach, San Diego County, California, and more particularly described as follows:

PARCEL 1 – Solana Beach Disposal Site

COMMENCING at a NGS monument "SEV 104" (PID: DX4005) having CCS83 Zone 6 coordinates of Northing (y) = 1949119.87 feet, Easting (x) = 6250861.68 feet (Epoch 1991.35) which bears South 43°26'14" East 14,093.13 feet from a NGS monument "ENCINITAS 2" (PID: DX3991) having CCS83 Zone 6 coordinates of Northing (y) = 1959353.31 feet, Easting (x) = 6241171.84 feet (Epoch 1991.35); thence South 27°13'07" West 7,594.77 to a point on the shoreline of the Pacific Ocean also being the POINT OF BEGINNING; thence along said shoreline the following six (6) courses:

- 1) South 16°13'31" East 318.78 feet;
- 2) South 11°30'41" East 418.42 feet;
- 3) South 05°41'45" East 191.45 feet;
- 4) South 13°55'27" East 309.60 feet;
- 5) South 02°32'58" East 269.77 feet;
- 6) South 11°28'34" East 602.61 feet;

thence leaving said shoreline South 79°58'06" West 478.82 feet; thence North 10°01'54" West 2,104.87 feet; thence North 79°58'06" East 447.03 feet to the POINT OF BEGINNING.

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

PARCEL 2 – Cardiff State Beach Disposal Site

COMMENCING at a NGS monument "SEV 104" (PID: DX4005) having CCS83 Zone 6 coordinates of Northing (y) = 1949119.87 feet, Easting (x) = 6250861.68 feet (Epoch 1991.35) which bears South 43°26'14" East 14,093.13 feet from a NGS monument "ENCINITAS 2" (PID: DX3991) having CCS83 Zone 6 coordinates of Northing (y) = 1959353.31 feet, Easting (x) = 6241171.84 feet (Epoch 1991.35); thence North 81°17'43" West 5,149.33 feet to a point on the shoreline of the Pacific Ocean also being the POINT OF BEGINNING; thence along said shoreline the following three (3) courses:

- 1) South 19°51'16" East 304.26 feet;
- 2) South 13°47'09" East 860.28 feet;
- 3) South 09°18'04" East 1,422.25 feet;

thence leaving said shoreline South 74°00'00" West 502.94 feet; thence North 16°00'00" West 2,575.75 feet; thence North 74°00'00" East 681.63 feet to the POINT OF BEGINNING.

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

PARCEL 3 – RBSP-I Disposal Site

COMMENCING at a NGS monument "SEV 104" (PID: DX4005) having CCS83 Zone 6 coordinates of Northing (y) = 1949119.87 feet, Easting (x) = 6250861.68 feet (Epoch 1991.35) which bears South 43°26'14" East 14,093.13 feet from a NGS monument "ENCINITAS 2" (PID: DX3991) having CCS83 Zone 6 coordinates of Northing (y) = 1959353.31 feet, Easting (x) = 6241171.84 feet (Epoch 1991.35); thence North 86°53'22" West 9,224.91 feet to the POINT OF BEGINNING; thence the following six (6) courses:

- 1) South 21°09'36" East 1,125.02 feet;
- 2) South 75°48'19" West 1,318.03 feet;
- 3) North 15°16'26" West 858.78 feet;
- 4) North 20°56'45" East 219.95 feet;
- 5) North 70°50'00" East 697.86 feet;
- 6) North 73°06'15" West 376.36 feet to the POINT OF BEGINNING.

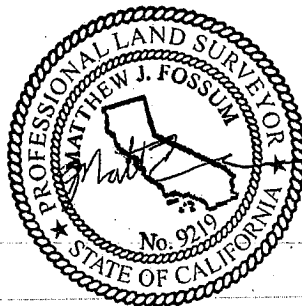
PARCEL 4 – RBSP-II Disposal Site

COMMENCING at a NGS monument "SEV 104" (PID: DX4005) having CCS83 Zone 6 coordinates of Northing (y) = 1949119.87 feet, Easting (x) = 6250861.68 feet (Epoch 1991.35) which bears South 43°26'14" East 14,093.13 feet from a NGS monument "ENCINITAS 2" (PID: DX3991) having CCS83 Zone 6 coordinates of Northing (y) = 1959353.31 feet, Easting (x) = 6241171.84 feet (Epoch 1991.35); thence South 78°34'48" West 7,226.31 feet to the POINT OF BEGINNING; thence the following four (4) courses:

- 1) South 02°52'53" East 323.94 feet;
- 2) South 49°50'46" West 2,285.16 feet;
- 3) North 13°28'26" West 1,431.01 feet;
- 4) North 78°53'03" East 2,103.19 feet to the POINT OF BEGINNING.

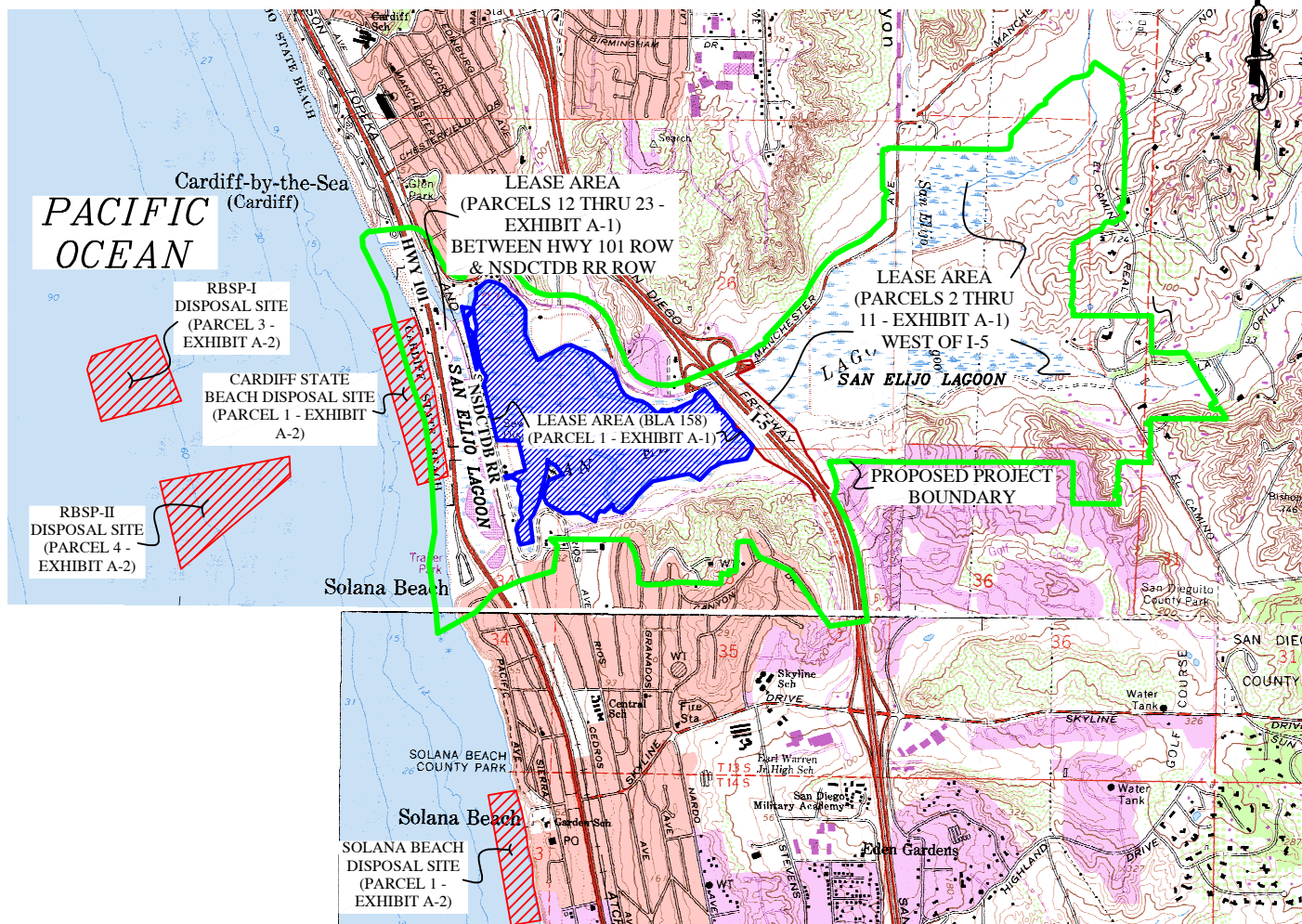
END OF DESCRIPTION

Prepared 10/06/2017 by the
California State Lands
Commission Boundary Unit



NO SCALE

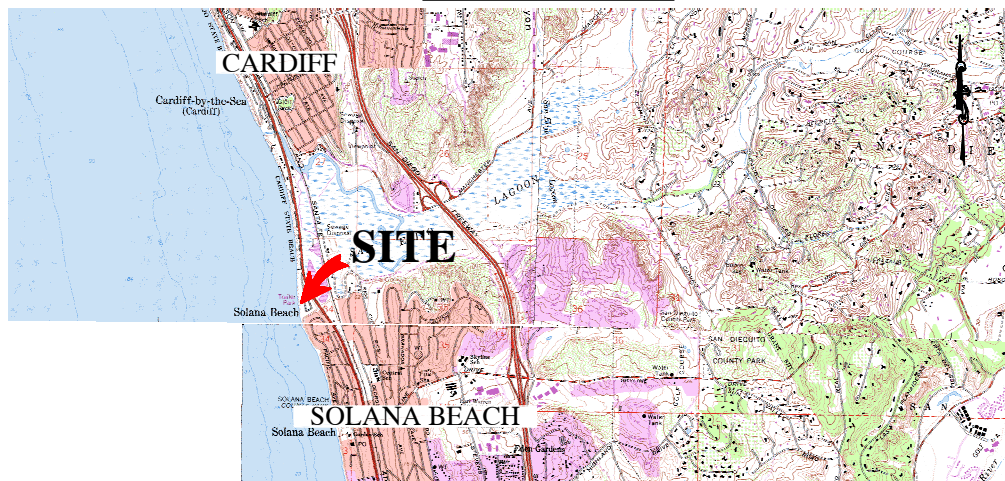
SITE



SAN ELIJO LAGOON & PACIFIC OCEAN AT CARDIFF STATE BEACH & SOLANA BEACH

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

W 26967
SAN ELIJO LAGOON
CONSERVANCY
GENERAL LEASE -
PUBLIC AGENCY USE
SAN DIEGO COUNTY



EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
SAN ELIJO LAGOON RESTORATION PROJECT
(W26967, State Clearinghouse No. 2011111013)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the San Elijo Lagoon Restoration Project (Project). The CEQA lead agency for the Project is the San Diego County Department of Parks and Recreation (SDCDPR) and the National Environmental Policy Act (NEPA) lead agency is the U.S. Army Corps of Engineers. The SDCDPR approved Alternative 1B-Refined, hereinafter referred to as the Project.

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 impose 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 lead agency has certified an EIR, State Clearinghouse No. 2011111013, has adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The lead agency has also included Project design features to minimize and avoid, where possible, impacts to resources and is included in Table 2 of Attachment C-1. 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 and each Project design feature, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and

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

- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

Table C-1. Project Impacts and Applicable Mitigation Measures²

Potential Impact	Mitigation Measure (MM) ³	Difference Between CSLC MMP and Lead Agency MMP
<u>WQ-Lagoon Restoration</u> : Construction Turbidity	MM WQ-1, MM WQ-2	None
<u>CUL-Lagoon Restoration</u> : Disturbance of Known Cultural Resource Sites	MM CUL-5	See Mitigation Measure CUL-5 below
<u>CUL-Lagoon Restoration</u> : Ground Disturbance of Unknown Human Remains	MM CUL-4	None
<u>PALEO-Lagoon Restoration</u> : Construction disturbance	MM PALEO-1, MM PALEO-2	See Mitigation Measure PALEO-1 below
<u>VIS-Lagoon Restoration (also Cum. Impact)</u> : Construction Activities	MM VIS-1	None
<u>AQ-Lagoon Restoration (also Cum. Impact)</u> : Construction ROG and NOx Emissions	MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5	None
<u>HAZ-Materials Disposal</u> : Use of Hazardous Dredge Materials	MM HAZ-3	None
<u>GHG-Lagoon Restoration (also Cum. Impact)</u> : Construction GHG Emissions	MM GHG-1, MM GHG-2, MM GHG-3, MM GHG-4	None
<u>TR-Lagoon Restoration</u> : Work Zone Traffic Control Plans and Public Noticing	MM TR-1, MM TR-2	None

Mitigation Measure CUL-5: Exclusionary fencing shall be used to avoid inadvertent disturbance of cultural resources in proximity to the APE, staging areas, and access roads. The temporary exclusionary fencing shall be placed parallel to, but outside of the APE, staging areas, or the access road's existing limits of disturbance in locations where within 15 feet. Specifically, exclusionary fencing shall be placed parallel to existing access roads used for construction access near sites CA-SDI-13,903 and CA-SDI-20,816.

California State Lands Commission (Commission) staff shall be notified of any California Register of Historic Resources- or National Register of Historic Resources-eligible resources or paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of any artifacts or specimens including, but not limited to, those of an archaeological, cultural, historical, or paleontological nature from such lands must be approved by the Commission.

