FACTS AND FINDINGS REGARDING THE ENVIRONMENTAL EFFECTS FOR THE BAY BRIDGE PUMP STATION AND FORCE MAINS REPLACEMENT PROJECT

SCH # 2016111031

Lead Agency:

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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA), including Public Resources Code Section 21081. In the Statement of Facts and Findings, the Lead Agency identifies a project's significant impacts, presents facts supporting the conclusions reached in the analysis, makes findings for each impact, and explains the reasoning behind the agency's findings.

CEQA Guidelines Section 15091 (a) provides that:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.*

There are three possible findings pursuant to Section 15091 (a) of the *CEQA Guidelines*.

(1) *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 final EIR.*

(2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. 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.*

Where a project will cause unavoidable significant impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. As provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

It is important to note that the *Bay Bridge Pump Station and Force Mains Replacement Project Public Review Draft 2020 Recirculated Environmental Impact Report* (2020 Recirculated EIR) and *Bay Bridge Pump Station and Force Mains Replacement Project Final Environmental Impact Report* (Final EIR) (together referenced herein as the EIR) prepared for the proposed Bay Bridge Pump Station and Force Mains Replacement Project determined that no significant, unavoidable impacts would occur as a result of Project implementation. Thus, while the preparation of a Statement of Facts and Findings is not mandatory under CEQA, it has been prepared by the Orange County Sanitation District (OCSD) as a means of further documenting impacts determined to be less than significant or less than significant upon incorporation of mitigation.

Based upon a review of the EIR, OCSD finds that the EIR: (a) has assessed the potentially significant environmental impacts of the Proposed Project in compliance with CEQA; (b) represents the independent judgment of OCSD; and (c) sets forth an adequate range of alternatives to this Project.

OCSD, the CEQA Lead Agency, finds and declares that the proposed Bay Bridge Pump Station and Force Mains Replacement Project EIR (State Clearinghouse [SCH] No. 201611103) has been completed in compliance with CEQA and the *CEQA Guidelines*.

The Final EIR is composed of the following elements:

- The Bay Bridge Pump Station and Force Mains Replacement Project Public Review Draft 2020 Recirculated Environmental Impact Report (August 2020);
- Responses to Comments;
- Errata; and
- Mitigation Monitoring and Reporting Program.

The remainder of this document is organized as follows:

1.2 Description of Project Proposed for Approval;

1.3 Effects Determined to be Less Than Significant in the Initial Study/Notice of Preparation;

1.4 Effects Determined to be Less Than Significant or Not Significant in the EIR;

1.5 Effects Determined to be Mitigated to Less Than Significant Levels;

1.6 Environmental Effects Which Remain Significant and Unavoidable After Mitigation and Findings; and

1.7 Alternatives to the Proposed Project.

1.2 DESCRIPTION OF PROPOSED PROJECT

The Project would replace the existing Bay Bridge Pump Station and associated force mains to bring the pump station facility and force mains to current design and reliability standards to ensure continuous service for the Newport Coast service area ("Proposed Project")[1].

Development of the Proposed Project would involve expanding the existing pump station facility site approximately 100 feet to the west, constructing a new pump station building, and installing force main improvements across the Newport Bay Channel south of Bay Bridge; refer to 2020 Recirculated EIR Exhibit 3-4, *Proposed Conceptual Site Plan*. As shown on 2020 Recirculated EIR Exhibit 3-4, the total area of potential disturbance proposed for the Proposed Project (yellow Project boundary) is approximately 800,000 square feet (18 acres).

PUMP STATION

The Proposed Project would involve demolishing the existing pump station building and constructing new pump station facilities including a pump station, generator, and odor control facilities within and adjacent to the existing facility; refer to 2020 Recirculated EIR Exhibit 3-5, *Adjacent Pump Station Layout*. The new, expanded pump station facility would be approximately 14,500 square feet in site

[1] The Proposed Project is referred to as the "Adjacent Pump Station" in the EIR.

area, as opposed to approximately 4,800 square feet under existing conditions (an increase of approximately 9,700 square feet). OCSD would be required to negotiate and acquire the adjacent property for use and access from the property owner (Bayside Village Marina, LLC). It should be noted that OCSD has assumed a proposed square footage of 14,500 square feet in order to analyze a conservative scenario in this 2020 Recirculated EIR. This square footage is considered conceptual and may be subject to downward refinement during final design.

In addition, the new pump station would require the replacement of portions of the existing OCSD gravity sewer system, which would be constructed to convey wastewater to the new pump station wet well. These gravity sewer improvements include installing 50 linear feet (LF) of 36- or 42-inch sewer lines within East Coast Highway and OCSD property.

Primary access to the proposed pump station would be provided via a shared driveway from Bayside Drive through Bayside Village Marina, LLC property with secondary access via the existing driveway from East Coast Highway; refer to 2020 Recirculated EIR Exhibit 3-5.

The existing pump station has three large and two smaller duty variable frequency drive (VFD) pumps. Currently, two of the large VFD pumps (sized at 250 horsepower [HP] each) convey full peak wet weather flows and one of the smaller duty VFD pumps (50 HP each) conveys low flows. OCSD recently added the third large standby pump to the existing pump station for additional redundancy during peak wet weather flow. Therefore, the new pump station would be sized to house all pumps and provide the desired contingency and redundancy to maintain uninterrupted service. All the facilities would be placed within the new pump station, including a new pump station building with an electrical room and a generator building with an odor control facility. The proposed pump station would include features, architecture, and screening consistent with the *Back Bay Landing Planned Community Development Plan* (PCDP) and associated design guidelines to ensure consistency with surrounding future development.

Pump Station Mechanical Room and Wet Well

The proposed pump station building would be constructed with a below-grade dry-pit mechanical room, which would house the pumps, motors, and other mechanical equipment, and an above grade building that would house the electrical equipment, instrumentation, control equipment, and restroom. An underground wet well would be constructed adjacent to the mechanical room in an orientation similar to the existing pump station. A total of five VFD pumps would be installed to meet existing peak flow of 18.2 million gallons per day (MGD) and provide required contingency/redundancy, similar to the existing pump station.

