

MINUTE ITEM

4/24/80  
Louie  
W 22316

33. APPROVAL OF NEGATIVE DECLARATION - STORM DRAIN

Calendar Item C33 attached was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C33.

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CALENDAR ITEM

33.

4/80  
W 22316  
Louie

APPROVAL OF NEGATIVE DECLARATION -  
STORM DRAIN PROJECT

APPLICANT: Orange County Environmental  
Management Agency  
811 N. Broadway  
P. O. Box 4048  
Santa Ana, California 92702

AREA, TYPE LAND AND LOCATION:  
0.01 acres, tide and submerged land at  
Capistrano Beach, Orange County.

LAND USE: Maintenance of two existing storm drains  
and construction and maintenance of a third  
storm drain.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is permittee of upland.

Filing fee and processing costs have  
been received.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 & 2.  
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:  
1. A final Negative Declaration was prepared  
by the Commission's staff, pursuant  
to CEQA and implementing regulations.  
2. Portions of this project are within  
the purview of 2 Cal. Adm. Code 2907,  
Class 1(B), which exempts an existing  
structure or facility that is in an  
acceptable state of repair and there  
is no evidence of record to show injury  
to adjacent property, shoreline erosion,  
or other types of environmental degradation.

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3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project with the inclusion of mitigation measures recommended by the Department of Fish and Game to be compatible with their nomination.

4. Comments received during initial study circulation have been adequately addressed through the inclusion of mitigation measures in the Negative Declaration. This is for approval of the Negative Declaration only; lease terms are being investigated, and staff will submit an appropriate lease document for Commission approval within the immediate future.

EXHIBITS:           A. Land Description.    B. Location Map.  
                      C. Negative Declaration No. 259.

IT IS RECOMMENDED THAT THE COMMISSION:

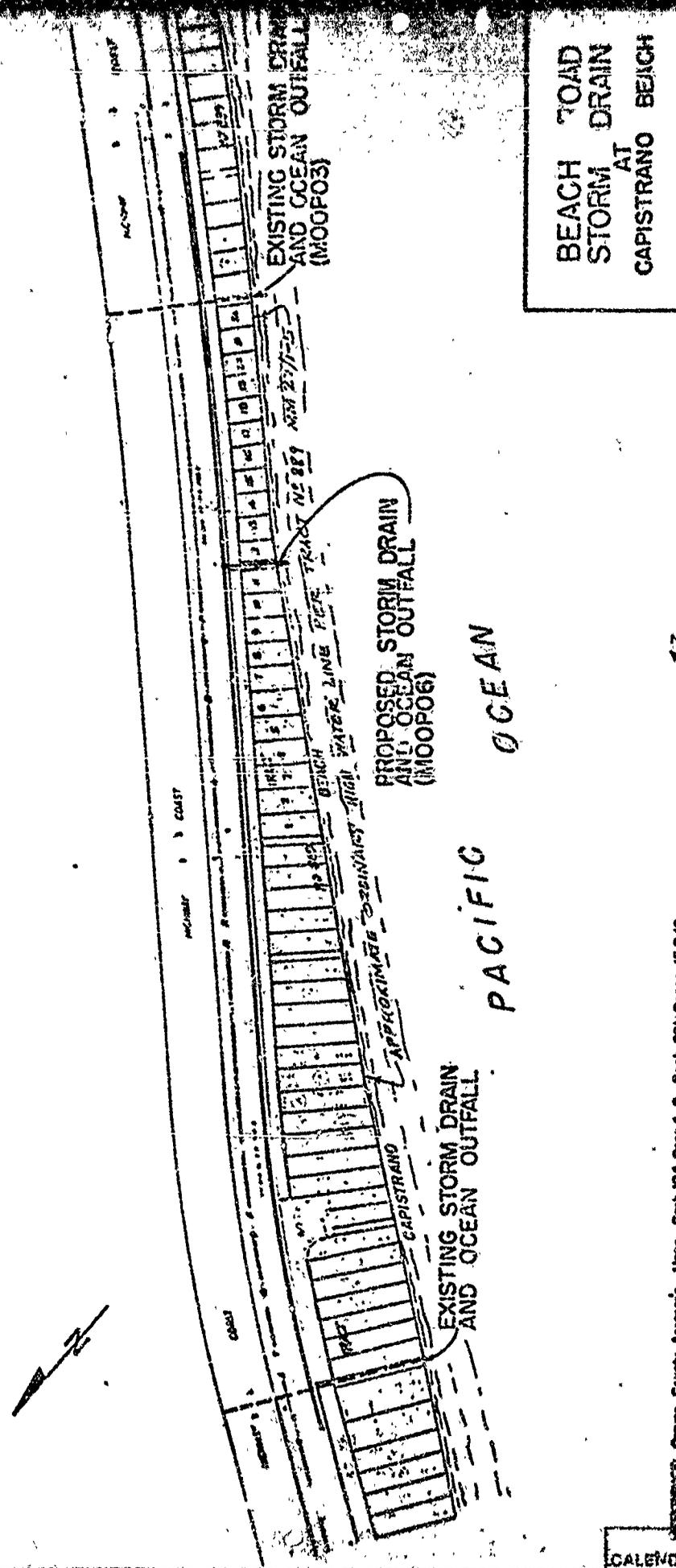
1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COMMISSION'S STAFF.
2. CERTIFY THAT THE NEGATIVE DECLARATION NO. 259 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CEQA OF 1970, AS AMENDED, AND THE STATE EIR GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT PORTIONS OF THE PROJECT ARE EXEMPT FROM THE REQUIREMENT OF CEQA PURSUANT TO P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