² Acronyms used in mitigation measures include: APE = area of potential effect; cum = cumulative; cy = cubic yards; GHG = greenhouse gases; NOx = nitrogen oxides; ROG = reactive organic gas.

³ See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

Mitigation Measure PALEO-1: A monitoring program during grading, trenching, or other excavation into undisturbed substratum or deeper bedrock beneath the soil horizons and a fossil recovery program shall be implemented per County mitigation standards for excavation equal to or greater than 2,500 cy in high or moderate potential areas. A County-approved paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons in proximity to the Delmar Formation along the North Rios Avenue access road. The following shall be completed:

- A County-approved paleontologist shall perform the monitoring (and recovery, if necessary, and report preparation) duties pursuant to the most current version of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. The contract provided to the County shall include an agreement that the grading/trenching/excavation monitoring will be completed.

The contract shall include a cost estimate for the monitoring work and reporting.

- The cost of the monitoring shall be bonded.

California State Lands Commission (Commission) staff shall be notified of any California Register of Historic Resources- or National Register of Historic Resources-eligible resources or paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of any artifacts or specimens including, but not limited to, those of an archaeological, cultural, historical, or paleontological nature from such lands must be approved by the Commission.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
San Diego County Department of Parks and Recreation**

MITIGATION MONITORING AND REPORTING PROGRAM SAN ELIJO LAGOON RESTORATION PROJECT

Mitigation measures have been identified in the Final Program Environmental Impact Report for the San Elijo Lagoon Restoration Project to reduce or avoid potential environmental impacts. To ensure compliance, the following mitigation monitoring and reporting program has been formulated. This program provides a checklist of the party responsible for the mitigation, when the mitigation will occur and the measure to document compliance. Project design features are also incorporated into the mitigation monitoring and reporting program because they have been committed to by the project applicant proactively to avoid or minimize impacts, support the overall restoration objectives of the project, or are regulatory requirements with which the project would need to comply. A mitigation checklist and a list of project features designed to construct the project in an environmentally sensitive way have been prepared for the project.

Table 1 summarizes the mitigation measures for Alternative 1B – Refined, selected as “the project” by the County of San Diego and U.S. Army Corps of Engineers. Mitigation measure numbering in Table 1 does not always appear sequential because the EIR/EIS originally considered all project alternatives at an equal level of detail and some mitigation was only applicable to alternatives not selected as the project; those measures are not included in this table and create the occasional disruption in numbering. Information contained within the checklist clearly identifies the mitigation measure, delineates the monitoring schedule, and defines the conditions required to verify compliance. The following list is an explanation of the five columns that constitute the checklist.

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|-----------------|---|
| Column 1 | Mitigation Measure: Each measure is numbered and provided with a brief description of mitigation to reduce an impact to a below a level of significance. |
| Column 2 | Monitor: Identifies the County department or other public agency that is responsible for determining compliance with the mitigation measure and for informing DPW about compliance. |
| Column 3 | Schedule: The monitoring schedule depends upon the progression of the overall project. Therefore, specific dates are not used within the "Schedule" column. Instead, scheduling describes a logical succession of events (e.g., prior to construction, annual) and if necessary, delineates a follow-up program. |
| Column 4 | Compliance Activities: Specifies discrete actions that will satisfy the mitigation requirement. |
| Column 5 | Verification of Compliance: Verification by the responsible monitor that the mitigation measure has been completed. |

Table 2 summarizes the project design features that have been incorporated to minimize and avoid, where possible, impacts to resources. Some project design features are incorporated to avoid or minimize a potential significant impact proactively through design, but others are additional measures that support the overall restoration objectives of the project without being tied to a specific potential impact. Many features also represent regulatory or code requirements that the project would need to comply with to be approved by various agencies and/or implemented legally. Those project design features that were originally included as part of the EIR/EIS, but are only applicable to alternatives other than 1B-Refined have been excluded from the table and thus, numbering does not always appear sequential. The table includes the purpose, timing, and responsibility for implementation of each project design feature. They are provided within this MMRP to ensure inclusion within the appropriate future construction documents to confirm implementation.

Table 1 Mitigation Checklist

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>To avoid potential impacts to water and aquatic sediment quality due to temporary turbidity that would be generated by lagoon restoration activities, the following measures shall be implemented.</p> <p>Mitigation Measure Water Quality-1: All additional conditions, best management practices (BMPs), and requirements that are identified by regulatory agencies prior to project initiation as part of the permitting process for the project, including Section 404 permit, Coastal Development Permit, Section 1601 permit, Section 401 Water Quality Certification, and the National Pollutant Discharge Elimination (NPDES) System MS4 permit must be implemented. Compliance with those permit conditions would be monitored through the construction monitoring program and the contractor shall certify to the engineer of record that they have been completed.</p> <p>Mitigation Measure Water Quality–2: Turbidity shall be actively managed by utilizing a cutterhead dredge and/or temporarily closing the lagoon inlet. The overdredge pit shall be capped with sand material to encapsulate material and prevent it from introducing turbidity or pollutants into the water column or released into the environment. The contractor shall certify to the permit holder that the dredge operations are not responsible for release of sediments into the water column at levels resulting in increased downstream sedimentation.</p>	<p>Contractor</p> <p>Contractor</p>	<p>During Construction</p> <p>During Construction</p>	<p>Construction Monitoring Report</p> <p>Construction Monitoring Report</p>	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>To avoid potential impacts to cultural resources due to disturbance of unknown human remains or accidental disturbance near sites CA-SDI-13,903 and CA-SDI-20,816, the following measures shall be implemented.</p> <p>Mitigation Measure Cultural-4: If human remains are encountered during the proposed project:</p> <ul style="list-style-type: none"> • Work at that location will be suspended and redirected elsewhere. • Corps and County DPR will be immediately notified of the discovery. • Remains will be left in place and exclusionary fencing will be placed in a 50-foot radius around the discovery. • Under the provisions of the California PRC Section 7050.5, the County Coroner will be notified in the event of discovery of human remains. • If the remains are either determined to be or there is reason to believe they are Native American, the coroner will notify the NAHC within 24 hours. • Disposition of Native American human remains on non-federal lands is within the jurisdiction of the NAHC. The Corps and County DPR, as lead agencies for the proposed project, will initiate consultation with the NAHC. As part of the consultation process, the NAHC will notify persons most likely to be descended (MLD) from the remains. No ground-disturbing work will occur in the location of the remains until consultation between the NAHC, MLD, Corps, and County DPR has been completed, and notification by the Corps and County DPR that construction activities may resume. 	Professional Archaeologist	During Construction	Construction Monitoring Report	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<ul style="list-style-type: none"> If the remains are discovered in situ, they will be left in place and covered with weather-proof materials such as a tarp or plywood. If they are discovered in spoils, the remains will be placed in a labeled bag and, on approval by the MLD, transported to a secure locked container. An osteologist or a forensic anthropologist will, in consultation with the MLD, inspect fragmentary bones that are suspected to be human but cannot be identified as such in the field. <p>Mitigation Measure Cultural-5: Exclusionary fencing shall be used to avoid inadvertent disturbance of cultural resources in proximity to the APE, staging areas, and access roads. The temporary exclusionary fencing shall be placed parallel to, but outside of the APE, staging areas, or the access road's existing limits of disturbance in locations where within 15 feet. Specifically, exclusionary fencing shall be placed parallel to existing access roads used for construction access near sites CA-SDI-13,903 and CA-SDI-20,816.</p>	Professional Archaeologist	Prior to Construction	Construction Monitoring Report	
<p>To avoid potential impacts to paleontological resources due to grading, trenching or other excavation into undisturbed rock layers, the following measures shall be implemented.</p> <p>Mitigation Measure Paleo-1: A monitoring program during grading, trenching, or other excavation into undisturbed substratum or deeper bedrock beneath the soil horizons and a fossil recovery program shall be implemented per County mitigation standards for excavation equal to or greater than 2,500 cy in high or moderate potential areas. A County-approved</p>	County-approved paleontologist	During construction	Paleontological Resource Monitoring Program	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons in proximity to the Delmar Formation along the North Rios Avenue access road. The following shall be completed:</p> <ul style="list-style-type: none"> • A County-approved paleontologist shall perform the monitoring (and recovery, if necessary, and report preparation) duties pursuant to the most current version of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. The contract provided to the County shall include an agreement that the grading/ trenching/excavation monitoring will be completed. The contract shall include a cost estimate for the monitoring work and reporting. • The cost of the monitoring shall be bonded. <p>Mitigation Measure Paleo-2: A final Paleontological Resource Mitigation Report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program shall be prepared, if excavation into the Delmar Formation occurs and monitoring is required.</p>	County-approved paleontologist	After construction	Paleontological Resource Mitigation Report, (if necessary)	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>To reduce adverse impacts to the visual quality and character of the lagoon, the following measure shall be implemented.</p> <p>Mitigation Measure Visual-1: Temporary screening would be placed around construction areas that are secured with a chain-link fence (such as booster pumps, staging areas, etc., as shown in Figure 2-15) to provide visual screening of the equipment located within the secured area. Screening could be brown or green mesh or other similar screening material attached to the fencing that would visually hide or obscure the interior of the fenced areas. The screening would extend as high as the chain-link fence, which would range from approximately 6 to 10 feet, depending on the area being secured.</p>	Contractor	Prior to construction	Construction Monitoring Report photos	
<p>To minimize traffic impacts of bridge replacement construction activities, the following measures shall be implemented.</p> <p>Mitigation Measure Traffic-1: Prepare work zone traffic control plans for lane closures and related construction along Coast Highway 101. The work zone traffic control plans shall be prepared in accordance with the California Manual of Uniform Traffic Control Devices (CAMUTCD), Caltrans Standard Plans (2010), and current standards and best practices of the reviewing and approving agencies. These plans are intended to accommodate workers within the roadway, while facilitating continued circulation for road users (motorists, bicyclists, and pedestrians including persons with disabilities in accordance with the ADA) through the work zone.</p>	Contractor	Prior to construction	Traffic Control Plans	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>Mitigation Measure Traffic-2: Provide advanced notification to motorists that delays and traffic congestion will occur during bridge construction and retrofitting activities to encourage avoidance of the construction area. This notification may be accomplished through various measures such as information and detour routes included on the project website; traffic details included in all notifications sent to local residents; traffic and alternative route information published in local media; and physical traffic control measures, such as temporary signage located at various distances from the construction area.</p>	SELC/Contractor	Prior to and during construction	Traffic Control Plan	
<p>To minimize construction-generated ROG and NOX emissions, the following measures shall be implemented.</p> <p>Mitigation Measure AQ-1: Off-road construction diesel engines not registered under ARB's Statewide Portable Equipment Registration Program that have a rating of 50 horsepower (hp) or more, shall meet, at a minimum, the Tier 3 California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 2 engines will be allowed on a case-by-case basis when the Contractor has documented that no Tier 3 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.</p>	Contractor	During construction	Construction Monitoring Report	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>Mitigation Measure AQ-2: AQ-2: Harbor craft with a Category 1 or 2 marine engine, such as tugboats used for materials disposal, shall meet, at a minimum, EPA Tier 2 marine engine emission standards.</p> <p>Mitigation Measure AQ-3: Dredging equipment shall be electric, if determined by the contractor to be feasible, based on availability and cost.</p> <p>Mitigation Measure AQ-4: Contractors shall use alternative fueled (e.g., compressed natural gas [CNG], liquefied natural gas [LNG], propane), or electric-powered construction equipment, if determined by the contractor to be feasible, based on availability and cost.</p> <p>Mitigation Measure AQ-5: The following measures shall be implemented by the construction contractor to reduce fugitive dust emissions associated with offroad equipment and heavy-duty vehicles:</p> <ul style="list-style-type: none"> Exposed surfaces (e.g., unpaved access roads) shall be watered, as necessary, to control fugitive dust. Sweepers and water trucks shall be used to control dust and debris at public street access points. Dirt storage piles shall be stabilized by chemical binders, tarps, fencing, or other suppression measures. Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling. Enforce a 15-mph speed limit on unpaved surfaces. 	Contractor	During construction	Construction Monitoring Report	
	Contractor	During construction	Construction Monitoring Report	
	Contractor	During construction	Construction Monitoring Report	
	Contractor	During construction	Construction Monitoring Report	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>To ensure that unforeseen wastes and hazardous materials dredged from the lagoon do not cause a public health hazard, the following measure shall be implemented.</p> <p>Mitigation Measure HAZ-3: A Sediment Management Plan will be developed and implemented to test dredged materials for proper placement in the overdredge pit or for off-site transport and proper disposal and to be in compliance with local, state, and federal regulations. The plan shall specify that if unknown contamination or other buried hazards are encountered during dredging, procedures must be carried out according to applicable regulations. Any material encountered that appears to contain contaminants will be handled in accordance with local, state, and federal guidelines, and permit conditions.</p>	Contractor	Prior to and during construction	Sediment Management Plan	
<p>To reduce construction-related greenhouse gas emissions, the following measures shall be implemented.</p> <p>Mitigation Measure GHG-1: On-site material hauling shall be performed with trucks equipped with on-road engines to the extent practicable.</p> <p>Mitigation Measure GHG-2: Limit deliveries of materials and equipment to the site to off-peak traffic congestion hours to the extent practicable.</p>	<p>Contractor</p> <p>Contractor</p>	<p>During construction</p> <p>During construction</p>	<p>Construction Monitoring Report</p> <p>Construction Monitoring Report</p>	

