

MINUTE ITEM

This Calendar Item No. 51
was approved as Minute Item
No. 51 by the State Lands
Commission by a vote of 3
to 0 at its 5/29/80
meeting.

CALENDAR ITEM

51.

5/80
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, AS AMENDED, 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.
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.

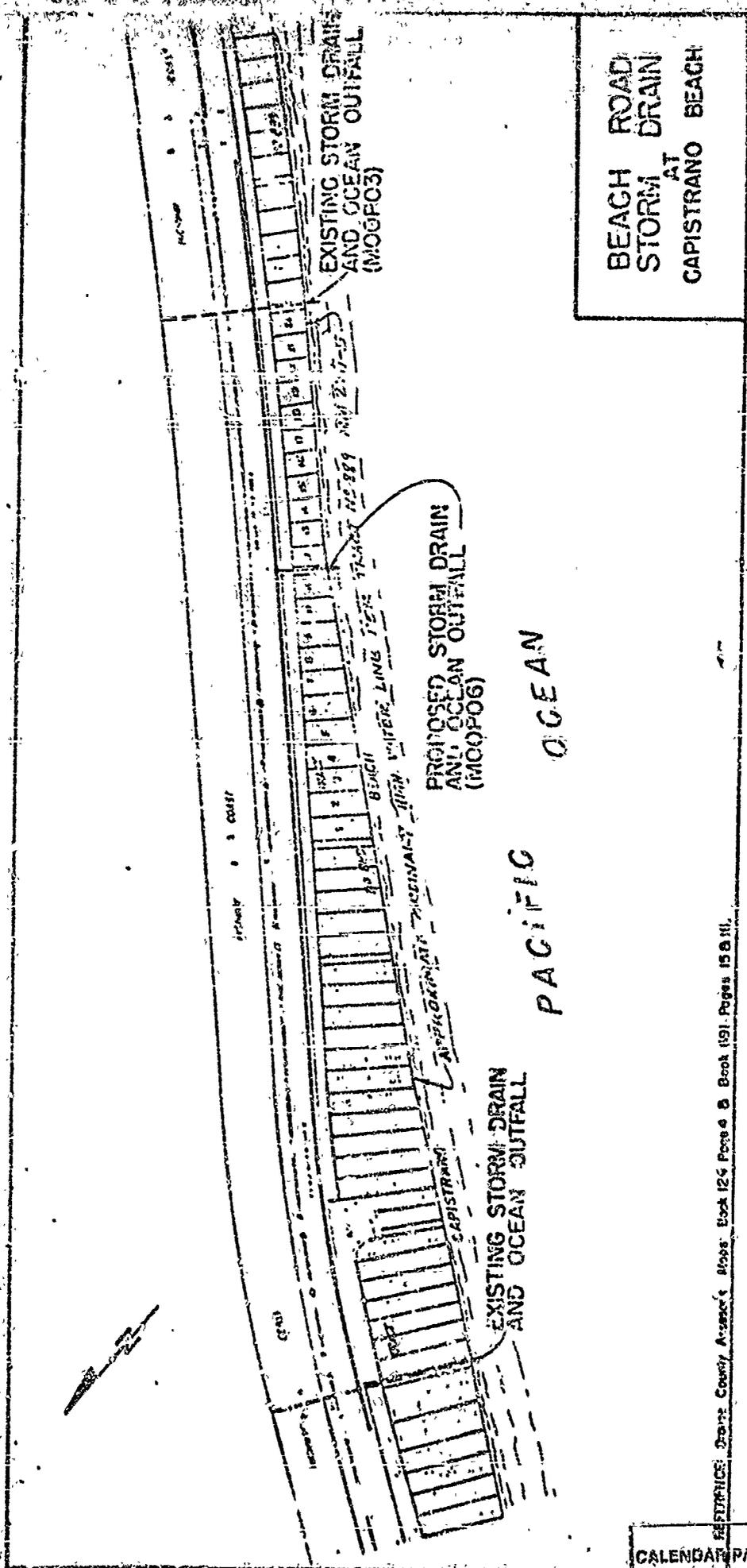
EIR ND 259

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Modified Mitigation Measures Approved by the Department
of Fish and Game and Orange County Environmental Management
Agency

Orange County EMA agrees if in the future it is determined that there are significant water quality problems in the ocean caused by urban stormwater runoff, Orange County EMA will undertake mitigation measures which are commensurate with water quality problems caused by this project and found appropriate and agreeable to all affected parties.

