

MINUTE ITEM

This Calendar Item No. C3.
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 2
0 at its 8-26-80
meeting.

CALENDAR ITEM

C3.

8/80
W 22316
Louie
PRC 5877

GENERAL PERMIT - PUBLIC AGENCY

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

AREA, TYPE LAND AND LOCATION:
0.01-acre of tide and submerged land (three
parcels) at Capistrano Beach, Orange County.

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

TERMS OF PROPOSED PERMIT:
Initial period: 49 years from July 1,
1980.

CONSIDERATION: The public health and safety, with the
State reserving the right at any time to
set a monetary rental if the Commission
finds such action to be in the State's
best interest.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

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

Filing fee, Processing and Environmental
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. The annual rental value of the site
is estimated to be \$550.

A 14
S 36

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2. A final Negative Declaration was prepared by the Commission's staff pursuant to CEQA and implementing regulations. Negative Declaration No. 259 was reviewed and considered by the Commission on May 29, 1980 (Minute Item No. 51).
3. 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.
4. 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.

5. This project is consistent with the provisions of Article 6.5, Section 2513, in that the proposed and existing storm drains are for public service purposes and mitigation measures have been addressed in Negative Declaration No. 259.

APPROVALS OBTAINED:

Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

United States Corps of Engineers, California Coastal Commission.

EXHIBITS:

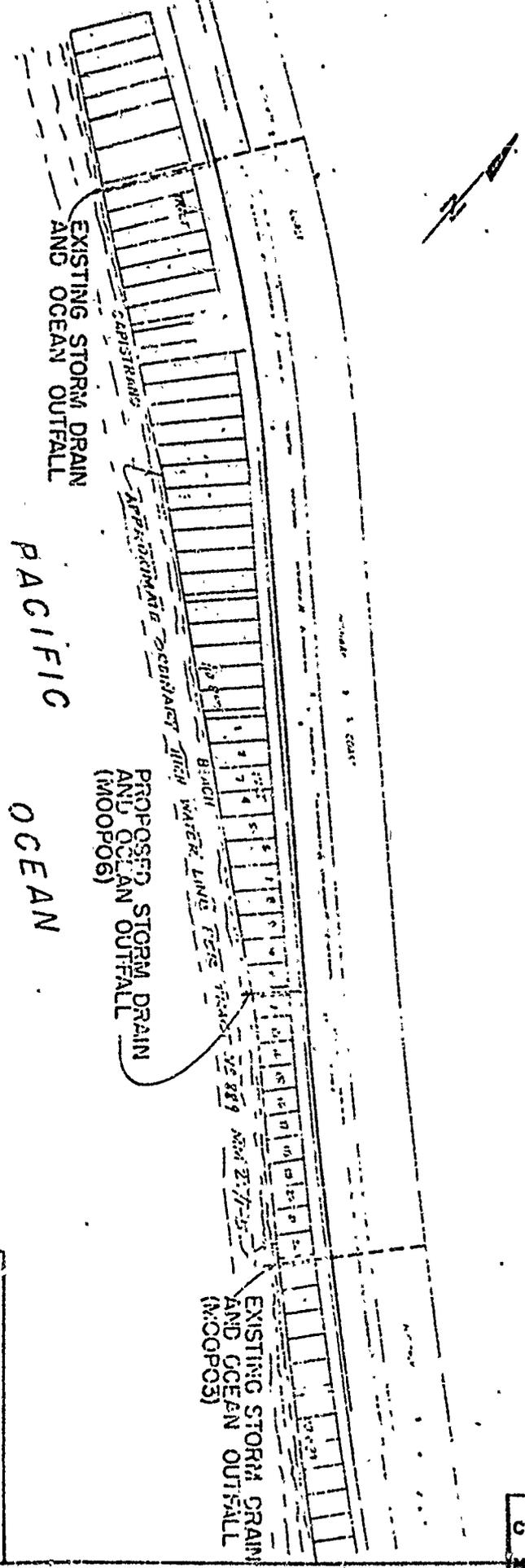
- A. Detail Map.
- B. Location Map.
- C. Negative Declaration No. 259.