Mitigation Measure	Monitor	Schedule	Compliance Action	Verification of Compliance (Date/Notes)
<p>Mitigation Measure GHG-3: Restrict material hauling on public roadways to off-peak traffic congestion hours to the extent possible. During construction scheduling and execution minimize, to the extent possible, uses of public roadways that would increase traffic congestion.</p>	Contractor	During construction	Construction Monitoring Report	
<p>Mitigation Measure GHG-4: Use high-efficiency lighting and Energy Star-compliant heating and cooling units. Implement procedures for turning off computers, lights, air conditioners, heaters, and other equipment each day at close of business.</p>	Contractor	During construction	Construction Monitoring Report	

Table 2
Project Design Feature (PDF) Checklist

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
	General			
PDF-1	Implement a public information program to assist nearby residents in understanding the purpose of the project and disseminate pertinent project information.	Reduce impacts related to land use incompatibilities.	Prior to and during construction	SELC
PDF-2	Maintain project website with current construction schedule.	Ensure timely public notification; minimize land use conflicts.	During construction	SELC
PDF-3	Conduct fueling and/or maintenance activities at designated staging areas and designated fueling areas, and prepare a Spill Prevention, Control, and Countermeasure plan for hazardous spill containment.	Minimize safety hazards associated with release of hazardous materials.	During construction/ Maintenance	Contractor
PDF-4	Stake construction areas and no construction zones. Limit construction equipment and vehicles to within these limits of disturbance.	Protect sensitive habitat areas; reduce public safety hazards.	During construction/ Maintenance	Contractor
PDF-5	Restrict access to portions of lagoon trails and beaches to maintain public safety.	Reduce risks to public health and safety.	During construction/ Maintenance	Contractor
PDF-6	Maintain alternative access to beaches adjacent to placement sites, portions of trails not under active construction, and the Nature Center.	Minimize impact on public access.	During construction	Contractor
PDF-7	Shield and direct night lighting toward nonsensitive lagoon areas or the ocean and away from residences and habitat.	Minimize effects on residents and sensitive species.	During construction/ Maintenance	Contractor
PDF-8	Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers.	Minimize noise impacts.	During construction/ Maintenance	Contractor
PDF-9	House exposed engines on dredging equipment to the greatest extent possible.	Minimize noise impacts.	During construction/ Maintenance	Contractor
PDF-10	Contractors will maintain equipment and vehicle engines in good condition and properly tuned per manufacturers' specifications. Idling time for construction equipment will be minimized, as appropriate.	Minimize air quality impacts and greenhouse gas (GHG) emissions.	During construction/ Maintenance	Contractor

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
PDF-11	All storage, handling, transport, emission, and disposal of hazardous materials will be in full compliance with local, state, and federal regulations (Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25500-25520)	Avoid impacts associated with hazardous materials.	During construction/ Maintenance	Contractor
Lagoon Restoration				
PDF-12	Utilize continuous construction, with internal phases to (1) restrict vegetation clearing and grubbing to outside the breeding season (February 15–September 15) (2) limit active construction to two basins at a time (excludes construction of Coast Highway 101).	Minimize impacts to sensitive wildlife species and their habitats.	During construction	Contractor
PDF-13	Have Biological Monitor, experienced with each of the listed species, on-site during construction; frequency may vary depending upon activity but could be daily during breeding season. If California gnatcatcher nests are found and need to be inspected, or if California gnatcatcher calls are required for survey efforts, a Biological Monitor with section 10a1a certification will be used. While clearing and grubbing activities are occurring, walk along the impacted habitat ahead of machinery in an effort to flush the birds and other wildlife.	Confirm implementation of biological permit conditions, design features, mitigation measures, and applicable construction specifications.	During construction	Qualified biologist
PDF-14	Remove sources of impounded water resulting from construction equipment (if any) and confirm compliance with construction specifications regarding no ponding. At the discretion of the Biological Monitor, release water controls during construction as needed to enable tidal exchange and circulation.	Minimize vector breeding opportunity during construction.	During construction	Qualified biologist/Contractor
PDF-15	Ensure no encroachment into sensitive “no construction” zones. Visually inspect construction equipment prior to use for evidence of soils or other material that might contain invasive species. Examine equipment history to ascertain if the equipment has been involved in work within areas known to contain invasive species.	Minimize the potential to introduce aquatic invasive species into the site.	During construction	Qualified biologist

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
PDF-16	Prior to initiating construction, identify sensitive “no construction zones” and fence or flag those areas	Minimize impacts to sensitive habitat areas.	Prior to construction/ Maintenance	Qualified biologist/Contractor
PDF-17	Initiate flooding of habitat areas outside of the breeding season. If flooding is reduced and required again within the same year, reinitiation of flooding will occur outside the breeding season as well.	Minimize impacts to breeding bird nests and nesting activity.	During construction	Contractor
PDF-18	Clear and grub activities will occur in sensitive habitats in flooded areas. If clear and grub is required in dry conditions, a qualified biological monitor will walk ahead of the impact area to flush birds and other wildlife if conditions are appropriate and safe.	Minimize impacts to resident bird species and sensitive wildlife species.	During construction	Contractor/Qualified biologist
PDF-19	Controlled inundation will be used prior to clearing and grubbing in low- and mid-marsh habitat to actively encourage wildlife to relocate from vegetation to be cleared to adjacent nonimpacted habitat. After at least 24 hours of consistent inundation, grubbing of vegetation within the grading footprint will occur while still inundated to minimize the likelihood of contacting marsh birds.	Minimize impacts to resident marsh bird species.	During construction	Contractor
PDF-20	Site staging areas and access roads at existing access points and previously disturbed areas, where feasible.	Minimize impacts to intact habitat and reduce site preparation requirements.	Final design	Engineer
PDF-21	Prepare a targeted habitat enhancement plan for light-footed Ridgway’s rail and Belding’s savannah sparrow. Enhancement activities will be identified to minimize impacts to these species during construction. Activities will include fencing, public signage, selective vegetation removal (i.e., invasive species or native species not preferred by Belding’s savannah sparrow), nesting platforms, perch removal, predator trapping/control, and other techniques to minimize predation and encourage nesting of the species. The plan will be finalized in conjunction with the permitting and approval process for the project in order to incorporate agency and permit conditions. Due to these timing constraints, final plans will not be completed prior to issuance of the Final	Minimize impacts to light-footed Ridgway’s rail and Belding’s savannah sparrow.	Final design;	Qualified biologist, with approval of the Corps and County.

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
	EIR/EIS, but will be completed prior to project implementation.			
PDF-22	Implement targeted habitat enhancement plan for light-footed Ridgway's rail and Belding's savannah sparrow, specifically within designated refugia areas and other suitable habitat not directly impacted by construction activities.	Provide refugia and promote nesting by light-footed Ridgway's rail and Belding's savannah sparrow during construction in areas not directly impacted by construction activities.	During construction, prior to impacting suitable habitat areas	Qualified biologist
PDF-23	Consult with resource agencies, including USFWS, on final nesting area design during the permitting process.	Encourage nesting of special-status species.	Prior to construction	Qualified biologist
PDF-24	Where practicable, invasive species will be removed by hand or hand tools rather than chemical means. When necessary, herbicide application will be conducted by personnel with a California Department of Pesticide Qualified Applicators Certificate (QAC) or by personnel under the supervision of a person with a California Department of Pesticide Qualified Applicators License (QAL). All herbicide applied will be consistent with the label, as well as state and local regulations. Any herbicide used will be approved for use in an aquatic environment (i.e., AquaNeat®) as the entire restoration area is within the confines of the lagoon. Herbicide application will be conducted using backpack sprayers and will consist of spot spraying nonnative plant species. Herbicide application will be conducted using methods that limit overspray to adjacent native plant species and will be discontinued when wind speeds are higher than the designated label standard or above 10 miles per hour.	Reduce overspray and drift of herbicides to nontargeted species and areas.	During and after construction	Contractor
PDF-25	Prepare a Storm Water Pollution Prevention Plan (SWPPP). Prepare a Storm Water Management Plan (SWMP), a Hydromodification Management Plan (HMP), and Low Impact Development (LID) best management practices in compliance with the County MS4 Permit. The SWPPP and SWMP must be approved by the County and City of Encinitas as	Prevent pollutant discharge.	Prior to construction	Prepared by QSD certified Contractor

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
	appropriate prior to approval of associated grading plans to confirm that the limits of disturbance will be maintained within the identified footprint.			
PDF-26	Implement best management practices in compliance with SWPPP, SWMP, HMP and LID.	Prevent pollutant discharge.	During construction and future maintenance activities	QSP certified Contractor on-site
PDF-27	Actively manage turbidity by using a cutterhead dredge and/or temporarily closing the lagoon inlet.	Minimize release of disturbed sediment to the coast.	During construction	Contractor
PDF-28	Cap overdredge pit with sand material to encapsulate material and prevent it from being introduced into the water column or released into the environment.	Minimize sedimentation, turbidity, and potential release of contaminants.	During construction	Contractor
PDF-29	Coordinate with the utility service provider for relocating and/or avoiding utilities infrastructure.	Reduce and/or avoid impacts to existing utilities infrastructure.	Prior to construction	SELC and Contractor
PDF-30	Coordinate with affected utility service provider in the event relocation is required or if maintenance needs for agency-owned structures are identified during SELRP monitoring activities.	Minimize utility service disruptions.	During construction/ Maintenance	Contractor
PDF-31	Near Solana Beach sewer pipe or other utilities to be left in place, require dredging and excavation activities to stay above the minimum cover required by the utilities' owner.	Avoid impacts to existing utilities and infrastructure.	Prior to and during construction	Contractor
PDF-32	Coordinate with NCTD regarding phasing and timing to minimize impacts to the railroad during construction.	Avoid impacts to existing utilities and infrastructure.	Prior to and during construction	Contractor
PDF-33	Equipment fueling and maintenance will occur at the designated staging areas and designated fueling areas away from publicly accessible areas.	Ensure public safety.	During construction/ Maintenance	Contractor
PDF-34	During off working hours, secure heavy equipment and vehicles in staging area.	Ensure public safety.	During construction/ Maintenance	Contractor
PDF-35	Provide fire suppression equipment on board equipment and at the worksite.	Reduce fire hazard risks.	During construction/ Maintenance	Contractor
PDF-36	Require heavy equipment operators to be trained in appropriate responses to accidental fires.	Reduce fire hazard risks.	During construction/ Maintenance	Contractor

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
PDF-39	Channel bank and bridge abutment protection will be installed along the inlet channel and at bridge crossings (Coast Highway 101, NCTD railroad, and I-5) to protect channels and structures from erosion during severe storm flow events. Rock armoring will be placed directly along the toe of bridge abutments and will “wrap” around the end of the earthen berms supporting each bridge. Bridge protection will be designed in accordance with design standards of bridge owners (and placed as part of new bridge structures, as applicable).	Minimize erosion and undermining of channels and structures.	During and post-construction	Engineer and SELC
PDF-40	Monitor shoal development semi-annually and remove during regular maintenance or as-needed.	Maintain tidal exchange.	Maintenance	SELC
PDF-42	Temporary speed limit reduction for the traffic detour approaches and exits will conform to safe highway design speeds.	Ensure public safety.	Prior to construction	Contractor
PDF-43	Maintain two-way circulation on public roadways and access to neighboring commercial establishments during project construction.	Minimize traffic conflicts and access issues.	During construction	Contractor
PDF-46	All temporary facilities used for contractor activities will be returned to either original or enhanced conditions upon completion of the project to the greatest extent possible, if not needed for future maintenance activities.	Minimize land use conflicts and access issues.	Post-construction	Contractor
PDF-47	Restore North Rios, Solana Hills, and Santa Inez trails and access to them to pre-project conditions after completion of construction use.	Minimize recreational conflicts and access issues.	Post-construction	Contractor
PDF-49	Complete Letter of Map Revision (LOMR) to formally modify the Flood Insurance Rate Map (FIRM) and/or Flood Boundary and Floodway map (FBFM), as required by City of Encinitas and FEMA.	Document revised floodway/floodplain boundaries.	Post-construction	Engineer and Contractor
PDF-50	Channels and infrastructure improvements (Coast Highway 101/inlet, railroad trestle, or I-5 bridge) will be reviewed by the County, Caltrans, City of Solana Beach, and City of Encinitas as appropriate prior to approval of associated grading plans.	Ensure structural integrity of proposed structures.	Prior to and during construction	Engineer and Contractor