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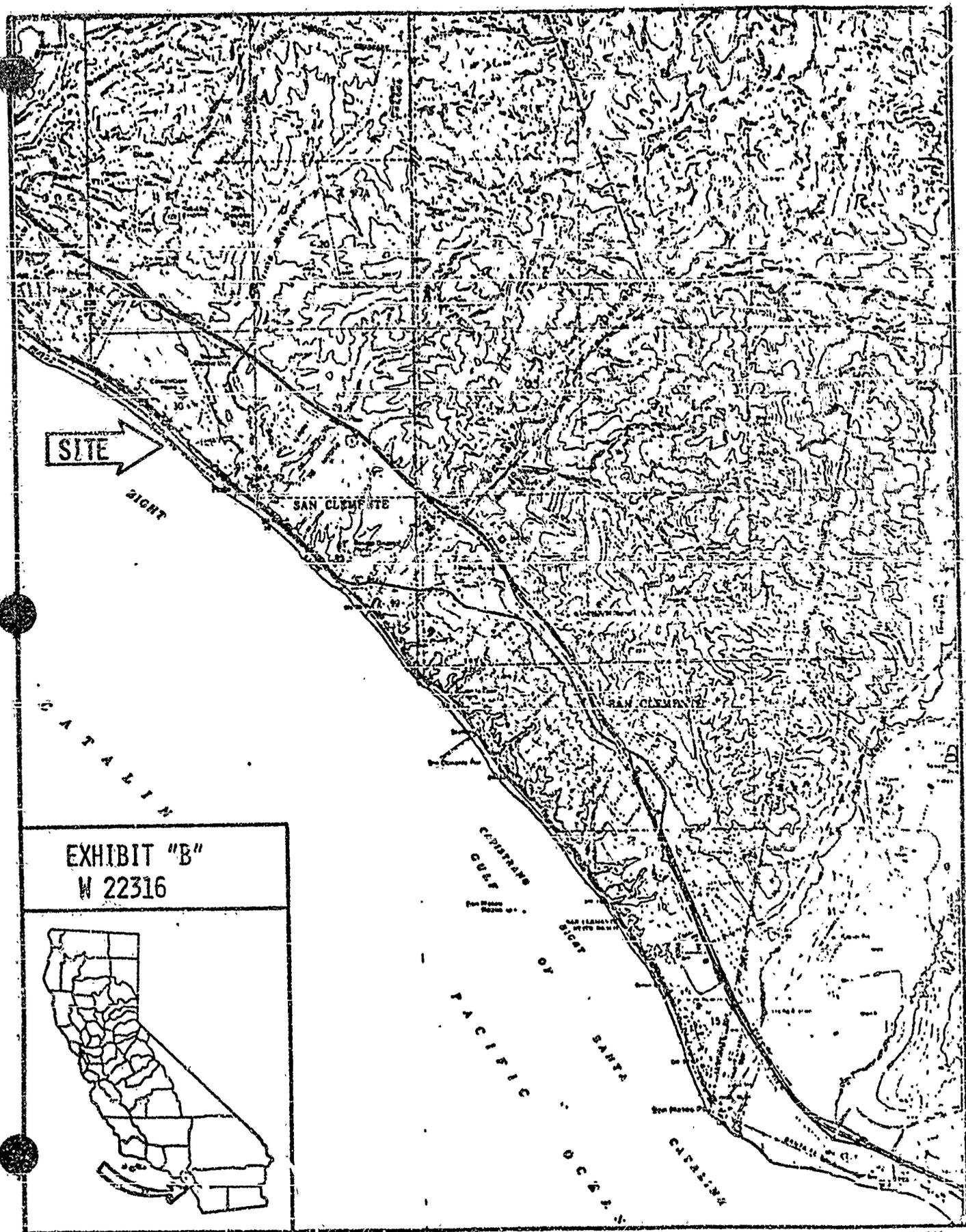


