

FINDING 6.

IMPACT: Damage to the Topanga Beach State Park parking and picnic facilities at the eastern staging and access areas.

MITIGATION MEASURES: Repair or replace any damaged or destroyed facilities within the park area.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SUCH CHANGES OR ALTERATIONS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF THE STATE DEPARTMENT OF PARKS AND RECREATION AND NOT THE AGENCY MAKING THE FINDING. SUCH CHANGES CAN AND SHOULD BE ADOPTED BY THE STATE DEPARTMENT OF PARKS AND RECREATION.

FACTS SUPPORTING THE FINDING:

The State Department of Parks and Recreation has jurisdiction over the Topanga Beach State Park including the eastern staging and access area. This mitigation measure completely eliminates project impacts to recreation since any damaged facilities will be repaired or replaced by the applicant or their agent.

FINDING 7.

IMPACT: Reduced and obstructed views of beach areas from Las Tunas Beach during the construction of the groins due to the presence of equipment.

MITIGATION MEASURES: None

FINDING: SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDING:

This is a short-term visual impact caused by the presence of construction equipment on the beach. There are no mitigation measures which will reduce or eliminate this impact; however, the no project alternative would eliminate this impact since no construction would occur. This alternative is infeasible as cited in the Statement of Overriding Considerations.

FINDING 8.

IMPACT: Interrupted views of the beach caused by exposed portions of the rock groins.

MITIGATION MEASURES: None

FINDING: SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDING:

The proposed project entails the construction of groins 200 feet in length. The cells created by the groins will be filled with sand. However, portions of the groins, especially in the east, will remain exposed and visible at all times. Additional portions of the groins may also become exposed if waves erode the sand covering them. This exposure of the rock groins represents an added visual intrusion into the area.

No mitigation measures eliminate or reduce this impact to a level of insignificance. Alternatives which would eliminate or substantially reduce the impact have been identified. These are the no project alternative, the construction of a revetment or seawall underneath the houses, beach nourishment without groins, low profile groins, and removal of the existing groins without replacing them. None of these alternatives is feasible for reasons cited in the Statement of Overriding Considerations.

FINDING 9.

IMPACT: Increased traffic from trucks transporting rock along State Route 150

MITIGATION MEASURES: Trucks transporting rock from Ojai should travel along State Route 33, to Highway 101, then to Las Posas Road, and then to the Pacific Coast Highway (PCH) to get to the site. Trucks from Camarillo should travel along Pleasant Valley Road to Las Posas Road, and then to PCH to get to the site.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SUCH CHANGES OR ALTERATIONS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF CALTRANS AND NOT THE AGENCY MAKING THE FINDING. SUCH CHANGES CAN AND SHOULD BE ADOPTED BY CALTRANS.

FACTS SUPPORTING THE FINDING:

The truck route from the rock quarry in Ojai could utilize State Route 150. This route is a two-lane undivided highway with traffic volumes approaching 25,000 vehicles per day and peak traffic of 2800 vehicles per hour. The addition of 25 trucks per day, each carrying 20 tons of rock, poses a potential highway safety risk.

The alternate route described in the mitigation measure would remove trucks from State Route 150 and eliminate the potential impact. The impact on the alternate route would not be significant.

FINDING 10.

IMPACT: Increased traffic volume along westbound PCH from trucks delivering sand.

MITIGATION MEASURES: Reduce the number of trucks along PCH during peak hours. Route trucks from Hansen Dam along State Route 118 to Mailera Road, to Olsen Road, to State Route 23, to Las Posas Road and then to eastbound PCH during morning and evening peak hours.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SUCH CHANGES OR ALTERATIONS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF CALTRANS AND NOT THE AGENCY MAKING THE FINDING. SUCH CHANGES CAN AND SHOULD BE ADOPTED BY CALTRANS.

FACTS SUPPORTING THE FINDING:

The truck route from Hansen Dam to the construction site could significantly impact traffic on westbound PCH during peak hours. This impact is eliminated entirely by using the route described in the mitigation measure because it removes traffic from westbound PCH to eastbound PCH during peak hours.

FINDING 11.