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5. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE TO COMPLY WITH THE CONCERNS EXPRESSED BY THE DEPARTMENT OF FISH AND GAME REGARDING THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

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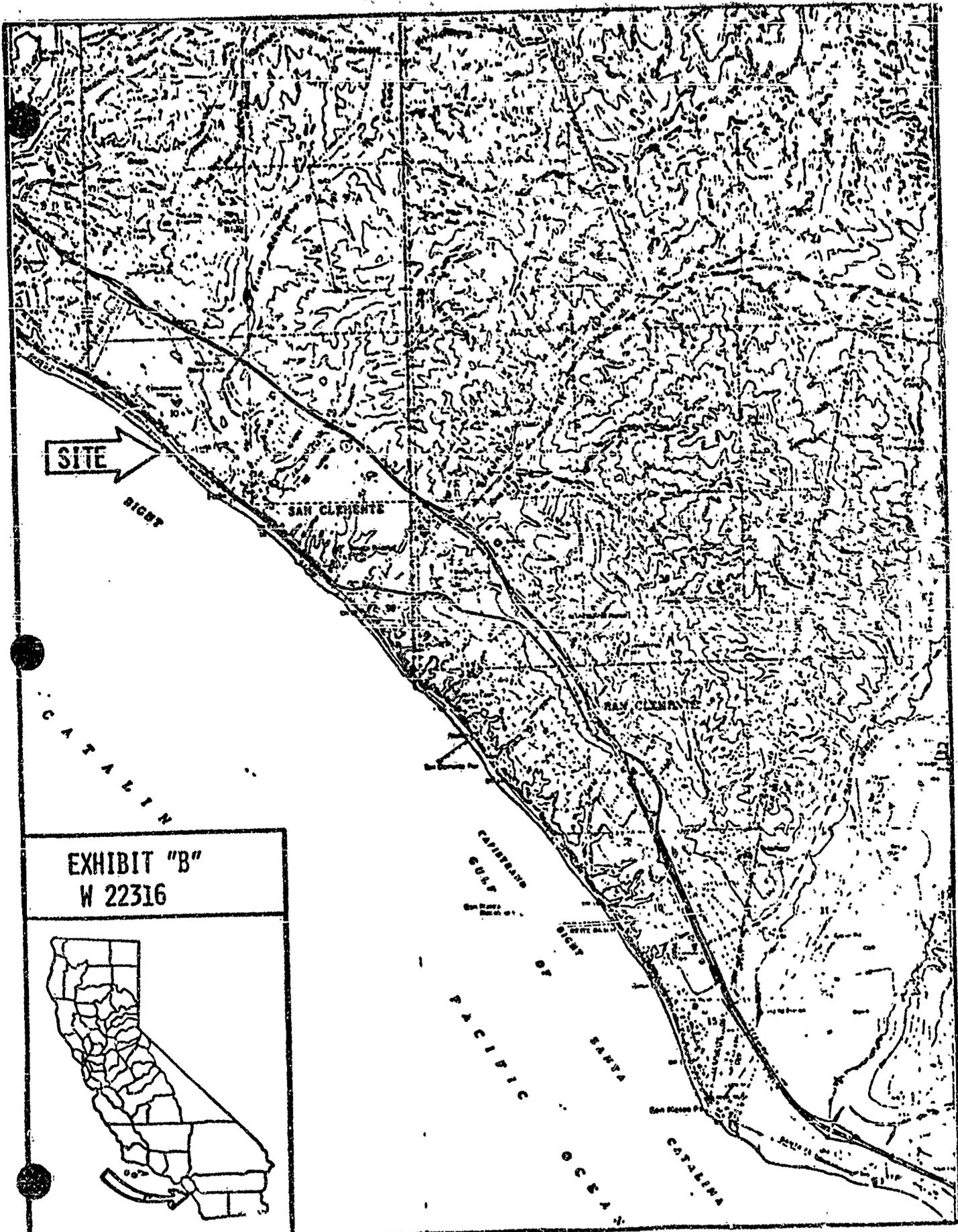