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
Materials Disposal/Reuse				
PDF-51	Construct longitudinal training dikes at sand placement sites.	Reduce nearshore turbidity.	During construction	Contractor
PDF-52	Release material at offshore stockpile and nearshore sites close to the ocean floor (e.g., directly from a subsurface pipe or via a vertical pipe extending from the barge downward toward the ocean floor).	Reduce drop height, settling time (and potential sand drift and loss), and surface turbidity at offshore (SO-5 and SO-6) and nearshore (off Cardiff) sites.	During construction	Contractor
PDF-53	Monitor water quality per RWQCB 401 Certification; if outside parameters then implement operational controls or halt materials placement, as necessary.	Verify permit compliance.	During construction as per RWQCB 401 Certification	Qualified biologist
PDF-54	Place material around storm drain outlets to allow continuation of proper drainage.	Continue proper drainage.	During construction	Contractor, in coordination with City Engineer
PDF-55	Conduct underwater survey of proposed anchoring, monobuoy, and routes of sinker discharge pipeline to verify absence of sensitive hard-bottom habitat; if found, relocate to avoid impacts.	Avoid direct impacts to sensitive hard-bottom habitats.	Prior to and during construction	Qualified biologist
PDF-56	Design offshore and nearshore placement sites to avoid artificial reefs, kelp, and other hard-bottom features to the satisfaction of the Corps. Provide a minimum 500-foot buffer zone from kelp beds and potential kelp habitat.	Avoid direct impacts to kelp and sensitive hard bottom habitats.	Final engineering and during materials placement	Engineering contractor and construction contractor
PDF-57	Assess habitat suitability for grunion spawning prior to construction, if construction is to occur during the spawning season. During the grunion spawning period of March through August, all proposed sand disposal sites will be monitored for grunion runs concurrently, unless the beach consists of 100% cobble (i.e., there is not sand on the beach). Grunion monitoring will be conducted by qualified biologists for 30 minutes prior to and 2 hours following the predicted start of each spawning event. If a grunion run consisting of more than 100 fish is reported, the biologist will coordinate with the resource agencies to determine appropriate avoidance	Minimize impacts to grunion.	March through August and per CDFW annual pamphlet <i>Expected Grunion Runs</i> (CDFG 2010a)	Qualified biologist

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
	and minimization measures (e.g. relocation/rescheduling of work/equipment or specification of acceptable vehicle routes).			
PDF-58	A Marine Mammal and Turtle Contingency Plan will be prepared prior to construction approved by National Marine Fisheries Service. A pre-construction contractor training will be conducted by a qualified biologist to educate workers with respect to protected marine species and avoidance measures required by the contingency plan. Monitoring during construction will include marine mammal observers on project vessels who will notify the vessel operator if a protected marine species is in the vicinity.	Reduce interactions between vessels and protected marine species.	Prior to initiation of construction and during construction	Qualified biological
PDF-59	Coordinate barge operations with the U.S. Coast Guard (USCG).	Minimize restricted areas/durations to maximize fishing opportunities.	Prior to initiation of construction and during construction	Contractor
PDF-60	Clearly mark pipelines used during materials transport (including offshore stockpiling efforts), including both floating and submerged, as "navigational hazards."	Warn recreational users of water-based activities to ensure safety and avoidance.	Before and during activities in the ocean	USCG (via construction contractor)
PDF-61	Issue Notice to Mariners and maintain 300-foot buffer around monobuoy.	Warn recreational users of water-based activities to ensure safety and avoidance.	Before and during activities in the ocean	USCG (via construction contractor)
PDF-62	Designate a 300-foot buffer around the lane designated for barges to use to reach disposal/reuse sites and track actual routes. Employ Global Positioning System (GPS) tracking on barges to track disposal activity.	Minimize gear loss and fishing conflicts.	During construction	Contractor
PDF-63	Restrict public access at sand placement sites, both on the beach and in the nearshore ocean adjacent to the pipeline and monobuoy	Public safety during construction.	During construction	Contractor, in coordination with local lifeguards
PDF-64	Temporarily relocate mobile lifeguard towers, if necessary	Ensure public safety during construction.	During construction	Contractor, in coordination with local lifeguards

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
PDF-65	Place sand to avoid blocking line-of-sight at permanent lifeguard towers. All sight lines from the viewing platforms of the lifeguard towers will be maintained and there will be no interference with views for the lifeguards.	Ensure public safety during construction.	During construction	Contractor, in coordination with local lifeguards
PDF-66	Post signs advising the public of the presence of steep sand slopes (e.g., scarps) should they develop on beaches where sand is being placed.	Reduce risks to public health and safety.	During construction	SELC in coordination with Marine Safety departments in the cities of Encinitas, Solana Beach, and San Diego
PDF-67	Prior to opening areas of beach with placed materials, spread the material and check it for potential hazards (e.g., foreign objects in the sand).	Reduce risks to public health and safety.	During construction	Contractor
PDF-68	Coordinate the schedule at individual materials placement site to the extent possible to avoid major holidays and special events.	Minimize land use and recreation conflicts.	During construction	SELC
PDF-69	Dedicated parking lots will be identified for employee parking during peak beach attendance to minimize effects to public parking availability, as necessary. A shuttle will likely be necessary for some of the more distant lots.	Maintain public beach access.	During construction	Contractor
PDF-70	Maintain horizontal access along the back beach where adjacent vertical access is not available. Where horizontal access is limited, (e.g., where a wet beach directly abuts bluffs), vertical access will remain to allow public access on either side of the active sand placement area as long as public safety is not compromised.	Maintain public beach access.	During construction	Contractor
PDF-71	Cover discharge pipeline with sand at consistent intervals to facilitate access from the back beach to the water.	Maintain public beach access.	During construction	Contractor

Project Design Feature ID	Design Features	Purpose	Timing	Implementation Responsibility
PDF-72	Notify residents at least 1 week in advance of nighttime construction work within 100 feet of residences; Restrict construction work to no longer than 3 consecutive nights within 100 feet of a specific residence where sleep disturbance may occur.	Notify residents of nighttime noise.	During construction	Contractor
PDF-73	Conduct surf condition monitoring in areas with placement of sand to verify the modeling results and document any changes in coastal conditions.	Ensure no adverse changes to coastal conditions.	Prior to, during, and following construction activities	SELC and Engineer
PDF-74	Conduct sand placement at the Torrey Pines placement site outside of the bird breeding season (April 1 through September 15, or after August 1 with confirmation of cessation of nesting). Sand placement at Cardiff placement site may happen year round. However, at both placement sites, monitoring shall be conducted during sand placement to avoid impacts to foraging snowy plover. Should foraging plover be present, the monitor will direct sand placement away from the foraging plover to allow time for the bird(s) to leave the site. In addition, night lighting shall be shielded and directed away from the back beaches. Should nesting plover be detected, a buffer around the nest would be established in consultation with the wildlife agencies and sand placement directed away from the nest.	Minimize impacts to snowy plover at placement sites.	During materials placement.	Qualified biologist

EXHIBIT D – SAN ELIJO LAGOON RESTORATION PROJECT

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

The California State Lands Commission (Commission), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize issuance of a new lease, to the San Elijo Lagoon Conservancy (SELC), for use of sovereign lands associated with the proposed San Elijo Lagoon Restoration Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) 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 Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward, and because the San Diego County Department of Parks and Recreation (SDCDPR), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The SDCDPR analyzed the environmental impacts associated with the Project in a Final Environmental Impact Statement (EIS)/ Environmental Impact Report (EIR) (State Clearinghouse No. 2011111013) and, in February 2016, certified the EIR and adopted a Mitigation Monitoring Program and Findings, and a Statement of Overriding Considerations. Attachment D-1 provides SDCDPR's Findings and a Statement of Overriding Considerations. The SDCDPR approved Alternative 1B – Refined, hereinafter referred to as the Project.

The Project involves the following components for lagoon restoration and materials disposal:

- Dredging and extension of the main inlet channel to restore hydrologic connectivity and tidal inundation between San Elijo Lagoon and the Pacific Ocean
- Restoration and creation of various submerged and upland habitat regimes, including vegetation planting

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.

- Removal and installation of weirs and other infrastructure to control lagoon hydrology
- Creation of an over-dredge pit for placement of dredged material
- Disposal of dredged material at Cardiff Beach, Solana Beach, and offshore of Cardiff Beach
- Channel bank armoring
- Pedestrian paths and bridges

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

- Water Quality
- Biological Resources
- Cultural Resources
- Paleontological Resources
- Visual Resources
- Traffic and Circulation
- Air Quality
- Noise
- Hazards and Hazardous Materials
- Greenhouse Gas Emissions

Of the 10 resource areas noted above, Project components within the Commission's jurisdiction could have significant environmental effects on all of the above resource areas.

In certifying the Final EIR and approving the Project, the SDCDPR 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 for most resource areas. However, even with the implementation of all feasible mitigation, the SDCDPR concluded in the EIR that some of the identified impacts would remain significant. As a result, the SDCDPR adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The SDCDPR determined that, after mitigation, the Project may still have significant impacts on biological resources, visual resources, traffic and circulation, air quality, noise, and greenhouse gas emissions. Because some of these significant impacts may occur on lands under the jurisdiction of the Commission, the Commission also adopts the Statement of Overriding Considerations set forth in this exhibit as part of its approval.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the

Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 FINDINGS

The Commission'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 EIR certified by the SDCDPR for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission'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 Commission's exercise of discretion involves only issuing a new lease for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a new lease, which would allow lagoon restoration of materials disposal, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, 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 Commission. 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.

- (1) Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- (2) 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.
- (3) Wherever Finding (3) is made, the Commission has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the Final EIR, discussed in the Responses to Comments, and explained below. Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the Commission finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission 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 Final EIR.

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

A. SUMMARY OF FINDINGS

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

- Agricultural Resources

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

- Mineral Resources
- Population and Housing

The EIR subsequently identified the following impacts as less than significant:

- Land Use and Recreation
- Hydrology
- Oceanography/Coastal Processes
- Geology and Soils
- Socioeconomics and Environmental Justice
- Public Services and Utilities

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

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts identified identified in Table 1 were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, several impacts were determined to be less than significant (LTSM). For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

However, even with the integration of all feasible mitigation, the SDCDPR concluded in the EIR that the other identified potentially significant impacts will remain significant. Table 1 identifies those impacts that the SDCDPR determined would be, after mitigation, significant and unavoidable (SU).

Table 1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos.	
	LTSM	SU
Water Quality	WQ-1	
Cultural	CUL-1, CUL-2	
Paleontological	PALEO-1	
Hazardous Materials	HAZ-1	
Biological Resources		BIO-1, BIO-3
Air Quality		AQ-1
Visual Resources		VIS-1
Noise		NOI-1, NOI-2
Greenhouse Gas		GHG-1
Traffic and Circulation		TR-1

As a result, the CSLC adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impacts.

1. WATER QUALITY

CEQA FINDING NO. WQ-1

Impact: **Impact WQ-1. Lagoon Restoration: Construction Related Turbidity.**

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 EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in temporary turbidity that would be generated by lagoon restoration activities, most specifically the dredging operations.

Implementation of MMs WQ-1 and WQ-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM WQ-1: Compliance with Water Quality Regulations and Permit Requirements of all Other Jurisdictional Agencies

MM WQ-2: Turbidity Control

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

2. CULTURAL RESOURCES

CEQA FINDING NO. CUL-1

Impact: **Impact CUL-1. Lagoon Restoration: Disturbance of Known Cultural Resource Sites**

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 EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in inadvertent disturbance of cultural resources in proximity to the area of potential effects, staging areas, and access roads.

Implementation of MM CUL-5 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-5: Exclusionary Fencing to Avoid Disturbance of Known Cultural Resources

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

CEQA FINDING NO. CUL-2

Impact: **Impact CUL-2. Lagoon Restoration: Ground Disturbance of Unknown Human Remains**

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 EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in discovery of human remains through earth excavation activities.

Implementation of MMs CUL-4 and CUL-6 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-4: Protocol and Protection Measures if Human Remains are Encountered

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

3. PALEONTOLOGICAL RESOURCES

CEQA FINDING NO. PALEO-1

Impact: **Impact PALEO-1. Lagoon Restoration: Construction Disturbance**

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 EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in accidental disturbance of paleontological resources during ground disturbance in areas with subsurface potential, particularly in proximity to the Delmar Formation along the North Rios Avenue access road.

Implementation of MMs PALEO-1 and PALEO-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM PALEO-1: Implement Monitoring and Fossil Recovery Program

MM PALEO-2: Prepare Final Paleontological Resource Mitigation Report if Excavation Into Delmar Formation Occurs

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

4. HAZARDOUS MATERIALS

CEQA FINDING NO. HAZ-1

Impact: **Impact HAZ-1. Materials Disposal: Use of Hazardous Dredged Material**

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 EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in unknown contamination or other buried hazards being exposed during dredging activities.

Implementation of MM HAZ-3 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-3: Implement Sediment Management Plan for Detection of Contaminants

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

C. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following impacts were determined in the Final EIR to be significant and unavoidable. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

1. Biological Resources

CEQA FINDING NO. BIO-1

Impact: **Impact BIO-1. Lagoon Restoration: Temporal Loss of Sensitive Aquatic Habitat.**

Finding(s): (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in greater than 50 percent temporal loss of sensitive aquatic habitats from construction activities, resulting

in a significant and substantially adverse short-term direct impact and cumulative impact.

No feasible mitigation available.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

CEQA FINDING NO. BIO-3

Impact: **Impact BIO-3. Lagoon Restoration: Construction Noise**

Finding(s): (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to adversely affect breeding and foraging behavior of sensitive species due to construction noise, resulting in a significant and substantially adverse direct and cumulative impact.

No feasible mitigation available.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

2. Air Quality

CEQA FINDING NO. AQ-1

Impact: **Impact AQ-1. Lagoon Restoration: Construction ROG and NOx 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 EIR.