BEACH ROAD
 STORM DRAIN
 AT
 CAPISTRANO BEACH

REFERENCE: Santa Clara County Assessor's Maps, Book 124, Pages 6 & Book 159, Pages 15 & 111.

EXHIBIT A
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SITE
 RIGHT

EXHIBIT "B"
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EXHIBIT "C"

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

STATE LANDS COMMISSION

KEITH CORY, Controller
MIKE CURB, Lieutenant Governor
~~XXXXXXXXXXXX~~ Director of Finance
MARY ANN GRAVES

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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STATE LANDS 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:

- | | Yes | Maybe | No |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Unstable earth conditions or in changes in geologic substructures? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disruptions, displacements, compaction, or over-covering of the soil? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The destruction, covering, or modification of any unique geologic or physical features? .. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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, any bay, inlet, or lake? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Yes Maybe No

B. Air. Will the proposal result in:

- 8. Substantial air emissions or deterioration of ambient air quality? Yes Maybe No
- 9. The creation of objectionable odors? Yes Maybe No
- 10. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? Yes Maybe No

C. Water. Will the proposal result in:

- 11. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters? Yes Maybe No
- 12. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff? Yes Maybe No
- 13. Alterations to the course or flow of flood waters? Yes Maybe No
- 14. Change in the amount of surface water in any water body? Yes Maybe No
- 15. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? Yes Maybe No
- 16. Alteration of the direction or rate of flow of ground waters? Yes Maybe No
- 17. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? Yes Maybe No
- 18. Substantial reduction in the amount of water otherwise available for public water supplies? Yes Maybe No
- 19. Exposure of people or property to water related hazards such as flooding or tidal waves? Yes Maybe No

D. Plant Life. 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)? Yes Maybe No
- 21. Reduction of the numbers of any unique, rare or endangered species of plants? Yes Maybe No
- 22. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? Yes Maybe No
- 23. Reduction in acreage of any agricultural crop? Yes Maybe No

E. Animal Life. 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)? Yes Maybe No
- 25. Reduction of the numbers of any unique, rare or endangered species of animals? Yes Maybe No
- 26. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? Yes Maybe No
- 27. Deterioration to existing fish or wildlife habitat? Yes Maybe No

F. Noise. Will the proposal result in:

- 28. Increase in existing noise levels? Yes Maybe No
- 29. Exposure of people to severe noise levels? Yes Maybe No

G. Light and Glare. Will the proposal result in:

- 30. The production of new light or glare? Yes Maybe No

H. Land Use. Will the proposal result in:

- 31. A substantial alteration of the present or planned land use of an area? Yes Maybe No

I. Natural Resources. Will the proposal result in:

- 32. Increase in the rate of use of any natural resources? Yes Maybe No
- 33. Substantial depletion of any nonrenewable resources? Yes Maybe No

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J. Risk of Upset. Will the proposal result in:

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?

Yes Maybe No

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. Will the proposal result in:

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

Yes Maybe No

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 of 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.

Daniel S. Cohen

DANIEL S. COHEN
Environmental Reviewer

Date: 3/13/80

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For the State Lands Commission MINUTE PAGE 1124

MAILING LIST

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Regional Water Quality Control Board
Region 8 - Project Reviewer
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Riverside, California 92506

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Office of Historic Preservation
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Sacramento, California 95814

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

Chief of Engineering
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