BEACH ROAD  
STORM DRAIN  
AT  
CAPISTRANO BEACH

REPRODUCED: Orange County Assessor's Maps Book 124 Page 4 & Book 691 Pages 15 & 16.

EXHIBIT A  
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**SITE** →



**EXHIBIT "B"**  
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EXHIBIT "C"

STATE OF CALIFORNIA

STATE LANDS COMMISSION

SECRETARY, Controller  
CURR, Lieutenant Governor  
XXXXXXXXXXXX Director of Finance  
MARY ANN GRAVES



COMMISSIONER, STATE LANDS COMMISSION

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, California 95814

WILLIAM F. NORTHROP  
Executive Officer

EIR ND 259

File Ref.: W 22316

NEGATIVE DECLARATION

**Project Applicant:** Orange County, Environmental Management Agency  
P. O. Box 1078  
Santa Ana, CA 92701

**Project Location:** T8S. R7W, Sec. 30 S.B.M.; Capistrano Beach,  
2.6 miles NW of San Clemente Pier, Orange County.

**Project Description:** Construction of an 800 foot long storm drain and  
140 foot long ocean outfall system at Capistrano  
Beach. Area is residential/beach. Outfall ends  
at existing seawall.

This NEGATIVE DECLARATION is prepared pursuant to the requirements  
of the California Environmental Quality Act (Section 21000 et. seq.  
of the Public Resources Code), the State EIR Guidelines (Section  
15000 et. seq., Title 14, of the California Administrative Code),  
and the State Lands Commission regulations (Section 2901 et. seq.  
of California Administrative Code).

Based upon the attached Initial Study, it has been found that:

the project will not have a significant effect on the environment.

the attached mitigation measures will avoid potentially  
significant effects.

**Contact Person:** Ted T. Fukushima  
State Lands Commission  
1807-13th Street  
Sacramento, CA 95814

(916) 322-7813.

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MITIGATION MEASURE

In response to concerns raised by the California Department of Fish and Game during the circulation of the Initial Study, the applicant will modify an existing basin within the storm drain system to provide a catch basin to trap "first flush" pollutants.