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

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in exceedance of applicable mass emission thresholds for ROG and NOx, resulting in a significant direct and cumulative impact.

Implementation of MMs AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 has been incorporated into the Project and would reduce the severity of Impact AQ-1, although not necessarily to a less than significant level.

MM AQ-1: Meet Tier 3 California Emissions Standards for Off-Road Construction Diesel Engines

MM AQ-2: Meet Environmental Protection Agency Tier 2 Marine Engine Emission Standards for Harbor Craft

MM AQ-3: Use Electric Dredging Equipment

MM AQ-4: Use Alternative Fueled or Electric Powered Construction Equipment

MM AQ-5: Fugitive Dust Control Measures

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

3. Visual Resources

CEQA FINDING NO. VIS-1

Impact: **Impact VIS-1. Lagoon Restoration: Visual Presece of Construction Activities**

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 EIR.

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

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in significant impacts pertaining to the visual presence of construction equipment and activities. These activities could have a direct temporary, and cumulative significant and substantial adverse change in the visual quality and character of the lagoon.

Implementation of MM VIS-1 has been incorporated into the Project and would reduce the severity of Impact VIS-1, although not necessarily to a less than significant level.

MM VIS-1: Temporary Screening of Construction Areas

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

4. Noise

CEQA FINDING NO. NOI-1

Impact: **Impact NOI-1. Lagoon Restoration: Nighttime Noise for Dredging Activities**

Finding(s): (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in significant noise impacts associated with nighttime dredging activities.

No feasible mitigation is identified; therefore, the impact is considered significant and unavoidable.

CEQA FINDING NO. NOI-2

Impact: **Impact NOI-2. Materials Disposal: Nighttime Materials Placement**

Finding(s): (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in significant noise impacts associated with nighttime materials placement from dredging activities.

No feasible mitigation is identified; therefore, the impact is considered significant and unavoidable.

5. Greenhouse Gas

CEQA FINDING NO. GHG-1

Impact: **Cumulative Impact GHG-1. Lagoon Restoration: Construction Greenhouse Gas 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 EIR.

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

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in greenhouse gas emissions in exceedance of the significance threshold for construction activities, resulting in a significant and adverse cumulative impact.

Implementation of MMs GHG-1, GHG-2, GHG-3, and GHG-4 has been incorporated into the Project and would reduce the severity of Impact GHG-1, although not necessarily to a less than significant level.

MM GHG-1: On-site Material Hauling

MM GHG-2: Schedule Materials/Equipment Deliveries During Off-Peak Traffic Congestion Hours

MM GHG-3: Material Hauling on Public Roadways

MM GHG-4: Use High Efficiency and Energy Star Compliant Equipment and Minimize Daily Electricity Use

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

6. Traffic and Circulation

CEQA FINDING NO. TR-1

Impact: **Impact TR-1. Lagoon Restoration: Reduced Highway Capacity and Level of Service Degradation**

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 EIR.

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

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in reduced highway capacity and degradation of Level of Service from A to F on Highway 101 due to bridge retrofitting activities. These activities could have a substantially adverse and significant temporary direct and cumulative traffic impact. The Final EIR also identifies Impact TR-2 as a significant unavoidable impact, which does not occur on State sovereign land, and therefore is not discussed further.

Implementation of MMs TR-1 and TR-2 has been incorporated into the Project and would reduce the severity of Impact TR-1, although not necessarily to a less than significant level.

MM TR-1: Prepare Work Zone Traffic Control Plans

MM TR-2: Provide Advance Public Notice for Bridge Construction Activities

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

3.0 STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

This section addresses the Commission's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the Commission to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval related to the Project against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, those effects may be considered acceptable and the decision-making agency may approve the underlying project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does not prohibit the Commission from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

This Statement of Overriding Considerations presents a list of (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the SDCDPR and Commission have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under six resource areas: biological resources, air quality, visual resources, noise, greenhouse gas, and traffic and circulation (see Table 2). These impacts are specifically identified and discussed in more detail in the Commission's CEQA Findings and in SDCDPR's Final EIR. While the Commission has required all feasible mitigation measures, these impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

Table 2 – Significant and Unavoidable Impacts Identified for the Approved Project

Impact	Impact Description
Biological Resources	
BIO-1. Lagoon Restoration: Temporal Loss of Sensitive Aquatic Habitat.	Construction would result in greater than 50 percent temporal loss of sensitive habitats, including coastal salt marsh (low- and mid-), open water, salt panne/open water, and tidal mudflats, and a significant and substantially adverse short-term direct impact and cumulative impact would result.
BIO-3. Lagoon Restoration: Construction Noise	Construction noise could negatively affect breeding and foraging behavior of sensitive species and would result in a significant and substantially adverse direct and cumulative impact.
Air Quality	
AQ-1. Lagoon Restoration: Construction ROG and NOx Emissions	Construction-generated ROG and NOx emissions would exceed applicable mass emission thresholds and result in a significant direct and cumulative impact.
Visual Resources	
VIS-1. Lagoon Restoration: Visual Presece of Construction Activities	Construction activities would result in a direct temporary and cumulative significant and substantial adverse change in the visual quality and character of the lagoon.
Noise	
NOI-1. Lagoon Restoration: Nighttime Noise for Dredging Activities	Noise impacts associated with nighttime dredging would be significant.
NOI-2. Materials Disposal: Nighttime Materials Placement	Noise impacts associated with nighttime material placement would be significant
Greenhouse Gas	
GHG-1. Lagoon Restoration: Construction Greenhouse Gas Emissions	Construction-related GHG emissions would exceed the recommended level of significance and result in a significant and adverse cumulative impact.
Traffic and Circulation	
TR-1. Lagoon Restoration: Reduced Highway Capacity and Level of Service Degradation	Bridge retrofiting activities would result in a substantially adverse and significant temporary direct and cumulative traffic impact due to capacity reductions causing traffic operations to degrade from LOS A to LOS F on a segment of Coast Highway 101, south of Chesterfield Drive.

B. ALTERNATIVES

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000:

When it comes time to decide on project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible.... At this final stage of project approval, the agency considers whether [s]pecific economic, legal, social, technological, or other

considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].

The four alternatives analyzed in the Final EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project. These alternatives include:

- 1) Alternative 1A
- 2) Alternative 1B – Refined (the Project)
- 3) Alternative 2A
- 4) No Project/No Federal Action Alternative

As presented in the EIR, the alternatives were described and compared with each other and evaluated equally. For comparison purposes, Alternative 2A was presented as the proposed project in the Draft EIR because it would result in the largest level of environmental disturbance. Alternative 1B – Refined was developed based on Alternative 1B contained in the Draft EIR with engineering and construction method refinements reflecting public comments and agency input and is identified as the Preferred Alternative by the SDCDPR in the Final EIR.

Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Based on the analysis contained in the EIR, there is no clear environmentally superior alternative to the proposed Project that is capable of achieving the Project objective. No one alternative would eliminate the significant and adverse impacts of the proposed Project while also achieving the Project's goals.

The SDCDPR independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the SDCDPR's independent judgment as to alternatives. The SDCDPR found that Alternative 1B – Refined provides the best balance between the Project goals and objectives and the Project's environmental impacts. The three other CEQA alternatives proposed and evaluated in the EIR were rejected as being infeasible for the following reasons provided in the SDCDPR's Findings Regarding Alternatives (see Attachment D-1).

- (1) Alternative 1A: Alternative 1A does not achieve the following objectives: (1) physical restoration of lagoon estuarine hydrologic functions; and, (2) biological restoration of habitat and species within the lagoon to the same extent as the other alternatives. This alternative is undesirable from a public policy standpoint, because it would result in significant impacts but does not feasibly attain primary objectives of the project. Therefore, Alternative 1A is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.
- (2) Alternative 2A: This alternative is undesirable from a public policy standpoint because it would increase the severity of many impacts and also result in additional significant impacts to visual resources, air quality, hazardous materials

and public safety, geology and soils, and cultural resources beyond those identified for other alternatives. Therefore, Alternative 2A is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.

- (3) No Project/No Federal Action Alternative: The No Project/No Federal Action Alternative does not achieve the CEQA project objectives, such as physical and biological restoration activities, and long-term management and maintenance. Therefore, this alternative is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined that the Project should be approved, subject to certain mitigation measures (Exhibit C, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations.

C. BENEFICIAL IMPACTS OF THE PROJECT

State CEQA Guidelines section 15093, subdivision (a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

The Commission has adopted Findings regarding significant effects for the above Project (Alternative 1B – Refined), which identify that certain significant effects of implementing the project are unavoidable even after incorporation of all feasible mitigation measures. The Commission finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological, or other benefits that will result from approval and implementation of Alternative 1B- Refined, as listed below. All of these benefits are based on the facts set forth in the Findings regarding significant effects, the EIR, and the record of proceedings for this Project. The Commission finds that the Project (Alternative 1B – Refined) would have the following substantial overriding benefits:

- Improved water quality
- Beneficial reuse of material
- Improved fish habitat
- Improved avian habitat
- Sea-level rise adaptation and flood control
- Vector control
- Trail connectivity and lagoon access
- Employment opportunity

B. COMMISSION ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

As noted above, under Public Resources Code section 21081, subdivisions (a)(3) and (b) and State CEQA Guidelines section 15093, subdivision (a), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve a project.

For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, the decision-making agency may approve the underlying project. CEQA, in this respect, does not prohibit the Commission from approving the Project, even if the activities authorized by that approval may cause significant and unavoidable environmental effects. This balancing is particularly difficult given the significant and unavoidable impacts on the resources discussed in the EIR and these Findings. Nevertheless, the Commission finds, as set forth below, that the benefits anticipated by implementing the Project outweigh and override the expected significant effects.

The CLSC has balanced the benefits of the Project against the significant unavoidable impacts that will remain after selection of the Approved Project and with implementation of all feasible mitigation in the EIR that is adopted as enforceable conditions of the Commission's approval of the Project. Based on all available information, the Commission finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects, and considers such effects acceptable. The Commission adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above or described below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every significant unavoidable impact.

E. CONCLUSION

The Commission has considered the Final EIR and all of the environmental impacts described therein, including those that cannot be mitigated to a less than significant level and those that may affect Public Trust uses of State sovereign lands. The Commission has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines sections 15096 subdivision (h) and 15093, the Commission finds that the remaining significant unavoidable impacts of the Project are acceptable in light of the economic, fiscal, social, environmental, and public health and safety benefits of the Project. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the

substantive and legal basis for this Statement of Overriding Considerations. Each benefit set forth above constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every significant and unavoidable impact.

The Commission finds that to the extent that any impacts identified in the Final EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

Based on the above discussion, the Commission finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable.

ATTACHMENT D-1

San Diego County Department of Parks and Recreation

**Findings and Statement of
Overriding Considerations**

EXHIBIT A

FINDINGS REGARDING SIGNIFICANT EFFECTS

PURSUANT TO STATE CEQA GUIDELINES SECTION 15091

SAN ELIJO LAGOON RESTORATION PROJECT

SCH: 2011111013

February 2016

I. OVERALL FINDINGS

Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, the San Diego County Board of Supervisors finds as follows:

A. For the following significant effects identified under Alternative 1B – Refined in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), changes or alterations have been required in, or incorporated into, the project-by-project conditions of approval that mitigate or avoid each significant environmental effect, as explained below (Public Resources Code [PRC] Section 21081, subd. [a][1]):

- Water and Aquatic Sediment Quality
- Cultural Resources
- Paleontological Resources
- Hazardous Materials and Public Safety

For the following significant effects identified in the EIR/EIS, changes or alterations have been required in, or incorporated into, the project-by-project conditions of approval that minimize or reduce the significant effect, but not to a less than significant level, as explained in the findings below. A Statement of Overriding Considerations is being adopted to address these significant and unmitigated impacts.

- Visual Resources (construction impacts)
- Traffic and Circulation
- Air Quality
- Global Climate Change and Greenhouse Gas Emissions

B. For the following significant effects identified in the EIR/EIS, changes or mitigation measures were considered but identified as infeasible due to specific economic, legal, social, technological, or other considerations, as explained in the findings below (PRC Section 21081, subd. [a][3]). Thus, these effects would remain significant and unavoidable. A Statement of Overriding Considerations is being adopted to address these significant and unmitigated impacts:

- Biological Resources
- Noise

These findings are explained below and are supported by substantial evidence in the record of these proceedings, including materials in the County of San Diego's files for this project.

II. EXPLANATION OF FINDINGS

A. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the County finds that, for each of the following significant effects as identified in the EIR/EIS, dated December 2015 for the San Elijo Lagoon Restoration Project (project) changes or alterations (mitigation measures) have been required in, or incorporated into, the project that avoid or substantially lessen each of the significant environmental effects as identified in the EIR/EIS. The significant effects (impacts) and mitigation measures are stated fully in the EIR/EIS. The following are brief descriptions of the impacts and mitigation measures set forth in the EIR/EIS and explanation of the rationale for this finding for each impact.

1. Water and Aquatic Sediment Quality Impacts

Impact: Because the lagoon is listed as a Clean Water Act Section 303(d) impaired waterbody for sedimentation/siltation, the temporary turbidity that would be generated by lagoon restoration activities, most specifically the dredging operations, would be considered a potentially significant impact.