IMPACT: Increased congestion /queuing at ingress and egress points at staging areas due to trucks delivering sand and rock.

MITIGATION MEASURES: Decrease queuing by allowing four (4) trucks at one time into the staging areas. Provide dual ingress and egress points at each staging area. Provide traffic control at ingress/egress points at each staging area.

FINDING: CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.

SUCH CHANGES OR ALTERATIONS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF CALTRANS AND THE COUNTY OF LOS ANGELES AND NOT THE AGENCY MAKING THE FINDING. SUCH CHANGES CAN AND SHOULD BE ADOPTED BY CALTRANS AND THE COUNTY OF LOS ANGELES.

FACTS SUPPORTING THE FINDING:

Truck traffic entering and exiting the construction site could be a significant impact. This impact occurs because up to 100 trucks carrying sand and 25 trucks carrying rock will enter and exit the staging area daily. The time required to discharge loads will result in up to 4 twenty foot long trucks waiting in the center median lane of Pacific Coast Highway. This circumstance could have a significant deleterious effect on normal traffic patterns as approximately one truck every three minutes crosses the traffic lanes.

This impact is eliminated if four trucks at one time can enter and exit the staging area with traffic control established during the ingress and egress of the trucks.

FINDING 12.

IMPACT: Short-term degradation of the perceived quality of lifestyle in the vicinity of the beach homes due to noise and air emissions from construction vehicles.

MITIGATION MEASURES: In addition to the mitigation measures for noise identified in Finding 5 above, the following measures have been identified to reduce air emissions from diesel vehicles near homes: 1) engines should be maintained in proper tune; 2) low sulfur fuel should be used; 3) no construction activity should occur during second stage smog alerts; 4) construction and staging areas should be wet to reduce dust; 5) reduce idling time of trucks to 10 minutes or less; 6) use pre-chamber combustion engines whenever possible; and 7) inform residents of construction and advise them to close their windows during working hours.

FINDING: SPECIFIC ECONOMIC, SOCIAL, OR OTHER CONSIDERATIONS MAKE INFEASIBLE THE MITIGATION MEASURES OR PROJECT ALTERNATIVES IDENTIFIED IN THE FINAL EIR.

FACTS SUPPORTING THE FINDING:

Each of the mitigation measures listed above will be implemented to reduce the impact to area residents during the twenty week construction period. The impacts are still potentially significant after all feasible mitigation measures are applied.

Alternatives have been identified which would substantially reduce or eliminate this impact. These alternatives are the no project alternative and the removal of the existing groins without replacement. These alternatives are infeasible for reasons cited in the Statement of Overriding Considerations.

EXHIBIT D

STATEMENT OF OVERRIDING CONSIDERATIONS

STATEMENT

The Environmental Impact Report (EIR) has identified several significant adverse environmental impacts of the proposed Las Tunas Groin Restoration Project. Some impacts can not be reduced to a level of insignificance after the adoption of available, feasible mitigation. While some of the identified alternatives to the project would eliminate a number of such impacts, such alternatives are deemed infeasible on the basis of considerations specified in this statement (Section 15091(a)(3), State EIR Guidelines). The Commission has balanced the benefits of the proposed project against its unavoidable environmental risks and hereby determines that: 1) its benefits outweigh the unavoidable adverse environmental effects; and 2) such effects are considered acceptable (Section 15093, State EIR Guidelines).

JUSTIFICATION

The proposed project arises from the Las Tunas Beach Settlement Agreement No. 2. This Agreement was entered into by and among the State of California acting by and through its State Lands Commission and the Attorney General, Ticor Title and approximately 75% of the homeowners at Las Tunas Beach (referred to in the Agreement as the Owner Parties). This Agreement settles litigation that was filed by the State in 1982 against Ticor seeking removal of the remnants of eight groins at Las Tunas Beach. These steel groins have deteriorated to such an extent that all that remain are sharp points of rusted steel protruding from the sand. These groin remnants pose a very grave hazard to the users of the beach. The litigation expanded into many suits and counter suits involving Ticor, the homeowners, their insurance carriers and the State, which were consolidated into the original action brought by the State.