CALENDAR ITEM NO. C3. (CONTD)

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. 21084, 1 $\frac{1}{2}$ CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
5. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
6. FIND THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PERMANENT PROTECTION OF THE SIGNIFICANT ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
7. AUTHORIZE ISSUANCE TO ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM JULY 1, 1980, ON FILE IN THE OFFICE OF THE COMMISSION; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR MAINTENANCE OF TWO EXISTING STORM DRAINS AND CONSTRUCTION AND MAINTENANCE OF A THIRD STORM DRAIN ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

REFERENCE: City of Santa Monica, Exh 124 Pgs 4 & 5, Exh 691 Pgs 15 & 16.

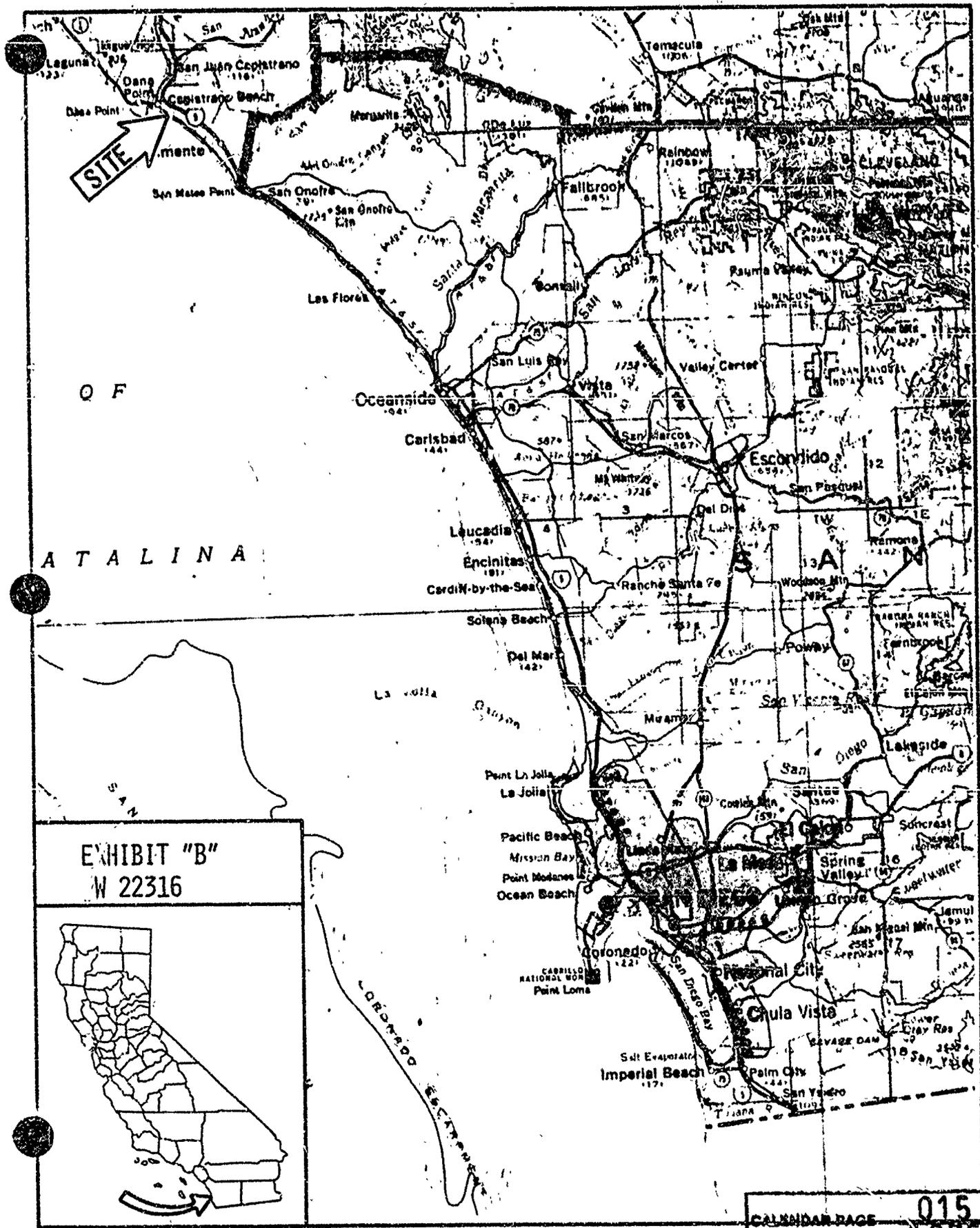


BEACH ROAD
STORM DRAIN
AT
CAPISTRANO BEACH

EXISTING STORM DRAIN
AND OCEAN OUTFALL
(MOOP05)

PACIFIC
OCEAN

EXISTING STORM DRAIN
AND OCEAN OUTFALL



SITE

O F

A T A L I N A

EXHIBIT "B"
W 22316



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EXHIBIT "C"

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

STATE LANDS COMMISSION

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814

~~XXXXXXXXXXXX~~ Director of Finance
ARY ANN GRAVES



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

Orange County EMA agrees that 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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STATE LANDS COMMISSION
INITIAL STUDY CHECKLIST

File Ref.: W 22316

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)

- | | Yes | Maybe | No |
|--|-------------------------------------|--------------------------|-------------------------------------|
| A. Earth. Will the proposal result in: | | | |
| 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 overcovering 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 or 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, mudslides, ground failures, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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	Yes	Maybe	No
B. Air. Will the proposal result in:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
C. Water. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Alterations to the course or flow of flood waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
D. Plant Life. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
E. Animal Life. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