Pump Station Electrical Room

The electrical room associated with the proposed pump station would be located above the mechanical room referenced above. Ancillary equipment within the electrical room would include electrical breakers, lighting control panel, closed-circuit television equipment, work areas, and storage space.

Pump Station Generator Facility

A 760-square foot backup generator facility would be built adjacent to the proposed pump station building. A 750-kilowatt diesel backup generator would be provided to handle the power requirement

of the new pump station running at full capacity should Sothern California Edison power go down. The backup generator would have a two-hour day tank and be paired with a fuel tank which would allow the pump station to run on backup power for approximately 24 hours of operational redundancy.

Pump Station Odor Control

A new 1,300-square foot odor control facility would be built adjacent to the new pump station within the same building as the generator facility. It would hold a multi-stage vapor-phase odor control scrubber system, which would remove odorous compounds from the incoming waste stream. Two 10-foot diameter tanks would accommodate liquid phase odor control. Anticipated chemicals to be utilized and/or stored at the odor control facility include bioxide, magnesium hydroxide, ferric chloride, and/or pure oxygen; however, it is acknowledged that the specific chemicals used for odor control purposes may change depending on the availability of technologies at a given time, such as other chemicals with potentially increased effectiveness, and compliance with Federal, State, and local laws and regulations for the handling/storage/use of such hazardous materials, such as restrictions on which chemicals may be transported on local or regional roadways.

FORCE MAIN IMPROVEMENTS

The Proposed Project would connect to the existing OCSD force main system to the west by installing 1,500 LF of dual force mains (up to 32 inches in diameter) across the Newport Bay Channel south of Bay Bridge. The Project would involve microtunneling or open trench cutting under East Coast Highway, to the southside of the bridge, where dredging would occur under Newport Bay Channel. Dredging involves placement of a dredge (boat) with a submersible pump to suction out sediments at the bottom of the Newport Bay Channel. Microtunneling is a remote-controlled, continuously supported pipe jacking method. Microtunneling operations are managed by an operator in an above ground control container alongside of the shaft. Soil excavation takes place by way of infusing the soil with slurry at the face of the bore and cuttings are forced into slurry inlet holes in the Microtunneling Bore Machines crushing cone for circulation to and from a separation plant through a closed system. Areas where the pipe is microtunneled may require a casing pipe as large as 72 inches in diameter, which has been evaluated throughout this EIR as a worst-case scenario.

Portions of the adjacent private property (currently a RV storage area) and Lower Castaways Park could be temporarily utilized for construction staging, if these areas are available during construction of the Proposed Project; refer to *Construction*, below.

ACCESS, EASEMENTS, AND PROPERTY ACQUISITION

Development of the Proposed Project would require approval of easements, permits, and property acquisitions potentially including, but not limited to:

City of Newport Beach

- Temporary easement for potential construction staging at Lower Castaways Park;

Caltrans

- Encroachment permit for construction activities occurring on Coast Highway;

Bayside Village Marina, LLC

- Fee acquisition for the new pump station site;

- Temporary and permanent easement for construction and operational access to the Project site;

The Irvine Company

- Temporary and permanent easement for construction and operational access to proposed force mains; and

Bay Shores Community Association

- Temporary and permanent easement for construction and operational access to proposed pipelines on the west side of the Newport Bay Channel.

CONSTRUCTION

Construction activities associated with the Proposed Project, including pump station improvements, gravity sewer improvements, and force main installation (via open trenching and/or microtunneling and dredging), would encompass work areas on both sides of the Newport Bay Channel as illustrated on 2020 Recirculated EIR Exhibit 3-6, *Adjacent Pump Station Work Areas*. Construction activities would occur during weekdays (between 7:00 a.m. and 6:30 p.m.) and Saturdays (between 8:00 a.m. and 6:00 p.m.), unless otherwise directed by the City of Newport Beach (pursuant to City Municipal Code Section 10.28.040(D)(2)). However, it is acknowledged that due to the nature of microtunneling installation, microtunneling is anticipated and assumed to occur 24 hours per day; As explained in the EIR, it would take approximately two months to microtunnel across East Coast Highway.

Pump Station

The Proposed Project improvements would require approximately 4,200 cubic yards of cut and 700 cubic yards of fill. As noted above, the existing pump station facility would remain in service until the new facilities have been constructed and commissioned. Once the new pump station is placed in service, the existing pump station would be taken out of service and demolished. Construction access would be provided via a driveway to the property along the west side of Bayside Drive. Any temporary construction access through private property would be negotiated between OCSD and the property owner.

In addition, modifications to the existing gravity sewer system would be required to route gravity sewage flows to the new pump station's wet well. These pipes would be installed via open trench excavation along East Coast Highway; refer to 2020 Recirculated EIR Exhibit 3-7, *Adjacent Pump Station Construction*.

Force Main Improvements

The Proposed Project's force main improvements across East Coast Highway would require either microtunneling beneath the roadway or open cut trenching approximately 150 linear feet across the roadway as shown on 2020 Recirculated EIR Exhibit 3-7. The force mains would then be installed across the Newport Bay Channel via dredging, possibly with a coffer dam. This construction method would require trenching approximately 700 feet long by 15 feet wide by 18 feet deep across the Newport Bay Channel. Trenching would occur in two segments across the channel, a 400-foot segment and a 300-foot segment. Each segment would be drained then trenched. Shoring of the walls may be required to lay down the dual force mains. Dredging would require approximately 4,450 cubic yards of cut and 3,870 cubic yards of fill. These construction activities would take approximately six months.

Temporary Lane Closures

Construction of the Proposed Project would require the following temporary lane closures:

- *East Coast Highway:* Temporary closure of traffic lane(s) to allow for construction of the gravity sewer improvements and installation of force mains (if microtunneling is not used) for approximately 131 non-consecutive days over the Project's 36-month construction period. A minimum of one travel lane in each direction would remain open at all times.

- *West Coast Highway:* Temporary closure of one eastbound lane of traffic and bus turnout area to allow for connection of the two force mains to the existing system for approximately 33 consecutive days during the Project's 36-month construction period.

OCSD would be required to develop a Traffic Control Plan for review and approval by Caltrans and the City of Newport Beach, respectively, to ensure continuous access to surrounding routes and uses.