Realizing that this massive litigation among many parties each claiming someone else was responsible for the deteriorated groins would not quickly result in the removal of a significant public hazard, the Court directed the parties toward a settlement. The Agreement, the terms of which the Court and the State have already approved, provides the best, if not the only, means to a relatively prompt realization of the State's objective when it commenced the litigation, the removal of the groins.

When the State entered into the Agreement, it did not contract away its discretion regarding the leasing of tide and submerged lands. It specifically disavowed any commitment to issue a lease with any particular terms or to issue any lease at all. (See

Agreement, paragraph 1.18.) By doing so, it insured that its consideration of the proposed project would be preceded by full compliance with the California Environmental Quality Act (CEQA) and that the decision would be made only after full consideration of the environmental effects of the proposed project.

However, to realize the major benefits of the Agreement, among which is the removal of the groins, the State must approve "a lease of tideland areas to the Owner Parties... for purposes of constructing as many as eight new groins similar to those described in the Moffatt & Nichol Report [the engineering report prepared for the Owner Parties on the reconstruction of the groins]." (Agreement, Paragraph 2.3.) The Agreement further provides that... "the terms and conditions of any such State Lease may be added to by the State, without the consent of the other Parties hereto, during the permit and lease application process, but only to the extent such additional terms or conditions are consistent with and do not conflict with the specific terms of this Agreement and the State Lease as set forth above and in Exhibit D." (Agreement, Paragraph 2.4)

This Agreement was the product of negotiation and compromise. In order to obtain removal of the groins by Ticor and the owner Parties at no expense to the State, the State agreed to permit a groin restoration project that would adequately protect the shorezone from erosion. The project before the Commission meets the criteria specified in the Agreement. The Agreement does not prohibit the State from requiring the Owner Parties to adopt mitigation measures into the project that are reasonable and feasible. The proposed action of the Commission incorporates all reasonable and feasible mitigation measures identified in the EIR. Project alternatives discussed in the EIR that mitigate adverse impacts, however, such as no project, reduction in the number of groins and low profile groins, do not meet the terms of the Agreement (see reference to Agreement, paragraph 2.3 supra) and are therefore infeasible.

CONCLUSION

The issuance of a lease for the project, which incorporates specified mitigation, will secure removal of the dangerous deteriorated groins and relieve the State from future liability with respect to these groins. It will also provide the homeowners at Las Tunas Beach with the ability to take appropriate action to protect their homes by the installation of new groins for which the State will not be responsible. In addition, the installation of the groins will provide a larger beach area to which the public will have access from State parks at each end of the affected area. The protection of public safety, the protection of private property and the enhancement of the public recreational potential of the beach are significant beneficial considerations which support the approval of the project as amended.

EXHIBIT "E"

LAS TUNAS GROIN RECONSTRUCTION PROJECT

MITIGATION MONITORING AND REPORTING PLAN (Section 21081.6, PRC)

Section 1

INTRODUCTION

This plan has been developed in conformance with the requirements of Section 21081.6 of the Public Resources Code and shall be known as the Mitigation Monitoring Plan (the Plan) for the Las Tunas Beach Groin Reconstruction Project (Project). The Project entails the construction of eight rock rubble groins 200 feet in length and the placement of 80,000 to 100,000 cubic yards (cy) of sand along a 3,900 ft stretch of Las Tunas Beach.

Section 2 contains a brief summary/checklist matrix. Section 3 is organized to: 1) present each mitigation measure; 2) describe the impact to be mitigated, the monitoring requirements and implementation schedule (timing); and 3) specify standards of compliance. Section 4 of the Plan contains forms that could be used to verify compliance or to report non-compliance.

IMPLEMENTATION

Responsibilities

Except as specifically noted herein, the Owner Parties of the Las Tunas Beach Settlement Agreement No. 2 (LTOP), its representative(s), or successors-in-interest, hereinafter referred to as Applicant, shall be responsible for implementing all mitigation measures.

The California State Lands Commission (SLC), as CEQA Lead Agency, shall be responsible for the administration of all provisions of this Plan. The SLC may, however, delegate monitoring activities to other agencies, consultants, or contractors. The SLC will also ensure that complete monitoring reports are received in a timely manner and that violations are promptly corrected.