F. Noise. Will the proposal result in:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Increase in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Light and Glare. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. The production of new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Land Use. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. A substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Natural Resources. Will the proposal result in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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Yes Maybe No

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? Yes Maybe No

L. Housing. Will the proposal result in:

36. Affecting existing housing, or create a demand for additional housing? Yes Maybe No

M. Transportation/Circulation. Will the proposal result in:

37. Generation of substantial additional vehicular movement? Yes Maybe No

38. Affecting existing parking facilities, or create a demand for new parking? Yes Maybe No

39. Substantial impact upon existing transportation systems? Yes Maybe No

40. Alterations to present patterns of circulation or movement of people and/or goods? Yes Maybe No

41. Alterations to waterborne, rail, or air traffic? Yes Maybe No

42. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? Yes Maybe No

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? Yes Maybe No

44. Police protection? Yes Maybe No

45. Schools? Yes Maybe No

46. Parks and other recreational facilities? Yes Maybe No

47. Maintenance of public facilities, including roads? Yes Maybe No

48. Other governmental services? Yes Maybe No

O. Energy. Will the proposal result in:

49. Use of substantial amounts of fuel or energy? Yes Maybe No

50. Substantial increase in demand upon existing sources of energy, or require the development of new sources? Yes Maybe No

P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

51. Power or natural gas? Yes Maybe No

52. Communication systems? Yes Maybe No

53. Water? Yes Maybe No

54. Sewer or septic tanks? Yes Maybe No

55. Storm water drainage? Yes Maybe No

56. Solid waste and disposal? Yes Maybe No

Q. Human Health. Will the proposal result in:

57. Creation of any health hazard or potential health hazard (excluding mental health)? Yes Maybe No

58. Exposure of people to potential health hazards? Yes Maybe No

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? Yes Maybe No

S. Recreation. Will the proposal result in:

60. An impact upon the quality or quantity of existing recreational opportunities? Yes Maybe No

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7. Archeological/Historical. Will the proposal result in:

Yes Maybe No

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

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
 For the State Lands Commission

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Form 13.20 (7/78)

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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