GOALS AND OBJECTIVES

Pursuant to Section 15124(b) of the *CEQA Guidelines*, the EIR project description must include "[a] statement of objectives sought by the Proposed Project. The statement of objectives should include the underlying purpose of the project."

As noted above, the Bay Bridge Pump Station is critical to OCSD operations as it conveys approximately 50 to 60 percent of the total Newport Beach wastewater flow through the pump station and these force mains. Because the Bay Bridge Pump Station and associated force mains are critical elements to OCSD's Newport Coast collection backbone, it is imperative that the facility be upgraded to ensure continuous service to the community and avoid spills for the next design lifespan (an additional 50 years).

The Proposed Project's goals and objectives are as follows:

1. Increase reliability since the existing Bay Bridge Pump Station is over 50 years old, outdated, and no longer meets structural, electrical, or maintenance standards. In addition, since the existing force mains are located under the Newport Bay Channel, thorough inspection to predict the remaining life span is not possible. Thus, replacement of the force mains would

reduce the risk of failure and prevent possible releases of sewage into the Newport Bay Channel;

2. Increase safety for OCSD Operations & Maintenance personnel by selecting an entry to and exit from the site that can be accessed more easily and safely by maintenance crews and drivers. The existing pump station is accessed directly from East Coast Highway, where adjacent traffic creates safety hazards for OCSD vehicles. Maintenance trucks must currently back into oncoming traffic to exit the site; and

3. Improve odor control through a new odor control facility, which houses a vapor-phase odor control scrubber system that would remove odorous vapors from the incoming waste system as well as two 10-foot diameter tanks to accommodate liquid phase odor control.

PERMITS AND APPROVALS

The applicable agency approvals and related environmental review/consultation requirements associated with the Proposed Project may include the following, among others. It is not anticipated that any other agencies would require use of the EIR in their decision-making process.

- CEQA Clearance – OCSD;
- Site Development Review Permit – City of Newport Beach;
- Limited Term Permit – City of Newport Beach;
- Encroachment Permits – City of Newport Beach and Caltrans;
- Permanent/Temporary Easements – City of Newport Beach, Bayside Village Marina, LLC, The Irvine Company, and Bay Shores Community Association;
- Traffic Control Plan Approval – City of Newport Beach and Caltrans;
- Coastal Development Permit – California Coastal Commission and City of Newport Beach (as required under the California Coastal Act, Public Resources Code Division 20);
- California State Lands Commission – Consultation with the County of Orange regarding implementation of Newport Bay Channel force main crossing through tidelands and submerged lands;
- California Department of Fish and Wildlife – Consultation regarding implementation of Newport Bay Channel force main crossing;
- National Marine Fisheries Service – Dry dredging/shoring construction activities;
- Section 404 Permit – Army Corps of Engineers (required for dry dredging/shoring construction activities);
- Section 401 Permit – Santa Ana Regional Water Quality Control Board (required for dry dredging/shoring construction activities);
- Permit R8-2015-0004 – Santa Ana Regional Water Quality Control Board;
- General Construction Permit – Santa Ana Regional Water Quality Control Board (as required under National Pollutant Discharge Elimination System [NPDES] General Permit for Storm

Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ [as amended by 2010-0014-DWQ and 2012-006-DWQ], NPDES Number CAS000002); and

- Permit to Construct (P/C) and Permit to Operate (P/O) – South Coast Air Quality Management District.

1.3 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY/NOTICE OF PREPARATION

OCSD prepared an Initial Study/Notice of Preparation for the Proposed Project to determine potentially significant effects of the Proposed Project. The Initial Study/Notice of Preparation was circulated for public review from November 10, 2016 through December 9, 2016. In the course of this evaluation, certain impacts of the Proposed Project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant, and were not analyzed in the 2020 Recirculated EIR; refer to Appendix 11.1, Initial Study/Notice of Preparation and Comment Letters of the 2020 Recirculated EIR. As such, the Project would not result in significant impacts involving the following:

AGRICULTURE AND FOREST RESOURCES

Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Conflict with existing zoning for agricultural use, or a Williamson Act contract.

Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Result in the loss of forest land or conversion of forest land to non-forest use.

Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

BIOLOGICAL RESOURCES

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

CULTURAL RESOURCES

Disturb any human remains, including those interred outside of formal cemeteries.

GEOLOGY AND SOILS

Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.

Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

HAZARDS AND HAZARDOUS MATERIALS

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.

For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.

Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

HYDROLOGY AND WATER QUALITY

Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site.

Otherwise substantially degrade water quality.

Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Inundation by seiche, tsunami, or mudflow.

LAND USE AND RELEVANT PLANNING

Physically divide an established community.

Conflict with any applicable habitat conservation plan or natural community conservation plan.

MINERAL RESOURCES

Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

NOISE

For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

POPULATION AND HOUSING

Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- *Fire protection.*
- *Police protection.*
- *Schools.*
- *Parks.*

- *Other public facilities.*

RECREATION

Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

TRANSPORTATION/TRAFFIC

Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

UTILITIES AND SERVICE SYSTEMS

Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

Comply with federal, state, and local statutes and regulations related to solid waste.

1.4 EFFECTS DETERMINED TO HAVE NO IMPACT OR BE LESS THAN SIGNIFICANT IN THE EIR

The 2020 Recirculated EIR found that the Proposed Project would result in no impacts or less than significant impacts on a number of environmental topic areas. A no impact or a less than significant environmental impact determination was made for each of the topical impact areas listed below.

It is acknowledged that after circulation of the Initial Study/Notice of Preparation (in 2016), the California Natural Resources Agency updated the CEQA Guidelines, which included changes to

Appendix G, *Environmental Checklist Form*. The 2020 Recirculated EIR utilized the amended Appendix G thresholds of significance.

NO IMPACT

Hazards and Hazardous Materials

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.

Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hydrology and Water Quality

Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site.

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows.

In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Noise

For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Population and Housing

Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Utilities and Service Systems

Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

Wildfire

Substantially impair an adopted emergency response plan or emergency evacuation plan.

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment.