Mitigation Measure Water Quality-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval, requiring that all additional conditions, best management practices, and requirements that are identified by regulatory agencies prior to project initiation as part of the permitting process for the project, including Section 404 permit, Coastal Development Permit, Section 1601 permit, Section 401 Water Quality Certification, and the National Pollutant Discharge Elimination System MS4 permit must be implemented. Compliance with those permit conditions would be monitored through the construction

monitoring program and the contractor shall certify to the engineer of record that the conditions have been met.

Mitigation Measure Water Quality–2: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval, requiring that turbidity be actively managed by utilizing a cutterhead dredge and/or temporarily closing the lagoon inlet. The overdredge pit would be capped with sand material to encapsulate material and prevent it from introducing turbidity or pollutants into the water column or released into the environment. The contractor shall certify to the permit holder that the dredge operations have not been responsible for release of sediments into the water column at levels resulting in increased downstream sedimentation.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. Implementation of Mitigation Measure Water Quality-1 would reduce the generation of temporary turbidity by requiring that water quality measures as prescribed by appropriate water protection agencies and permits be fully implemented. Measures required by these agencies would be specifically designed to minimize the generation of turbidity based on project-specific operations. Additionally, Mitigation Measure Water Quality-2 would serve to reduce turbidity through the use of specific dredge machinery that does not create as much sediment disturbance. Temporarily closing the inlet or utilizing a dike system would allow for any disturbed sediment to settle out of the water column prior to the water being released into the ocean. Capping the overdredge pit with sand material would effectively trap sediments and prevent them from entering the water column and increasing turbidity or sedimentation. Implementation of these mitigation measures will reduce temporary turbidity generated by lagoon restoration activities to less than significant.

2. Cultural Resources Impacts

Impact: Accidental disturbance of unknown buried human remains during ground disturbance would result in a potentially significant impact.

Mitigation Measure Cultural-4: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that if human remains are encountered during the proposed project:

- Work at that location will be suspended and redirected elsewhere.
- U.S. Army Corps of Engineers (Corps) and County Department of Parks and Recreation (DPR) will be immediately notified of the discovery.

- Remains will be left in place and exclusionary fencing will be placed in a 50-foot radius around the discovery.
- Under the provisions of the California PRC Section 7050.5, the County Coroner will be notified in the event of discovery of human remains.
- If the remains are either determined to be or there is reason to believe they are Native American, the coroner will notify the Native American Heritage Commission (NAHC) within 24 hours.
- Disposition of Native American human remains on non-federal lands is within the jurisdiction of the NAHC. The Corps and County DPR, as lead agencies for the proposed project, will initiate consultation with the NAHC. As part of the consultation process, the NAHC will notify persons most likely to be descended (MLD) from the remains. No ground-disturbing work will occur in the location of the remains until consultation between the NAHC, MLD, Corps, and County DPR has been completed, and notification by the Corps and County DPR that construction activities may resume.
- If the remains are discovered in situ, they will be left in place and covered with weather-proof materials such as a tarp or plywood. If they are discovered in spoils, the remains will be placed in a labeled bag and, on approval by the MLD, transported to a secure locked container. An osteologist or a forensic anthropologist will, in consultation with the MLD, inspect fragmentary bones that are suspected to be human but cannot be identified as such in the field.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. If human remains were to be encountered, work around the remains would be halted and the appropriate notifications made. This would allow the remains to be properly identified and appropriately handled, including consultation with the NAHC if necessary. Implementation of this mitigation measure will reduce potential inadvertent disturbance to unknown human remains to less than significant.

Impact: Accidental disturbance to nearby cultural resources could occur during construction use of the existing access road near sites CA-SDI-13,903 and CA-SDI-20,816 and result in a potentially significant impact.

Mitigation Measure Cultural-5: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval, requiring that exclusionary fencing shall be used to avoid inadvertent disturbance of cultural resources in proximity to the area of potential effects (APE), staging areas, and access roads. The temporary exclusionary fencing shall be placed parallel to, but outside of the APE, staging areas, or the access road's existing limits of disturbance

in locations where within 15 feet. Specifically, exclusionary fencing shall be placed parallel to existing access roads used for construction access near sites CA-SDI-13,903 and CA-SDI-20,816.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. Temporary fencing would be placed prior to the start of ground-disturbing activities near known cultural resources sites to protect these sensitive areas. By fencing the site, the potential for construction activities to inadvertently take place near the site and possibly damage the resource is minimized. Implementation of this mitigation measure will reduce potential inadvertent disturbance to known cultural resources to less than significant.

3. Paleontological Impacts

Impact: Accidental disturbance of paleontological resources could occur during construction in areas with subsurface potential and is a potentially significant impact.

Mitigation Measure Paleo-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring a monitoring program during grading, trenching, or other excavation into undisturbed rock and sediment layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented. A County-approved paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons in proximity to the Delmar Formation along the North Rios Avenue access road. The following shall be completed:

- A County-approved paleontologist shall perform the monitoring (and recovery, if necessary, and report preparation) duties pursuant to the most current version of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. The contract provided to the County shall include an agreement that the grading/trenching/excavation monitoring will be completed. The contract shall include a cost estimate for the monitoring work and reporting.
- The cost of the monitoring shall be bonded.

Mitigation Measure Paleo-2: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that a final Paleontological Resource Mitigation Report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program shall be prepared, if excavation into the Delmar Formation occurs and monitoring is required.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. As required in Mitigation Measures Paleo-1 and 2, during ground-disturbing activities within sensitive formations, the qualified monitor will be able to quickly identify any potential resource that is uncovered and halt work around that site to ensure the resource is not damaged or altered. The monitor can then implement procedures to analyze, record, recover, or undertake any other appropriate actions to ensure the resource is adequately processed for complete evaluation. This will ensure that the scientific, educational, and cultural importance of any unknown portion of resource is not lost and is properly recorded in the Paleontological Resource Mitigation Report. The Paleontological Monitoring Program would specify all the steps and communication protocol so all requirements are clear and detailed. Implementation of these mitigation measures will reduce potential disturbance to unknown paleontological resources to less than significant.

4. Hazardous Material and Public Safety Impacts

Impact: Unforeseen wastes and hazardous materials could be disturbed or dredged from the lagoon and create a public health hazard from management or disposal and result in a significant impact.

Mitigation Measure HAZ-3: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that a sediment management plan be developed and implemented to test dredged materials for proper placement in the overdredge pit or for off-site transport and proper disposal and to be in compliance with local, state, and federal regulations. The plan shall specify that if unknown contamination or other buried hazards are encountered during dredging, procedures must be carried out according to applicable regulations. Any material encountered that appears to contain contaminants will be handled in accordance with local, state, and federal guidelines, and permit conditions.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. Because the lagoon is constantly receiving input from outside sources, such as creeks and off-site drainage, it is possible that construction activities within the lagoon bottom may uncover unknown sources of contamination within the sediments. As required by Mitigation Measure HAZ-3, development and implementation of a sediment management plan will clearly outline conditions that workers should be aware of while excavating or dredging that may indicate disturbance of a contaminant. Specific steps would also be detailed to ensure that all proper steps are understood and implemented as soon as discovery of unknown contaminants is suspected. By ensuring that workers know what to look for to identify unknown contaminants and steps to take if such conditions are suspected, the potential public health risk associated with

the release of contaminants will be minimized. Implementation of this mitigation measure will reduce public health risks due to unknown contaminants to less than significant.

5. Visual Impacts

Impact: Construction activities would result in a direct temporary and cumulative significant impact to the visual quality and character of the lagoon.

Mitigation Measure Visual-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that temporary screening be placed around construction areas that are secured with a chain-link fence (such as booster pumps, staging areas, etc.) to provide visual screening of the equipment located within the secured area. Screening could be brown or green mesh or other similar screening material attached to the fencing that would visually hide or obscure the interior of the fenced areas. The screening would extend as high as the chain-link fence, which would range from approximately 6 to 10 feet, depending on the area being secured.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. As required by Mitigation Measure Visual-1, the use of screening on the fences surrounding construction staging areas would reduce the intrusiveness of the construction equipment in the visual setting as the equipment would be mostly concealed and obscured. While the screening material would blend as much as possible with the surrounding landscape and eliminate or minimize the aesthetically unpleasing views of parked or stored equipment, it would not reduce the overall visual impact of construction equipment operating within and around the lagoon. Implementation of this mitigation measure will reduce temporary construction-related visual impacts but would not fully eliminate the impact and it would remain significant and unavoidable.

6. Traffic and Circulation Impacts

Impact: Bridge retrofit construction activities would result in a significant temporary direct and cumulative traffic impact due to capacity reductions causing traffic operations to degrade from LOS A to LOS F on a segment of Coast Highway 101, south of Chesterfield Drive.

Mitigation Measure Traffic-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring the preparation of work zone traffic control plans for lane closures and related construction along Coast Highway 101. The work zone traffic control plans shall be prepared in accordance with the California Manual of Uniform Traffic Control Devices (CAMUTCD), Caltrans Standard Plans (2010), and current

standards and best practices of the reviewing and approving agencies. These plans are intended to accommodate workers within the roadway, while facilitating continued circulation for road users (motorists, bicyclists, and pedestrians including persons with disabilities in accordance with the Americans with Disabilities Act) through the work zone.

Mitigation Measure Traffic-2: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring the provision of advanced notification to motorists that delays and traffic congestion will occur during bridge construction and retrofitting activities to encourage avoidance of the construction area. This notification may be accomplished through various measures such as information and detour routes included on the project website; traffic details included in all notifications sent to local residents; traffic and alternative route information published in local media; and physical traffic control measures, such as temporary signage located at various distances from the construction area.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. Mitigation Measure Traffic-1 requires advanced planning and consideration of traffic operations in coordination with construction in order to develop the traffic control plans. The implementation of those traffic control plans would result in the best roadway modifications and traffic control measures allowing for continued circulation and safety of all motorists and pedestrians within the construction area, based on the specific needs of the various construction activities, throughout the duration of construction. Implementation of these mitigation measures will reduce the temporary construction-related traffic impact, but would not fully eliminate the impact and it would remain significant and unavoidable.

Impact: Bridge retrofit construction activities would result in a significant direct and cumulative traffic impact due to reduction in capacity and the subsequent redistribution of northbound traffic to I-5 via Lomas Santa Fe Drive, causing traffic operations to degrade from LOS E to LOS F on a segment of Lomas Santa Fe Drive from Solana Hills Drive to I-5.

Mitigation Measure: See Mitigation Measures Traffic -1 and Traffic-2.

Rationale: See rationale for previous traffic impact above. Implementation of these mitigation measures will reduce the temporary construction-related traffic impact, but would not fully eliminate the impact and it would remain significant and unavoidable.

7. Air Quality Impacts

Impact: Construction-generated reactive organic gases (ROG) and oxides of nitrogen (NO_x) emissions would exceed applicable mass emission thresholds and result in a significant direct and cumulative impact.

Mitigation Measure AQ-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring off-road construction diesel engines not registered under The California Air Resources Board's Statewide Portable Equipment Registration Program that have a rating of 50 horsepower or more, and meet, at a minimum, the Tier 3 California Emissions Standards, unless such an engine is not available for a particular item of equipment. Tier 2 engines will be allowed on a case-by-case basis when the contractor has documented that no Tier 3 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two construction equipment rental firms.

Mitigation Measure AQ-2: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that harbor craft with a Category 1 or 2 marine engine, such as tugboats used for materials disposal, meet, at a minimum, EPA Tier 2 marine engine emission standards.

Mitigation Measure AQ-3: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that dredging equipment be electric, if feasible, based on availability and cost.

Mitigation Measure AQ-4: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that contractors use alternative fueled (e.g., compressed natural gas [CNG], liquefied natural gas [LNG], propane) or electric-powered construction equipment where feasible, based on availability and cost.

Mitigation Measure AQ-5: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring the construction contractor to reduce fugitive dust emissions associated with off-road equipment and heavy-duty vehicles:

- Exposed surfaces (e.g., unpaved access roads) shall be watered, as necessary, to control fugitive dust.
- Sweepers and water trucks shall be used to control dust and debris at public street access points.

- Dirt storage piles shall be stabilized by chemical binders, tarps, fencing, or other suppression measures.
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Enforce speed limit of 15 miles per hour on unpaved surfaces.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. Mitigation Measures AQ-1 through AQ-4 would serve to limit and minimize construction equipment emissions through the use of advanced emission control technology and alternative fueled equipment, both of which produce less emission output than standard or conventional equipment. Additionally, fugitive dust emissions would be minimized through the requirements in Mitigation Measure AQ-5. Those measures would minimize dusty conditions or surfaces that could be wind-blown or disrupted by equipment and become airborne through actions such as watering, surface suppression and stabilization, and covering haul materials during transport. Implementation of these mitigation measures will reduce the temporary construction-related air quality impact, but would not fully eliminate the impact and it would remain significant and unavoidable.

8. Global Climate Change and Greenhouse Gas Emissions Impacts

Impact: Construction-related and operational greenhouse gases (GHGs) would exceed the recommended level of significance and result in a significant and adverse cumulative impact.

Mitigation Measure GHG-1: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that on-site material hauling be performed with trucks equipped with on-road engines to the extent practicable.