Reporting

Verification of Compliance and Non-Compliance Reports shall be prepared by the site monitor using SLC-approved forms (example forms for this procedure are provided in Section 4). A copy of each report will be mailed to the Applicant. Progress toward completion of the required mitigation program, or violations thereof, shall be reported at intervals prescribed by the SLC to the Applicant. An additional copy of each report shall be mailed to appropriate Trustee Agencies.

COMPLIANCE

An SLC or SLC-designated site monitor should be present at the site on a continuous basis throughout construction to ensure compliance with this Plan. Verification of monitoring-in-progress and verification of completed mitigations shall be reviewed by the SLC. The SLC shall notify the Applicant in writing of the successful completion of a mitigation measure within 3 working days of its receipt of a report verifying completion.

VIOLATIONS

If a report identifies a violation of the mitigation program, the SLC, within one working day of its receipt of the report, shall:

1. notify the Applicant by telephone and order immediate compliance;
2. prepare written notification to the Applicant of the violation and order to comply; and
3. determine whether a follow-up field inspection is required.

Work shall cease upon notice by the SLC until the issue of compliance is resolved. The SLC shall notify the Applicant when work may begin.

If a dispute concerning the implementation or success of a mitigation measure arises, the dispute shall be referred to the Los Angeles County Superior Court as provided in the Settlement Agreement. In such a case, work on the project will be stopped until the dispute is resolved, unless the LTOP and SLC agree or the court orders otherwise.

FEES

All costs for the administration and implementation of the Plan shall be paid by the LTOP, excluding legal costs and fees in the event of a dispute.

ENFORCEMENT AND PENALTIES

A determination of non-implementation or non-compliance will result in immediate notification by the SLC as described above to the Applicant. If the project is not brought into immediate compliance, as determined by the site monitor, the Applicant or their contractor shall stop work. Violations of any approved mitigation measure which are discovered after Project Completion will result in one or more of the following actions:

1. written notification and demand of compliance by the SLC;
2. issuance of a citation;
3. an applicable remedy for breach of contract as provided in the Settlement Agreement; and
4. other appropriate legal remedies as determined by the SLC.

**MONITORING PLAN
FOR
LAS TUNAS GROIN RECONSTRUCTION PROJECT**

SUMMARY CHECKLIST MATRIX

KEY
 I Prior to construction
 II During construction
 III Before completion of construction
 IV Within one month after completion of construction
 V Ongoing

Approved
or
Denied

Date
Inspected

Responsible
Agency

Implement-
ation
Schedule

Compliance
Standards

Impact

Mitigation
Measure

GEOLOGY

Geotechnical analysis at west staging area and ramp.

Construct ramp of compacted material capable of supporting weight of vehicles.

Potential movement of fill material.

Potential movement of fill material at west staging area and ramp.

Place armor rock at base of ramp.

Sediment input at west staging area during high tide.

Place armor rock at base of ramp.

Potential downstream erosion

Geotechnical analysis must be completed according to approved plans.

Staging area and ramp must be constructed according to parameters indicated by the geotechnical analysis. No vehicles exceeding determined weight limit will enter the western staging area or ramp.

Base of ramp should be covered by armor rock to at least 2 feet above high water line.

Place 2,000 - 3,000 cy of compatible sand east of Groin B.

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MINUTE PAGE 3975

Old beach used at Groin B of Topnaga Cayuse State Beach

Migration Measure

Monitor downcast erosion and add grass/straw bank of Grade 2 if grass field is determined to be the cause.

ECOLOGICAL RESTRICTIONS

Conduct surveys to verify extent of rocky outcrops and loss of rocky outcrops and/or outcrops. Restore habitat.

NOISE

Limit wedges falling to 10 minutes.

Structure construction prohibited between 7:00 a.m. and 5:00 p.m.

Impact

Potential downcast erosion

Compliance Standards

Monitoring should proceed according to approved program. A 4,000 - 6,000 cy of sand fill must be added if erosion are determined to cause erosion.

Loss of outcrops and herbaceous habitat.

Survey should be completed as approved. Habitat restoration plan should be prepared and implemented.