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

LESS THAN SIGNIFICANT

Aesthetics/Light and Glare

Scenic Views and Vistas. *Project implementation would not have a substantial adverse effect on a scenic view or vista.*

Cumulative Scenic Views and Vista: *The Proposed Project, combined with other related cumulative projects, would not have an adverse effect on a scenic vista.*

Air Quality

Short-Term (Construction) Air Emissions. *Short-term construction activities associated with the Proposed Project would not result in increased air pollutant emissions impacts.*

Long-Term (Operational) Impacts. *Implementation of the Proposed Project would not result in increased impacts pertaining to operational air emissions.*

Localized Emissions. *Implementation of the Proposed Project would not result in localized emissions that may expose sensitive receptors to substantial pollutant concentrations.*

Consistency with Regional Plans. *Implementation of the Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.*

Odor Impacts. *Construction and operation of the Proposed Project would not create objectionable odors affecting a substantial number of people.*

Short-Term (Construction) Cumulative Air Emissions. *Short-term construction activities associated with the Proposed Project and other cumulative projects would not result in increased air pollutant emission impacts.*

Long-Term (Operational) Cumulative Air Emissions. *Proposed Project and other related cumulative projects would not result in increased impacts pertaining to operational air emissions.*

Cumulative Localized Emissions. *Implementation of the Proposed Project would not result in cumulative localized emissions that would expose sensitive receptors to substantial pollutant concentrations.*

Cumulative Consistency with Applicable Air Quality Plans. *Development associated with the Proposed Project and other cumulative projects would not conflict with or obstruct implementation of the applicable air quality plan.*

Cumulative Odor Impacts. *Development associated with the Proposed Project and related cumulative projects would not result in increased impacts pertaining to odors.*

Cultural Resources

Historical Resources. *Development associated with implementation of the Proposed Project would not result in significant impacts to historical resources within the project site.*

Cumulative Historical Resources. *The Proposed Project, combined with other related cumulative projects, would not result in significant cumulative impacts to historical resources.*

Energy

Energy Consumption. *The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.*

Conflict With Applicable Energy Plans. *The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.*

Energy Consumption (Cumulative). *The Proposed Project, combined with other related cumulative projects, would not result in wasteful, inefficient, or unnecessary consumption of energy resources.*

Conflict With Applicable Energy Plans (Cumulative). *The Proposed Project, combined with other related cumulative projects, would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.*

Geology and Soils

Strong Seismic Ground Shaking. *The project would not be subject to potential substantial adverse effects involving strong seismic ground shaking.*

Seismic-Related Ground Failure. *The project would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure.*

Soil Erosion. *The project would not result in substantial soil erosion or the loss of topsoil.*

Expansive Soils. *The proposed development would not be located on expansive soil, creating substantial risks to life or property.*

Greenhouse Gas Emissions

Greenhouse Gas Emissions. *Greenhouse gas emissions generated by the project would not have a significant impact on global climate change.*

Consistency With Applicable Greenhouse Gas Plans, Policies or Regulations. *Implementation of the Proposed Project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation.*

Cumulative Impacts. *Greenhouse gas emissions generated by the Proposed Project and other related cumulative projects would not have a significant impact on global climate change.*

Hydrology and Water Quality

Long-Term Operational Impacts. *Long-term operation of the Proposed Project would not result in increased runoff amounts and degraded water quality.*

Land Use and Planning

Southern California Association of Governments (SCAG). *The Proposed Project would not conflict with SCAG's regional planning efforts adopted for the purpose of avoiding or mitigating an environmental effect.*

City of Newport Beach General Plan. *The Proposed Project would not conflict with policies provided in the City of Newport Beach General Plan.*

Back Bay Landing Planned Community Development Plan. *The Proposed Project would not conflict with the Back Bay Landing Planned Community Development Plan development standards and design guidelines.*

Noise

Vibration Impacts. *Project implementation would not result in significant vibration impacts to nearby sensitive receptors.*

Long-Term (Mobile) Noise Impacts. *Traffic generated by the Proposed Project would not significantly contribute to existing traffic noise in the area or exceed the City's established standards.*

Long-Term (Stationary) Noise Impacts. *The Proposed Project would not result in a significant increase in long-term stationary ambient noise levels.*

Cumulative Vibration Impacts. *Project implementation along with other related cumulative projects would not result in significant vibration impacts to nearby sensitive receptors.*

Cumulative Long-Term (Mobile) Noise Impacts. *Development associated with the Proposed Project and other related cumulative projects would not significantly contribute to existing traffic noise in the area or exceed the City's established standards.*

Cumulative Long-Term (Stationary) Noise Impacts. *Development associated with the Proposed Project and other related cumulative projects would not result in a significant increase in long-term stationary ambient noise levels.*

Transportation

Vehicle Miles Traveled. *Project development would not conflict or be inconsistent with CEQA guidelines Section 15064.3 Subdivision (B).*

Cumulative Vehicle Miles Traveled. *Project development in conjunction with other related cumulative projects would not conflict or be inconsistent with CEQA guidelines Section 15064.3 Subdivision (B).*

1.5 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

OCSD, having reviewed and considered the information contained in the Final EIR, the Technical Appendices, and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and *CEQA Guidelines* 15091 (a)(1) that changes or alterations have been required in, or incorporated into, the Proposed Project, which would avoid or substantially lessen to below a level of significance the following potentially significant environmental effects in the following categories:

- Aesthetics/Light and Glare (short-term and long-term visual impacts, visual character/quality, light and glare, and cumulative impacts);
- Biological Resources (special status plant and wildlife species, sensitive natural communities, wetlands, migratory wildlife species, policies protecting biological resources, and cumulative impacts);
- Cultural Resources (archaeological resources and cumulative impacts);
- Geology and Soils (paleontological resources and cumulative impacts);
- Hazards and Hazardous Materials (accidental release and/or routine handling of hazardous materials, interference with an adopted emergency response or evacuation plan, and cumulative impacts);
- Hydrology and Water Quality (short-term water quality impacts and cumulative short-term and long-term operational impacts);
- Land Use and Relevant Planning (California Coastal Act and Local Coastal Program and Coastal Land Use Plan consistency and cumulative impacts),
- Noise (short-term construction noise and short-term cumulative impacts);
- Transportation (roadway, transit, bicycle, and pedestrian facilities; hazardous design features (operations); emergency access, and cumulative impacts); and
- Tribal Cultural Resources (tribal cultural resources and cumulative impacts).