Mitigation Measure GHG-2: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring that deliveries of materials and equipment to the site be limited to off-peak traffic congestion hours to the extent practicable.

Mitigation Measure GHG-3: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring restriction of material hauling on public roadways to off-peak traffic congestion hours to the extent possible. During construction

scheduling and execution minimize, to the extent possible, uses of public roadways that would increase traffic congestion.

Mitigation Measure GHG-4: This mitigation measure specified in the EIR/EIS has been imposed upon the project as a condition of approval requiring use of high-efficiency lighting and Energy Star-compliant heating and cooling units. Implement procedures for turning off computers, lights, air conditioners, heaters, and other equipment each day at close of business.

Rationale: Alterations in the project have been required that avoid or substantially lessen this impact. The volume of GHG emissions generated by the project would be reduced through Mitigation Measures GHG-1 through GHG-3, which are aimed at reducing those conditions that result in high vehicular emissions of GHGs, such as inefficient engines, idling in traffic, vehicle congestions. Generation of GHG emissions would also be reduced through the use of high-efficiency equipment and protocols for turning off energy-consuming equipment when not in use as dictated by Mitigation Measure GHG-4. Mitigation Measures AQ-1 through AQ-3 could also result in a reduction in GHG emissions. Implementation of these mitigation measures will reduce the GHG emissions resulting from the project, but would not fully eliminate the impact and it would remain significant and unavoidable.

B. Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the County finds that, for each of the following significant effects as identified in the EIR/EIS, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible.

1. Biological Resource Impacts

Impact: Construction would result in greater than 50 percent temporal loss of sensitive habitats, including open water and tidal mudflats, and a significant short-term direct impact and cumulative impact would result.

Rationale: Potential mitigation measures to minimize this impact, as detailed in Section 3.6.4 of the EIR/EIS, were found infeasible. Consideration was given to phasing the project over a longer period of time to avoid impacting any more than 50 percent of a given habitat type within a basin. However, several challenges were presented with this phasing concept. Challenges included the inability to conduct necessary wet construction; the substantial earthwork required to create “cells” to limit impacts to areas within a given basin; the significant increase in the overall length of the project, which could result in greater impacts to habitats and species; and the substantial increase in construction costs. For these reasons, this specific approach to phasing

was determined to be more impactful and not feasible. Because mitigation is not available to eliminate or reduce this impact, it would remain significant and unavoidable.

Impact: Construction noise could negatively affect breeding and foraging behavior and would result in a significant direct and cumulative impact.

Rationale: Potential mitigation measures to minimize this impact, as detailed in Section 3.6.4 of the EIR/EIS, were found infeasible. Potential measures considered included the use of an electric dredge in place of a diesel dredge, but it was found that the noise generated is not substantially different between the dredge types and, thus, noise reduction would not be achieved. The use of temporary noise walls was considered but eliminated because the wet environment makes construction difficult, the constant movement of the dredge or other earth-moving equipment creates a dynamic and ever-changing noise condition, the size of walls required to be effective would be substantial both in length and height, and wildlife movement obstruction that would result from the construction of noise walls is biologically undesirable. These issues all create additional impacts and complications in the effectiveness of a noise wall as noise mitigation and render this measure infeasible. An alternative work schedule was considered requiring work to be conducted outside of the bird nesting season, but that would extend the overall construction duration from 3 years to 6 years and the longer duration would result in greater impacts than temporary construction noise during the breeding season, in part because the dredge or other earth-moving equipment is mobile. Furthermore, this measure would lengthen the amount of time the overall lagoon would need for habitat recovery by at least 2 years, and thus was determined biologically undesirable and therefore infeasible. No additional measures have been identified that could reduce this impact. Because mitigation is not available to eliminate or reduce this impact, it would remain significant and unavoidable.

2. Noise Impacts

Impact: Noise impacts associated with nighttime dredging would be significant.

Rationale: No additional potential mitigation measures are feasible to minimize this impact, as detailed in Section 3.12.4 of the EIR/EIS. Design features have been incorporated into the project to minimize equipment noise during construction at nearby residences, including housing exposed engines and ensuring equipment has effective mufflers. The use of noise walls was considered as an option for noise reduction. However, the expanse of the lagoon and the continual moving dredge make the placement of noise walls less effective, also considering that many noise-sensitive receptors are located on the bluffs and hillsides surrounding the lagoon and would not receive beneficial noise reduction from a noise wall located at lower elevations. Limiting dredging and materials placement activities to daytime hours was also considered.

However, if such limits were implemented, the overall construction time to implement the project would be extended substantially. Dredging equipment operates most efficiently if run continually since dredged material is entrained in a slurry of water and sand and transported through a pipeline and into a barge; if halted once initiated, the pipes must be cleared to avoid having sand settle out and clog pipelines, adding substantial time and work. Extending the schedule would also require longer periods of inundation within the lagoon, resulting in potentially higher impacts to vegetation, noise-sensitive species, and trails and recreational amenities. For these reasons, these potential measures are not considered feasible. Because mitigation is not available to eliminate or reduce this impact, it would remain significant and unavoidable.

Impact: Noise impacts associated with nighttime material placement would be significant.

Rationale: No additional potential mitigation measures are feasible to minimize this impact, as detailed in Section 3.12.4 of the EIR/EIS. Design features require that construction would be limited to 3 consecutive nights within a distance that could disturb sleep at a given residence (100 feet). The use of noise walls was considered as an option for noise reduction. However, the active work areas on the beaches would shift approximately 100 to 200 feet per day and the use of noise walls is not efficient when left in place for a very short time before needing to be removed and relocated to another location to keep pace with the noise source. Limiting dredging and materials placement activities to daytime hours was also considered; however, the beach placement activities are linked to the dredging operations so those constraints outlined above also apply here. Additionally, the sequential nature of beach placement means that if activity is limited to daytime hours only a single placement cycle could occur within a typical 8-hour workday as opposed to four to five placement cycles within a 24-hour period with continuous dredging/placement activities. The offshore/nearshore disposal and beach disposal require the installation of pipelines in the surf zone. When these pipelines are left in place in high wave environments they can be buried, broken, or plugged; therefore, less exposure time means less chance of those problems. For these reasons, these potential measures are not considered feasible. Because mitigation is not available to eliminate or reduce this impact, it would remain significant and unavoidable.

3. Project Alternatives

The San Elijo Lagoon Conservancy, County of San Diego, and Corps chose to consider project impacts and public/agency input in the ultimate selection of a Preferred Alternative. Alternative 1B – Refined, which was developed subsequent to release of the Draft EIR/EIS, is identified as the Preferred Alternative by the SELC in the Final EIR/EIS. Alternative 1B – Refined makes slight modifications to Alternative 1B as described in the Draft EIR/EIS. These refinements

minimize impacts to existing and emergent habitat while maintaining a project design that achieves the physical and water quality objectives of the project.

Alternative 2A

Alternative 2A would result in the most substantial changes to the lagoon system, both hydrologically and biologically. Alternative 2A includes the largest amount of dredging and material removal for lagoon restoration, thus also requiring the largest volume of material disposal. Additionally, Alternative 2A includes the construction of a new Coast Highway 101 bridge and a new inlet and associated cobble blocking features (CBFs). While many of the impacts associated with Alternative 2A would occur under the other alternatives as well, the duration and severity of the impacts is greatest with Alternative 2A as it requires the highest amount of disruption and time to complete the proposed restoration. Significant and unavoidable long-term visual impacts would result from the new inlet and CBFs on either side as proposed for Alternative 2A and this significant unavoidable visual impact would only occur with implementation of Alternative 2A. Alternative 2A would also cause significant and unavoidable operation-related air quality impacts associated with maintenance, resulting in a significant impact to regional air quality. Hazardous materials/public safety impacts are considered significant and would require mitigation due to construction of a new inlet under Alternative 2A to reduce impacts to below a level of significance. Construction of a new Coast Highway 101 bridge under Alternative 2A would also require mitigation to reduce potential unstable geologic conditions. Coast Highway 101 bridge construction under Alternative 2A has the potential for impacts to unknown cultural resources and requires specific CEQA mitigation in addition to mitigation described below for the other alternatives. This alternative is undesirable from a public policy standpoint because it would increase the severity of many impacts and also result in additional significant impacts to visual resources, air quality, hazardous materials and public safety, geology and soils, and cultural resources beyond those identified for other alternatives. Therefore, Alternative 2A is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.

Alternative 1A

Alternative 1A would result in the least changes to the lagoon system, both hydrologically and biologically. Alternative 1A includes substantially less dredging than the other build alternatives and, thus, would have the least substantial impact due to the relative decrease in volume, footprint, and duration of dredging. This reduces the amount and degree of severity of impacts that result from Alternative 1A, relative to the other two alternatives for both lagoon restoration and materials disposal/reuse, but it also reduces the restoration actions and beneficial results. While the least impactful, Alternative 1A would still require mitigation (where feasible) to

reduce significant impacts to water and aquatic sediment quality, biological resources, cultural resources, paleontological resources, traffic and circulation, air quality, noise and hazardous materials. The beneficial environmental impacts from Alternative 1A would also be less than for the other alternatives, such as reduced improvements to lagoon hydrologic function and drainage patterns, fewer enhanced habitat and biological benefits, and no beach material replenishment. As a result of the minimized dredging and reduced benefits, Alternative 1A does not achieve the CEQA project objectives to the fullest extent, or to the same level as the other action alternatives. Most specifically, Alternative 1A does not achieve the following objectives: (1) physical restoration of lagoon estuarine hydrologic functions; and, (2) biological restoration of habitat and species within the lagoon to the same extent as the other alternatives. This alternative is undesirable from a public policy standpoint because it would result in significant impacts but does not feasibly attain primary objectives of the project. Therefore, Alternative 1A is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.

No Project/No Federal Action Alternative

The No Project/No Federal Action Alternative would not modify existing conditions and no actions would take place. Thus, no significant environmental impacts would occur from this alternative. However, the lagoon would continue to deteriorate in habitat quality and hydrologic conditions if the SELRP is not completed. While no significant adverse impacts would occur, none of the beneficial or positive impacts that occur with implementation of one of the project alternatives would result under the No Project/No Federal Action Alternative. As a result, the No Project/No Federal Action Alternative does not achieve the CEQA project objectives. Most specifically, it does not achieve the following objectives: (1) physical restoration of lagoon estuarine hydrologic functions; (2) biological restoration of habitat and species within the lagoon; and (3) management and maintenance to ensure long-term viability of the restoration efforts. This alternative is undesirable from a public policy standpoint because it does not feasibly attain primary objectives of the project. Therefore, the No Project/No Federal Action Alternative is rejected because specific economic, legal, social, and other considerations make this alternative infeasible.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

SAN ELIJO LAGOON RESTORATION PROJECT

SCH: 2011111013

February 2016

Background

Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, as explained in Exhibit A Findings Regarding Significant Effects, the County of San Diego (County) found that mitigation for several of the significant impacts under Alternative 1B – Refined of the San Elijo Lagoon Restoration Project (SELRP) (Visual Resources, Traffic and Circulation, Air Quality, and Global Climate Change and Greenhouse Gas Emissions) would not fully mitigate impacts to below a level of significance or would be infeasible (Biological Resources and Noise).

Biological Resources

Despite the implementation of all feasible and reasonable mitigation, restoration activities associated with implementation of Alternative 1B-Refined would result in greater than 50 percent temporal loss of sensitive habitats including open water and tidal mudflats. Because the temporal loss of these habitats may threaten local populations of sensitive resident species, this short-term direct impact is considered significant under Criterion A, as described in the Preface and Section 3.6 of the EIR/EIS, Biological Resources. Potential mitigation measures to minimize this impact were found infeasible. Consideration was given to phasing the project over a longer period of time to avoid impacting any more than 50 percent of a given habitat type within a basin. However, several challenges were presented with this phasing concept, including the inability to conduct wet construction; substantial earthwork to create “cells” to limit impacts to areas within a given basin; substantial increases in the overall length of the project, which could result in greater impacts to habitats and species; and substantially increased construction costs. For these reasons, this specific approach to phasing was determined to be more impactful and not feasible. Because mitigation is not available to eliminate or reduce these impacts, they would remain significant and unavoidable.

Despite the implementation of all feasible and reasonable mitigation, significant and unavoidable short-term noise impacts to sensitive bird species would occur as a result of restoration activities. When in proximity to wildlife, the effects of dredge and other construction noise may disrupt sensitive bird foraging or breeding behavior. The dredge and other earth-moving equipment would be slow and would be operating in one basin at a time; as such, most birds could relocate to quieter habitat. However, relocation during the breeding season is not feasible for nesting birds and, even with the numerous project design features to reduce noise levels, this is considered a significant and unavoidable impact. Potential mitigation measures considered included the use of an electric dredge in place of a diesel dredge, but it was found that the noise generated is not substantially different between the dredge types; thus, noise reduction would not be achieved. The use of temporary noise walls was considered but eliminated because the wet environment makes construction difficult, the constant movement of construction equipment creates a dynamic and ever-changing noise condition, the size of walls required to be effective would be substantial both in length and height, and wildlife movement obstruction that would result from the construction of noise walls is biologically undesirable. These issues all create additional impacts and reduce the effectiveness of a noise wall as noise mitigation, rendering this measure infeasible. An alternative work schedule was considered requiring work to be conducted outside of the bird nesting season, but that would extend the overall construction duration from 3 to 6 years and the longer duration would result in greater impacts than temporary construction noise during the breeding season, in part because the dredge or other construction equipment would be mobile. Furthermore, this measure would lengthen the amount of time the overall lagoon would need for habitat recovery by at least 2 years, and thus was determined to be biologically undesirable and therefore infeasible. No additional measures have been identified that could reduce this impact. Because mitigation is not feasible to eliminate or reduce this impact, it would remain significant and unavoidable under Criterion C of the Biological Resources analysis.