Excess noise emissions.

No vehicle should be longer than 10 minutes.

Duration of noise emissions.

No construction activity should occur before 7:00 a.m. or after 5:00 p.m.

Implementation Schedule

V

Responsible Agency

Date Issued

Approved or Denied

Follow-up (if necessary)

Date Rec'd by SLC

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Mitigation Measure

Vehicles should traverse the beach as far from receptors as possible.

Use high performance equipment on all activities.

Locate centers staging area as far east as possible.

Mitigation

Minimize construction for off season.

Impact:

Proximity of construction activity to sensitive receptors.

Proximity of idling trucks to transient receptors.

High level of noise emissions.

Proximity of construction activity to sensitive receptors.

Interference with recreational usage of state beaches.

Consequence Statement

On site verification that vehicles should traverse the beach as far from receptors as possible.

Trucks should remain in the service area with space for immediate unloading is available at the beach.

Vehicles without high performance equipment should not enter the project site.

On site verification that the staging area has been located in the eastern portion of available area.

Construction will not begin prior to October

Implementation Schedule

II

II

II

II

I

Responsible Agency

Approved or Denied

Refers to (if necessary)

Date Rec'd by SLC

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My/ SITE

Use minimal portions of available state beaches for staging areas.

Repair/replace areas or facilities damaged by construction activities.

Imp/ All

Reference with recreational usage.

Damage to Topanga State Beach facilities.

Compliance Standards

Mark or fence off storable area. No storage of materials or equipment outside designated staging areas.

All damaged areas/facilities shall be returned to their pre-construction period condition.

Implement-
ation
Schedule

II

III

Responsible
Agency

Date
Issued

Approved
or
Denied

Follow-up
(if
necessary)

Date
Re-A
By SLC

VISUAL MEASURES

Minimize number of vehicles present on the beach and at staging areas.

Store equipment within staging areas after working hours.

Obstructed view of beach.

Obstructed view from Los Tunes Beach.

No more than 4 vehicles should be present in upper access areas. No idling of vehicles on the beach.

No equipment may remain outside of staging areas after working hours.

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MINUTE PAGE 3278

Mitigation Measure	Impacts	Compliance Standards	Implementation Schedule	Responsible Agency	Date Implemented	Approved or Denied	Follow-up (if necessary)	Date Rec'd by S.C.
AIR QUALITY Maintain engines in proper tune.	Increased emissions during construction	No truck should give off highly visible exhaust plumes.	II					
Use low sulfur fuel.	Increased emissions during construction	All construction vehicles must use fuel of 0.05% by weight/sulfur.	II					
No construction during 2nd stage snow alerts.	Increases emissions during construction	Verification of 2nd stage snow alert and cessation of construction.	II					
Reduce truck idling to no more than 10 minutes.	Local emissions increases.	Maintenance of truck scheduling.	II					
Wet down areas during late morning and after working hours.	Increases in fugitive dust.	All construction roads shall be paved or watered regularly.	II					
Use caterpillar brand engines wherever possible.	Local emissions increases.	Pro-chamber combustion engines (e.g. caterpillar) should be used if available.	II					

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 MINUTE PAGE 3279

Minigton Measure	Impact	Compliance Standards	Implementation Schedule	Responsible Agency	Date Implemented	Approved or Denied	Follow-up (if necessary)	Date Rec'd by SLC
Inform residents to close windows and doors during construction.	Proximity of sensitive receptors to construction emissions increases.	Written notice to all residents which specifies the construction schedule and recommends that all windows and doors be closed during construction.	II					
Cover sand truck beds and particulate producing stockpile areas.	Increases in particulate emissions during transport of sand and from stockpiles.	All trucks carrying sand to the site must be covered.	II					
HEALTH AND SAFETY								
Fence off staging areas (or other areas provide public access).	Public exposure to risk associated with stockpiled materials and equipment.	Public access to both staging areas must be prohibited.	II					
Post hazard warning signs.	Potential exposure of employees to rip currents and submerged rocks at/near groin.	Hazard warning signs must be posted and readily visible at or near car/a groin.	III					

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 MINUTE PAGE 3280