The potentially significant adverse environmental impacts for which mitigation was identified are listed below. OCSD finds that these potentially significant adverse impacts can be mitigated to a level that

is considered less than significant with implementation of the mitigation measures identified in the Final EIR. These findings are supported by the EIR and substantial evidence in the record of proceedings. (CEQA 15091(b).)

AESTHETICS/LIGHT AND GLARE

The Project's potential aesthetics/light and glare impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.1, *Aesthetics/Light and Glare*, of the 2020 Recirculated EIR. These include short-term and long-term degradation of visual character/quality, light and glare, and cumulative impacts.

Short-Term Visual Impacts. With incorporation of Mitigation Measure AES-1, Project construction would not result in significant impacts related to the temporary degradation of the visual character/quality of the site and its surroundings.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to the short-term visual character/quality of the Project area have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, engineering drawings and specifications shall be prepared by the Project Engineer, or their designee, and submitted for review and approval by the Orange County Sanitation District Director of Engineering. These documents shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, screening/fencing (i.e., temporary fencing with opaque material), and haul route(s). Staging areas shall be sited away from public views, to the extent feasible and reasonable, and/or screened utilizing temporary fencing with opaque materials. Construction haul routes shall minimize impacts to sensitive uses in the project area by avoiding local residential streets.

Long-Term Visual Character/Quality. With implementation of mitigation, project implementation would not conflict with applicable zoning and other regulations governing scenic quality.

Findings

1. *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.*

2. *The effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to the Project area's long-term visual character/quality have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-2 Prior to construction of the new pump station facility, Orange County Sanitation District (OCSD) shall comply with the applicable requirements of the City of Newport Beach to ensure consistency with the surrounding development and Back Bay Landing PCDP design guidelines.

Light and Glare. With implementation of mitigation, project implementation would not generate additional light and glare beyond existing conditions.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts regarding light and glare have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-3 Prior to any nighttime construction activities, a construction safety lighting plan shall be prepared by the Project Engineer, or their designee, and submitted to the Orange County Sanitation District Director of Engineering for review and approval. The plan shall include, but not be limited to, the following:

- Identify all required construction lighting fixtures, anticipated locations and heights, and maximum wattage required;
- Ensure all construction-related lighting fixtures (including portable fixtures) are shielded and oriented downward and away from adjacent sensitive areas (including residential and biologically sensitive areas);

- Provide the minimal wattage necessary to provide adequate nighttime visibility and safety at the construction site; and
- Demonstrate that nighttime construction lighting does not spillover onto adjacent residential properties.

AES-4 Prior to construction of the proposed pump station, an operational lighting plan shall be prepared by the Project Engineer, or their designee, and provided to the Orange County Sanitation District (OCSD) Director of Engineering for review and approval. OCSD shall provide the lighting plan to the City of Newport Beach for review and comment, pertaining to the general consistency with the *Back Bay Landing Planned Community Development Plan* regulations for lighting. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to minimize impacts to adjacent sites and to not produce glare onto adjacent sites or roadways. Final approval of the lighting plan shall be made by OCSD prior to start of Project construction. OCSD, or designee, shall verify that the approved plans incorporate the reasonably suggested revisions and comments received from the City of Newport Beach.

Cumulative Short-Term Visual Character/Quality. With implementation of mitigation, project construction activities, combined with construction activities for other relative cumulative Projects, would not temporarily degrade the visual character/quality of the development sites and their surroundings.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to the Project area's short-term visual character/quality have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, engineering drawings and specifications shall be prepared by the Project Engineer, or their designee, and submitted for review and approval by the Orange County Sanitation District Director of Engineering. These documents shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, screening/fencing (i.e., temporary fencing with opaque material), and haul route(s). Staging areas shall be sited away from public views, to the extent feasible and reasonable, and/or screened utilizing temporary fencing with opaque materials. Construction haul routes shall minimize impacts to sensitive uses in the project area by avoiding local residential streets.

Cumulative Long-Term Visual Character/Quality. With implementation of mitigation, Project implementation, combined with other related cumulative projects, would not conflict with applicable zoning and other regulations governing scenic quality.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to the Project area's long-term visual character/quality have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-2 Prior to construction of the new pump station facility, Orange County Sanitation District (OCSD) shall comply with the applicable requirements of the City of Newport Beach to ensure consistency with the surrounding development and Back Bay Landing PCDP design guidelines.

Cumulative Light and Glare. With implementation of mitigation, Project implementation, combined with other related cumulative projects, would not cumulatively contribute to significant light/glare impacts.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts regarding light and glare have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

AES-3 Prior to any nighttime construction activities, a construction safety lighting plan shall be prepared by the Project Engineer, or their designee, and submitted to the Orange County Sanitation District Director of Engineering for review and approval. The plan shall include, but not be limited to, the following:

- Identify all required construction lighting fixtures, anticipated locations and heights, and maximum wattage required;

- Ensure all construction-related lighting fixtures (including portable fixtures) are shielded and oriented downward and away from adjacent sensitive areas (including residential and biologically sensitive areas);

- Provide the minimal wattage necessary to provide adequate nighttime visibility and safety at the construction site; and

- Demonstrate that nighttime construction lighting does not spillover onto adjacent residential properties.

AES-4 Prior to construction of the proposed pump station, an operational lighting plan shall be prepared by the Project Engineer, or their designee, and provided to the Orange County Sanitation District (OCSD) Director of Engineering for review and approval. OCSD shall provide the lighting plan to the City of Newport Beach for review and comment, pertaining to the general consistency with the *Back Bay Landing Planned Community Development Plan* regulations for lighting. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to minimize impacts to adjacent sites and to not produce glare onto adjacent sites or roadways. Final approval of the lighting plan shall be made by OCSD prior to start of project construction. OCSD, or designee, shall verify that the approved plans incorporate the reasonably suggested revisions and comments received from the City of Newport Beach.

BIOLOGICAL RESOURCES

The Project's potential biological resources impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.3, *Biological Resources*, of the 2020 Recirculated EIR. These include impacts to special status plant and wildlife species, sensitive natural communities, migratory wildlife species, wetlands, in addition to a potential conflict with policies protecting biological resources, and cumulative impacts.