Visual Resources

Despite the implementation of all feasible and reasonable mitigation, significant and unavoidable temporary visual impacts would result from the change in visual quality and character of the lagoon for key viewers during restoration of the SELRP. Vegetation would be removed from a large portion of the central basin and substantial landform alteration would occur along with the presence of construction equipment and lighting. Such activities would be temporary but highly visible because of the contrast in color and texture with vegetation being replaced by exposed soil. Alterations in the project have been required that avoid or substantially lessen this impact. As required by Mitigation Measure Visual-1, the use of screening on fences surrounding construction staging areas would reduce the intrusiveness of the construction equipment in the visual setting as the equipment would be mostly concealed and obscured. While screening

material would blend as much as possible with the surrounding landscape and eliminate or minimize the aesthetically unpleasing views of parked or stored equipment, it would not reduce the overall visual impact of construction equipment operating within and around the lagoon. Implementation of this mitigation measure will reduce temporary construction-related visual impacts but would not fully eliminate the impact and it would remain significant and unavoidable.

Traffic and Circulation

Despite the implementation of all feasible and reasonable mitigation, bridge retrofitting activities would result in a significant temporary direct and cumulative traffic impact. These impacts would occur due to capacity reductions causing traffic operations to degrade from LOS A to LOS F on a segment of Coast Highway 101, south of Chesterfield Drive and causing traffic operations to degrade from LOS E to LOS F on a segment of Lomas Santa Fe Drive from Solana Hills Drive to Interstate 5. These impacts would be temporary, occurring only during retrofitting activities that require lane closure on the roadway. Traffic would return to normal operating conditions once all four lanes of traffic were fully operational. Alterations in the project have been required that avoid or substantially lessen this impact. As required by Mitigation Measure Traffic-1, traffic control plans would be designed and implemented and Traffic-2 would require advance notice to motorists of delays and traffic congestion. Other traffic mitigation options were considered but are not feasible due to the limited roadway options in the area and inability to temporarily modify Coast Highway 101. Thus, no additional mitigation measures are feasible. Implementation of the proposed mitigation measures will reduce temporary construction-related traffic impacts, but would not fully eliminate the impacts and they would remain significant and unavoidable.

Air Quality

Despite the implementation of all feasible and reasonable mitigation, significant and unavoidable temporary construction-related air quality impacts would result during restoration activities. Construction-generated reactive organic gases and oxides of nitrogen emissions would exceed applicable mass emission thresholds, resulting in a significant impact to regional air quality. Feasible mitigation is included but would not reduce the impact to less than significant. Mitigation Measures AQ-1 through AQ-4 would limit and minimize construction equipment emissions through advanced emission control technology and alternative fueled equipment. Additionally, Mitigation Measure AQ-5 would minimize generation of fugitive dust through actions such as watering, surface suppression and stabilization, and covering haul materials during transport. No additional feasible measures are available to further reduce air quality emissions. Implementation of the proposed mitigation measures will reduce the temporary

construction-related air quality impacts, but would not fully eliminate the impact and it would remain significant and unavoidable.

Noise

Despite the implementation of all feasible and reasonable mitigation, significant noise impacts have been identified during both lagoon restoration activities and materials placement activities due to nighttime dredging and materials placement activities.. Design features have been incorporated into the project to minimize equipment noise during construction at nearby residences, including housing exposed engines and ensuring equipment has effective mufflers. At materials placement sites, construction would be limited to 3 consecutive nights within a distance that could disturb sleep at a given residence (100 feet). No additional potential mitigation measures are feasible to minimize this impact. The use of noise walls was considered as an option for noise reduction, but the expanse of the lagoon and the continually moving dredge make the placement of noise walls less effective, and many noise-sensitive receptors located on the bluffs and hillsides surrounding the lagoon would not receive beneficial noise reduction from a noise wall located at lower elevations. At beach placement sites, active work areas on the beach shift approximately 100 to 200 feet per day and the use of noise walls is not efficient when left in place for a very short time before needing to be removed and relocated to another location. Limiting dredging and materials placement activities to daytime hours was also considered. However, if such limits were implemented, the overall construction time to implement the SELRP would be extended substantially. Additionally, the sequential nature of beach placement means that if activity is limited to daytime hours only a single placement cycle could occur within a typical 8-hour workday as opposed to four to five placement cycles with continuous dredging/placement activities. Extending the schedule would also require longer periods of inundation within the lagoon, resulting in potentially higher impacts to vegetation, noise-sensitive species, and trails and recreational amenities. For these reasons, these potential measures are not considered feasible. Because mitigation is not available to eliminate or reduce this impact, it would remain significant and unavoidable.

Global Climate Change and Greenhouse Gas (GHG) Emissions

Despite the implementation of all feasible and reasonable mitigation, significant GHG emissions would result during restoration activities associated with the SELRP. Emissions would result from restoration activities including mobilization/demobilization, site preparation, construction equipment and on-road vehicles, dredging, and materials disposal. The emissions estimated would exceed the threshold of 900 MT CO₂e per year. Alterations in the project have been required that avoid or substantially lessen this impact. The volume of GHG emissions generated by the project would be reduced with Mitigation Measures GHG-1 through GHG-3, which are

aimed at reducing those conditions that result in high vehicular emission of GHG. Generation of GHG emissions would also be reduced through the use of high-efficiency equipment and protocols for turning off energy-consuming equipment when not in use as dictated by Mitigation Measure GHG-4. Mitigation Measures AQ-1 through AQ-3 could also result in a reduction in GHG emissions. Beyond these measures, no additional feasible mitigation measures have been identified to further reduce GHG emissions. Implementation of these mitigation measures will reduce the GHG emissions resulting from the project, but would not fully eliminate the impact and it would remain significant and unavoidable.

Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, when the lead agency approves a project that may result in the occurrence of significant effects that are identified in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the EIR/EIS and/or other information in the record.

The County has adopted Findings Regarding Significant Effects for the above project (Alternative 1B- Refined), which identify that certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures. The County finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological, or other benefits that will result from approval and implementation of Alternative 1B-Refined , as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the EIR/EIS, and the record of proceedings for this project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies approval of Alternative 1B-Refined, the County determines that it would stand by its determination that the remaining benefit(s) is or are sufficient to warrant project approval.

Overriding Benefits

The County finds that the SELRP (Alternative 1B- Refined) would have the following substantial overriding benefits:

1. Increased Water Quality

The SELRP would provide a long-term water quality improvement throughout the lagoon by removing nutrient-rich sediments, increasing circulation, and enhancing tidal exchange.

The lagoon is currently identified by the Regional Water Quality Control Board on the Section 303(d) list as water quality impaired for sedimentation, nutrients, and bacteria. Implementation of the SELRP would address these water quality impairments by increasing the ability of the lagoon to drain fluvial sediments and bacteria, as well as removing historically accumulated nutrients bound into the sediments. Drainage patterns and circulation within the lagoon would be altered, but would benefit the lagoon overall with respect to biological resources and water quality, in particular. Hydrologic improvements would improve existing constrictions within the lagoon restricting water flow and circulation. The project would also improve the ability of the lagoon to drain freshwater currently impounded in the east basin and improve tidal influence throughout the basins. Water residence time of the east basin would be reduced from 15 days to 8 days. Though changing existing drainage patterns, the SELRP would result in a beneficial impact on circulation and surface drainage patterns.

2. Beneficial Reuse of Material

The SELRP would involve overexcavation in the central basin so that poor-quality material (e.g., fine-grained) could be buried in an “overdredge” pit and covered with a sand cap. The good-quality (e.g., larger-grained) material from the overdredge pit in the central basin would then be available for beneficial reuse. It is anticipated that approximately 920,000 cubic yards of material would be exported for reuse for the initial implementation of the SELRP.

Social and Economic Effects

The social and economic effects of material placement would be beneficial. The potential reuse of material would provide beaches with wider and larger sand areas, and beaches with exposed cobblestones would be covered with sand. Expansive sandy beaches provide greater recreational opportunities and opportunity for public access, and enhance tourism in the region. Public property and infrastructure would have additional protection from wave action and storm events while sand remains at the reuse/placement locations as the material placement would serve to protect against the undercutting or erosion of cliffs or other areas subject to wave-induced erosion, thus resulting in the beneficial outcome of reducing slope instability and landslide potential.

Grunion Spawning

Materials placement has the potential to enhance or increase persistence of sandy beach habitat at erosive beaches. This would be beneficial for grunion at placement sites where either dense cobble or narrow beach width limits spawning habitat under existing conditions. Monitoring after the 2001 Regional Beach Sand Project demonstrated that

beach nourishment enhanced sandy beach habitat functions at several beaches, most noticeably at beaches that transitioned from either cobble-covered beaches supporting few biological resources or beaches with highly seasonal periods of productivity coincident with seasonal sand accretion and erosion. The primary benefit was to increase the persistence of sandy beach habitat across seasons such that habitat was suitable early in the season to support the onset of the grunion spawning season and invertebrate recruitment period. This enhancement resulted in increased invertebrate diversity earlier in the season, increased bird use across tide conditions, and enhanced habitat for grunion spawning (e.g., increased beach width and reduction in cobble surface). Similar beneficial impacts would be anticipated after implementation of the SELRP.

3. Improved Fish Habitat

The SELRP would result in long-term beneficial impacts to Essential Fish Habitat by creating additional areas of open water, tidal channels of various degrees, and mudflat habitat. The conditions of existing subtidal habitat would also be enhanced by increasing tidal influence within the lagoon. This additional habitat would support local fish populations and benefit Essential Fish Habitat within the project area.

4. Improved Avian Habitat

Following restoration, improved water quality conditions would result in higher productivity in restored mudflat areas over the long term and would have direct benefits to foraging birds, such as the federally listed threatened western snowy plover and state and federally listed endangered California least tern. The condition of foraging habitat is also expected to improve as a result of restoration due to improved tidal exchange and sediment/water quality. The improved tidal circulation and restoration to appropriate habitat elevations would enhance environmental conditions for the prey communities that both birds feed on.

Similarly, tidal circulation would improve environmental conditions for the fish community, which would benefit California least tern and other diving birds. The restoration project would directly benefit species that regularly use the lagoon for foraging and roosting, by increasing foraging habitat in both quantity and quality. Similarly, the improved hydrologic and water quality conditions are expected to have a positive effect on the fish community, which is the primary food of California least tern.

Improved hydrology would enhance tidal flushing and freshwater export, which would facilitate the drying of high-marsh habitat used for ground nesting species, such as Belding's savannah sparrow. In addition, restoring tidal flushing and salt water exposure

to the existing salt marsh habitat in the northeast portion of the lagoon may also improve habitat structure.

5. Sea Level Rise Adaptation and Flood Control

Implementation of the SELRP and the associated adaptive maintenance and monitoring plan would serve to improve the ability of the lagoon to adapt to anticipated future sea level rise. An example is placement of dredged material into wetland to create upland transitional areas to supplement existing natural transitional areas located around the lagoon perimeter. This helps increase the lagoon's resiliency to sea level rise in the future. The project aims to create a more resilient ecosystem that can accommodate future climate change scenarios, including sea level rise. The lagoon would benefit from continued opening of the existing inlet and annual maintenance, allowing additional opportunity to respond to long-term climate change impacts. Specific to sea level rise and extreme events, the proposed project would provide a benefit by maintaining and enhancing tidal exchange with the ocean. Better tidal exchange between the lagoon and ocean increases tidal range in the lagoon and enhances its ability to slowly adapt to changes in sea level over time. Additionally, lower flood elevations would provide additional resiliency against floods, other extreme events, and sea level rise.

6. Vector Control

Increased tidal action resulting from implementation of the SELRP would result in benefits for mosquito abatement, including increased salinity, which reduces the ability of these vectors to reproduce; quick draw-down, which prevents establishment of stagnant ponds on the lagoon edges; and habitat conversion with less emergent plant growth in the east basin, resulting in better circulation of water, improved access for San Diego County Vector Control staff, and improved effectiveness of vector control measures.

7. Trail Connectivity and Lagoon Access

Implementation of the SELRP would include the construction of a new trail in the central basin. This trail would establish an east-west connection from the North Rios Avenue Trail that parallels the North County Transit District railroad to the Nature Center Loop. This enhancement would also provide for additional north-south access via this trail from the Nature Center Loop to the North Rios trailhead. This would add 0.25 mile of trails to the current system and would provide a link between the south and north sides of the central basin.

8. Employment Opportunity

Implementation of the SELRP would generate new construction employment opportunities over the multi-year construction period. Employment opportunities would continue during project operation with the annual maintenance. This would provide an economic benefit to the community, and potentially the region as a whole.