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STATE WATER COMMISSION  
**INITIAL STUDY CHECKLIST**

File Ref.: W 22316

**I. BACKGROUND INFORMATION**

- A. Applicant: Orange County, Environmental Management Agency  
Development Division  
P. O. Box 1078  
Santa Ana, Ca 92701
- B. Checklist Date: 1 / 24 / 80
- C. Contact Person: R. S. Bavan, Project Coordinator  
 Telephone: (714) 834-3814
- D. Purpose: Storm Drain Project to alleviate a local flooding problem caused by  
waters flowing across Coast Highway and the adjacent railway tracks.
- E. Location: T8S, R7W, Section 30, SEM; on Capistrano Beach, 2.6 miles NW of  
San Clemente Pier, Orange County.
- F. Description: Construction of an 800 foot long storm drain and 140 foot long ocean  
outfall system at Capistrano Beach. Area is residential/beach. Outfall  
ends at existing seawall.
- G. Persons Contacted: Domingo Cruz, Engineer, Orange County EMA; R. S. Bavan, Project  
Coordinator, Orange County EMA; Larry Espinoza, Marine Biologist, Calif.  
Dept. of Fish and Game; Gary Pierce, Staff Planner, California Coastal  
Commission; Nick Del Cioppo, California Dept. of Parks and Recreation,  
Office of Historic Preservation.

**II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)**

A. *Earth.* Will the proposal result in:

1. Unstable earth conditions or in changes in geologic substructures? .....
2. Disruptions, displacements, compaction, or overcovering of the soil? .....
3. Change in topography or ground surface relief features? .....
4. The destruction, covering, or modification of any unique geologic or physical features? ..
5. Any increase in wind or water erosion of soils, either on or off the site? .....
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake? .....
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? .....

	Yes	Maybe	No
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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- |   | Yes                                 | maybe                    | No                                  |
|---|-------------------------------------|--------------------------|-------------------------------------|
| <b>B. Air.</b> Will the proposal result in:   |                                     |                          |                                     |
| 8. Substantial air emissions or deterioration of ambient air quality? .....   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 9. The creation of objectionable odors? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>C. Water.</b> Will the proposal result in:   |                                     |                          |                                     |
| 11. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Alterations to the course or flow of flood waters? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 14. Change in the amount of surface water in any water body? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? .....                | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Alteration of the direction or rate of flow of ground waters? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? .....                | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18. Substantial reduction in the amount of water otherwise available for public water supplies? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 19. Exposure of people or property to water related hazards such as flooding or tidal waves? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>D. Plant Life.</b> Will the proposal result in:  |                                     |                          |                                     |
| 20. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? .....                                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 21. Reduction of the numbers of any unique, rare or endangered species of plants? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 22. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 23. Reduction in acreage of any agricultural crop? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>E. Animal Life.</b> Will the proposal result in:   |                                     |                          |                                     |
| 24. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)? ..... | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 25. Reduction of the numbers of any unique, rare or endangered species of animals? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 26. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 27. Deterioration to existing fish or wildlife habitat? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>F. Noise.</b> Will the proposal result in:   |                                     |                          |                                     |
| 28. Increase in existing noise levels? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 29. Exposure of people to severe noise levels? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>G. Light and Glare.</b> Will the proposal result in:   |                                     |                          |                                     |
| 30. The production of new light or glare? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>H. Land Use.</b> Will the proposal result in:  |                                     |                          |                                     |
| 31. A substantial alteration of the present or planned land use of an area? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>I. Natural Resources.</b> Will the proposal result in:   |                                     |                          |                                     |
| 32. Increase in the rate of use of any natural resources? .....   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 33. Substantial depletion of any nonrenewable resources? .....  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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- 34. The involvement of a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?
- K. Population.** Will the proposal result in:
  - 35. The alteration, distribution, density, or growth rate of the human population of the area?
- L. Housing.** Will the proposal result in:
  - 36. Affecting existing housing, or create a demand for additional housing?
- M. Transportation/Circulation.** Will the proposal result in:
  - 37. Generation of substantial additional vehicular movement?
  - 38. Affecting existing parking facilities, or create a demand for new parking?
  - 39. Substantial impact upon existing transportation systems?
  - 40. Alterations to present patterns of circulation or movement of people and/or goods?
  - 41. Alterations to waterborne, rail, or air traffic?
  - 42. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?
- N. Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
  - 43. Fire protection?
  - 44. Police protection?
  - 45. Schools?
  - 46. Parks and other recreational facilities?
  - 47. Maintenance of public facilities, including roads?
  - 48. Other governmental services?
- O. Energy.** Will the proposal result in:
  - 49. Use of substantial amounts of fuel or energy?
  - 50. Substantial increase in demand upon existing sources of energy, or require the development of new sources?
- P. Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
  - 51. Power or natural gas?
  - 52. Communication systems?
  - 53. Water?
  - 54. Sewer or septic tanks?
  - 55. Storm water drainage?
  - 56. Solid waste and disposal?
- Q. Human Health.** Will the proposal result in:
  - 57. Creation of any health hazard or potential health hazard (excluding mental health)?
  - 58. Exposure of people to potential health hazards?
- R. Aesthetics.** Will the proposal result in:
  - 59. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?
- S. Recreation.** Will the proposal result in:
  - 60. An impact upon the quality or quantity of existing recreational opportunities?