Special Status Plant and Wildlife Species. With implementation of mitigation, Project implementation would not have adverse effects, either directly or through habitat modifications, on special status plant or wildlife species.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to special status plant and wildlife species have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;
- Activities that have the most potential for affecting wildlife in the project area;
- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;
- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and
- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside

of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

Sensitive Natural Communities. With implementation of mitigation, Project implementation would not have an adverse effect on riparian habitat or other sensitive natural community.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to sensitive natural communities have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal

Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Wetlands. With implementation of mitigation, Project implementation would not have an adverse effect on State or Federally protected wetlands.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to wetlands have been eliminated or substantially lessened to a level of less than significant of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the Proposed Project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;

- Activities that have the most potential for affecting wildlife in the project area;

- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;

- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities

(e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and

- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall

implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Migratory Wildlife Species. With implementation of mitigation, Project implementation would not interfere with the movement of a native resident or migratory wildlife species.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to wildlife movement have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;

- Activities that have the most potential for affecting wildlife in the project area;

- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;

- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance

from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and

- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall

implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Policies Protecting Biological Resources. With implementation of mitigation, Project implementation would not conflict with a City policy protecting biological resources.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts pertaining to conflicts with policies protecting biological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;

- Activities that have the most potential for affecting wildlife in the project area;

- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;

- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and

- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Cumulative Special Status Plant and Wildlife Species. With implementation of mitigation, Project implementation combined with cumulative development would not have adverse effects, either directly or through habitat modifications, on special status plant or wildlife species.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to special status plant and wildlife species have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;

- Activities that have the most potential for affecting wildlife in the project area;

- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;

- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and

- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

Cumulative Sensitive Natural Communities. With implementation of mitigation, Project implementation combined with cumulative developments would not have adverse effect on riparian habitat or other sensitive natural community.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to sensitive natural communities have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to

conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Cumulative Wetlands. With implementation of mitigation, Project implementation combined with cumulative development would not have an adverse effect on State or Federally protected wetlands.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to wetlands have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine

wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;
- Activities that have the most potential for affecting wildlife in the project area;
- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;
- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and
- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and

kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Cumulative Migratory Wildlife Species. With implementation of mitigation, Project implementation combined with cumulative development would not interfere with the movement of migratory wildlife species.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to migratory wildlife species have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine

wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;
- Activities that have the most potential for affecting wildlife in the project area;
- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;
- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and
- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and

kelp species within the project survey area, as delineated by the qualified marine biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

Cumulative Policies Protecting Biological Resources. With implementation of mitigation, Project implementation combined with cumulative development would not conflict with a City policy protecting biological resources.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to policies protecting biological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measures:

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

BIO-1 Prior to dredging operations, if conducted, Orange County Sanitation District, or designee, shall retain a qualified marine mammal biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, animal behavior, or a closely related area and demonstrated field experience, to conduct contractor awareness training for all personnel working in the marine environment. The purpose of the training is to educate contractor personnel on the identification of marine

wildlife in the project area and to provide an overview of the wildlife mitigation that will be implemented during the project. Specifically, the training seminar shall include, but not be limited to, the following:

- Identification of most common types of marine wildlife likely to be encountered in the project area;
- Activities that have the most potential for affecting wildlife in the project area;
- Overview of the Marine Mammal Protection Act (MMPA), the designated Environmental Study Area (ESA), agencies responsible for enforcement of the MMPA and ESA, and penalties associated with violations of the acts;
- Procedures to be followed during mobilization/demobilization, and transiting of project vessels, anchoring and throughout waterside construction activities (e.g., decreasing vessel speeds/engine power when at a determined distance from the shoreline, limiting vessel engine idling to five minutes or less, and utilizing minimum required engine power); and
- Reporting requirements in the event of an inadvertent collision and/or injury to marine wildlife.

BIO-2 Should construction activities occur within the nesting season, all suitable habitat surrounding the project site shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist, defined as an individual with a bachelor's degree or above in a biological science field and demonstrated field experience, within three days prior to commencement of site disturbance activities.

If an active avian nest is discovered in proximity to the project site during the nesting bird survey, construction activities (those activities that could result in direct or indirect impacts to active nests either through noise, light, or physical contact) shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. The qualified biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. If the qualified biologist determines that nesting behavior is adversely affected by construction activities, the qualified biologist shall halt construction activities that result in the adverse effect and file a written report to OCSD and the construction contractor stating the recommended course of action. The buffer area and limitations on construction may be reduced upon approval by the California Department of Fish and Wildlife, and only if the nesting behaviors are not disrupted by construction activities, as determined by the qualified biologist. Once the young have fledged, normal construction activities shall be allowed to occur.

BIO-3 The Orange County Sanitation District (OCSD), or designee, shall retain a qualified marine biologist, defined as an individual with a bachelor's degree or above in marine biology, zoology, or a closely related area and demonstrated field experience, to conduct a comprehensive pre-construction survey for the presence of eelgrass and kelp species within the project survey area, as delineated by the qualified marine

biologist, prior to the commencement of in-water construction operations. The pre-construction eelgrass and kelp surveys shall be consistent with current National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP) survey guidelines. If pre-construction survey results indicate eelgrass or kelp presence within the project survey area, the qualified marine biologist shall recommend, and OCSD, or designee, shall incorporate, appropriate avoidance measures, protection measures, and/or replacement mitigation (e.g., shifting dredging areas, relocating eelgrass, releasing buoy-deployed seed bags, and reseeding for no net loss) to be implemented during construction activities to avoid or reduce impacts to eelgrass or kelp species to the maximum extent practicable. The qualified marine biologist shall coordinate with the appropriate regulatory agencies including the NMFS, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), California Coastal Commission (CCC), the California Department of Fish and Wildlife (CDFW), and other resource and regulatory agencies, as necessary, and OCSD, or designee, shall implement compensatory mitigation, as required by the appropriate regulatory agencies, should the project result in the loss of eelgrass and kelp habitat.

CULTURAL RESOURCES

The Project's potential cultural resources impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.4, *Cultural Resources*, of the 2020 Recirculated EIR. These include impacts to archaeological resources and cumulative impacts.

Archaeological Resources. With implementation of mitigation, development associated with implementation of the Project would not impact archaeological resources within the Project site.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to archaeological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

CUL-1 Prior to ground-disturbing activities, Orange County Sanitation District (OCSD), or its designee, shall retain a qualified archaeologist who meets the requirements of the Secretary of the Interior's Standards to prepare an Archaeological Monitoring Protocol Plan for the project that is consistent with all applicable requirements of the City of Newport Beach Local Coastal Program (CLUP) and Coastal Development Permit (CDP) as determined by the City of Newport Beach. The Archaeological Monitoring Protocol Plan shall include, but is not limited to, the following:

- Identification of the project's area of potential effect;

- Training procedures regarding the Archaeological Monitoring Protocol Plan and the identification of potential archaeological resources. The training shall be open to Native American tribal representative(s), to assist the contractor's representative in identifying potential tribal cultural resources.

- Procedures to follow in the event that potential archaeological resources are discovered during construction activities, including, without limitation, halting work in the area of the find and contacting the qualified archaeologist to evaluate the find.

- Procedures for proceeding with construction work after a significant find is inventoried, documented, and/or recovered.

OCSD, or designee, shall implement all recommended and required measures identified in the Archaeological Monitoring Protocol Plan approved by the City of Newport Beach.

If evidence of potential subsurface archaeological resources is found during ground disturbance/excavation activities, these activities shall cease within 50 feet of that area and the construction contractor shall contact OCSD. Construction activities shall be allowed to continue in other areas of the site. OCSD, or designee, shall then retain a qualified archaeologist to evaluate the discovery prior to resuming grading/construction activities in the immediate vicinity of the find. If warranted based on the archaeologist's evaluation of the find, the archaeologist shall collect the resource, and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the significance (depth, nature, condition, and extent of the resource), identify final mitigation measures that OCSD or its designee shall incorporate into future construction plans, and provide cost estimates.

If the qualified archaeologist determines that the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the assessment and recovery of the resource, as applicable. The qualified archaeologist and any applicable Native American contacts shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

Salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. Work within the area of discovery shall resume only after the resource has been appropriately inventoried, documented, and/or recovered, as detailed in the test-level report(s).

Cumulative Archaeological Resources. With implementation of mitigation, the Proposed Project, combined with other related cumulative development, would not result in significant cumulative impacts to archaeological resources.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to archaeological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

CUL-1 Prior to ground-disturbing activities, Orange County Sanitation District (OCSD), or its designee, shall retain a qualified archaeologist who meets the requirements of the Secretary of the Interior's Standards to prepare an Archaeological Monitoring Protocol Plan for the project that is consistent with all applicable requirements of the City of Newport Beach Local Coastal Program (CLUP) and Coastal Development Permit (CDP) as determined by the City of Newport Beach. The Archaeological Monitoring Protocol Plan shall include, but is not limited to, the following:

- Identification of the project's area of potential effect;
- Training procedures regarding the Archaeological Monitoring Protocol Plan and the identification of potential archaeological resources. The training shall be open to Native American tribal representative(s), to assist the contractor's representative in identifying potential tribal cultural resources.
- Procedures to follow in the event that potential archaeological resources are discovered during construction activities, including, without limitation, halting work in the area of the find and contacting the qualified archaeologist to evaluate the find.
- Procedures for proceeding with construction work after a significant find is inventoried, documented, and/or recovered.

OCSD, or designee, shall implement all recommended and required measures identified in the Archaeological Monitoring Protocol Plan approved by the City of Newport Beach.

If evidence of potential subsurface archaeological resources is found during ground disturbance/excavation activities, these activities shall cease within 50 feet of that area

and the construction contractor shall contact OCSD. Construction activities shall be allowed to continue in other areas of the site. OCSD, or designee, shall then retain a qualified archaeologist to evaluate the discovery prior to resuming grading/construction activities in the immediate vicinity of the find. If warranted based on the archaeologist's evaluation of the find, the archaeologist shall collect the resource, and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the significance (depth, nature, condition, and extent of the resource), identify final mitigation measures that OCSD or its designee shall incorporate into future construction plans, and provide cost estimates.

If the qualified archaeologist determines that the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the assessment and recovery of the resource, as applicable. The qualified archaeologist and any applicable Native American contacts shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

Salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. Work within the area of discovery shall resume only after the resource has been appropriately inventoried, documented, and/or recovered, as detailed in the test-level report(s).

GEOLOGY AND SOILS

The Project's potential geology and soils impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.5, *Geology and Soils*, of the 2020 Recirculated EIR. These impacts include paleontological resources and cumulative impacts.

Paleontological Resources. With implementation of mitigation, development associated with implementation of the Project would not impact paleontological resources within the Project site.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to paleontological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

GEO-1 Prior to ground-disturbing activities, a qualified paleontologist shall provide a Monitoring Protocol Plan for the project. The plan shall identify procedures to be used in the event that potential recoverable fossils are discovered by the construction contractor. The qualified paleontologist shall have a B.S. or B.A. in geology and/or paleontology with demonstrated competence in research, fieldwork, reporting, and curation. The qualified paleontologist shall provide training to the contractor's representative regarding the Monitoring Protocol Plan and the identification of paleontological resources. The Monitoring Protocol Plan shall state that in the event a fossil or suspected fossil is encountered during ground disturbing activities, the following steps shall be taken to ensure paleontological resource(s), if present, are properly preserved or salvaged in accordance with the recommendation of the qualified paleontologist and existing Federal, State, and local laws and regulations:

- The fossil site shall not be touched, moved, or disturbed in any way.
- Work shall stop in the immediate area, and a minimum 50-foot buffer shall be marked with brightly colored flagging. No further disturbance in the flagged area shall occur until the contractor has cleared the area.
- The contractor's representative, construction foreman or supervisor, and a qualified paleontologist shall be immediately notified.
- The qualified paleontologist shall quickly examine the find and make a determination of significance. If the find is not significant, the foreman shall be informed when it is acceptable to resume work in the area.
- Should the qualified paleontologist determine the find is significant, the qualified paleontologist shall develop a plan of mitigation which would likely include salvage excavation and removal of the find, removal of sediment from around the specimen, research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.