**T. Archeological/Historical.** with the proposed project.

61. An alteration of a significant archeological or historical site, structure, object, or building? . . . . .

**U. Mandatory Findings of Significance.**

62. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? . . . . .

63. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? . . . . .

64. Does the project have impacts which are individually limited, but cumulatively considerable? . . . . .

65. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? . . . . .

**III. DISCUSSION OF ENVIRONMENTAL EVALUATION**

A.2. Excavation, Backfilling, and compaction is associated with storm drain construction. Contract specification and inspections will insure prudent excavation and compaction during construction.

B.8. The use of mechanical equipment during the construction of the storm drain will cause local degradation of air quality. This type of construction may create significant amounts of dust. Minimal essential use of equipment will be arranged during any Stage II or III smog alert. All equipment will meet emissions standards. Contract specifications to require dust control.

C.13. The construction of the storm drain will alter existing causes of flood waters in the area, and will eliminate ponding. The project will improve local drainage and minimize seasonal flooding in the area.

F.28. Higher levels of noise will occur due to construction equipment. Equipment usage will be limited by contract specifications to normal working hours. Equipment must conform to all applicable noise regulations.

M.42. Street excavation will present a hazard to pedestrians and vehicles. All proper safety measures - as per contract specifications - will be employed, including flagmen, barriers, and signs.

N.47. Storm drain will require routine maintenance. Periodic inspections and maintenance by existing county work force will be conducted.

**IV. DETERMINATION**

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 3/13/80

*Daniel S. Cohen*  
 DANIEL S. COHEN  
 Environmental Reviewer

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For the State Lands Commission

**MAILING LIST**

Larry Espinoza, Marine Biologist  
California Department of Fish and Game  
350 Golden Shore  
Long Beach, California 90802

Gary Pierce, Staff Planner  
California Coastal Commission  
666 E. Ocean Blvd.  
Suite 3107  
Long Beach, California 90801

Regional Water Quality Control Board  
Region 8 - Project Reviewer  
6833 Indiana Ave., Suite 1  
Riverside, California 92506

California Department of Parks and Recreation  
Office of Historic Preservation  
1220 K Street (3rd floor)  
Sacramento, California 95814

Sacramento Area Office  
United States Fish and Wildlife Service  
2800 Cottage Way, Room East 2740  
Sacramento, California 95825

Chief of Engineering  
United States Army Corps of Engineers  
Los Angeles District  
P. O. Box 2711, 300 N. L. A. St.  
Los Angeles, California 90053

County of Orange  
Environmental Management Agency  
Development Division, R. S. Bavan  
P. O. Box 1078  
Santa Ana, California 92701

Mr. Mike Thiele  
City of San Clemente Planning Department  
100 Presidio  
San Clemente, California 92672

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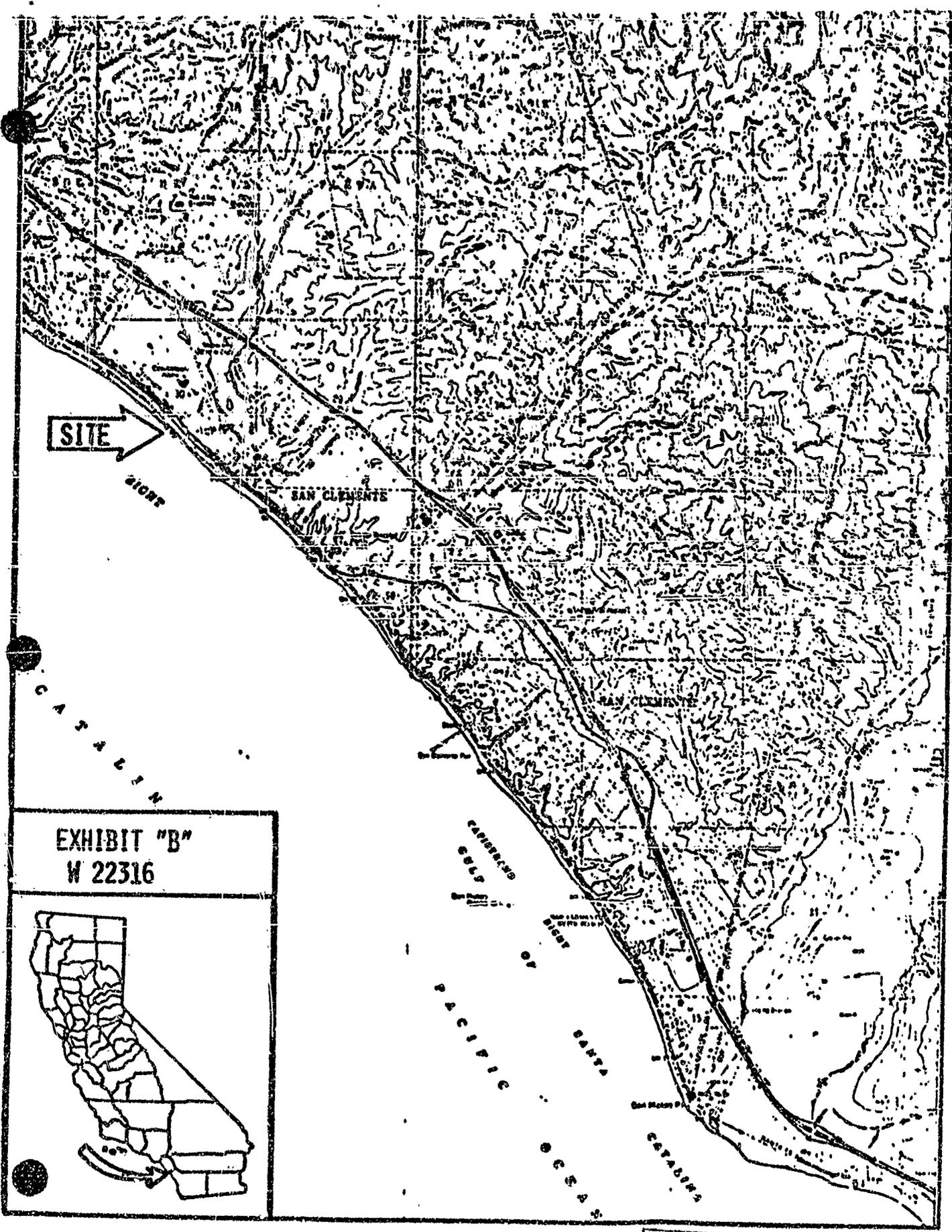


EXHIBIT "B"  
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