Cumulative Geology and Soils. With implementation of mitigation, the Proposed Project, combined with other related cumulative projects, would not result in adverse effects involving paleontological resources.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to paleontological resources have been eliminated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measures:

GEO-1 Prior to ground-disturbing activities, a qualified paleontologist shall provide a Monitoring Protocol Plan for the project. The plan shall identify procedures to be used in the event that potential recoverable fossils are discovered by the construction contractor. The qualified paleontologist shall have a B.S. or B.A. in geology and/or paleontology with demonstrated competence in research, fieldwork, reporting, and curation. The qualified paleontologist shall provide training to the contractor's representative regarding the Monitoring Protocol Plan and the identification of paleontological resources. The Monitoring Protocol Plan shall state that in the event a fossil or suspected fossil is encountered during ground disturbing activities, the following steps shall be taken to ensure paleontological resource(s), if present, are properly preserved or salvaged in accordance with the recommendation of the qualified paleontologist and existing Federal, State, and local laws and regulations:

- The fossil site shall not be touched, moved, or disturbed in any way.
- Work shall stop in the immediate area, and a minimum 50-foot buffer shall be marked with brightly colored flagging. No further disturbance in the flagged area shall occur until the contractor has cleared the area.
- The contractor's representative, construction foreman or supervisor, and a qualified paleontologist shall be immediately notified.
- The qualified paleontologist shall quickly examine the find and make a determination of significance. If the find is not significant, the foreman shall be informed when it is acceptable to resume work in the area.
- Should the qualified paleontologist determine the find is significant, the qualified paleontologist shall develop a plan of mitigation which would likely include salvage excavation and removal of the find, removal of sediment from around the specimen, research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.

HAZARDS AND HAZARDOUS MATERIALS

The Project's potential hazards and hazardous materials impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.7, *Hazards and Hazardous Materials,* of the 2020 Recirculated EIR. These include accidental release and/or routine handling of hazardous materials, interference with an adopted emergency response or evacuation plan, and cumulative impacts.

Accidental Release and/or Routine Handling of Hazardous Materials. With implementation of mitigation, the Proposed Project would not create a significant hazard to the public or environment

through the routine transport, use, or disposal of hazardous materials, or accident conditions involving the release of hazardous materials.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from accidental release and/or routine handling or hazardous materials have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are determined to be present, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Asbestos wastes shall be handled and disposed of in accordance with the federal Toxic Substances Control Act (TSCA), 40 Code of Federal Regulations (CFR) 763, the Clean Air Act (NESHAP), and California Code of Regulations, Title 22, Division 4.5. Contractors performing ACM removal shall provide documentation of abatement activities to the Orange County Sanitation District.

HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by an EPA certified Lead Inspector. If lead-based paint is found, abatement shall be completed by an EPA qualified Lead Abatement Specialist prior to any activities that would create lead dust or a fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide documentation of abatement activities to the Orange County Sanitation District.

HAZ-3 Prior to construction, a Soil Management Plan (SMP) shall be prepared and signed and stamped by a Professional Geologist or Engineer licensed in the State of California. The SMP shall be incorporated into project plans and specifications to be used by the contractor and the Orange County Sanitation District during construction activities. The SMP shall include guidelines for safety measures and soil management in the event

that contaminated soils are to be disturbed, and for handling contaminated soil during any planned earthwork activities. Soil management practices could include the use of proper protective gear, waste profiling, landfill selection, and setting designated stockpiling location, among others. Additionally, the SMP shall include verification sampling for spoils/dredged material, soil import and export, as well as backfill to confirm that no hazardous materials are present. If hazardous materials are detected, the materials shall be properly disposed of in accordance with Federal and State requirements, such as the Resources Conservation and Recovery Act (RCRA) and Hazardous Materials Transportation Act (HMTA), among others. The SMP shall also include a decision framework and specific risk management measures for managing soil in a manner protective of human health and consistent with applicable regulatory requirements.

HAZ-4 If unknown wastes are discovered during construction that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Orange County Sanitation District;
- Secure the area as directed by the Orange County Sanitation District; and
- Notify the Orange County Health Care Agency's Hazardous Materials Division's Hazardous Waste/ Materials Coordinator (or other appropriate agency specified by the Director of Engineering). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. Any and all further actions shall be taken in compliance with the directions of the Hazardous Waste / Materials Coordinator and Federal and State law.

Interference with an Adopted Emergency Response or Evacuation Plan. With implementation of mitigation, construction and operations of the Project would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from interference with an adopted emergency response or evacuation plan have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be

allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Accidental Release and/or Routine Handling of Hazardous Materials. With implementation of mitigation, the Proposed Project and other related cumulative projects would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, or accident conditions involving the release of hazardous materials.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from accidental release and/or routine handling or hazardous materials have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are determined to be present, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Asbestos wastes shall be handled and disposed of in accordance with the federal Toxic Substances Control Act (TSCA), 40 Code of Federal Regulations (CFR) 763, the Clean Air Act (NESHAP), and California Code of Regulations, Title 22, Division 4.5. Contractors performing ACM removal shall provide documentation of abatement activities to the Orange County Sanitation District.

HAZ-2 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by an EPA certified Lead Inspector. If lead-based paint is found, abatement shall be completed by an EPA qualified Lead Abatement Specialist prior to any activities that would create lead dust or a fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide documentation of abatement activities to the Orange County Sanitation District.

HAZ-3 Prior to construction, a Soil Management Plan (SMP) shall be prepared and signed and stamped by a Professional Geologist or Engineer licensed in the State of California. The SMP shall be incorporated into project plans and specifications to be used by the contractor and the Orange County Sanitation District during construction activities. The SMP shall include guidelines for safety measures and soil management in the event that contaminated soils are to be disturbed, and for handling contaminated soil during any planned earthwork activities. Soil management practices could include the use of proper protective gear, waste profiling, landfill selection, and setting designated stockpiling location, among others. Additionally, the SMP shall include verification sampling for spoils/dredged material, soil import and export, as well as backfill to confirm that no hazardous materials are present. If hazardous materials are detected, the materials shall be properly disposed of in accordance with Federal and State requirements, such as the Resources Conservation and Recovery Act (RCRA) and Hazardous Materials Transportation Act (HMTA), among others. The SMP shall also include a decision framework and specific risk management measures for managing soil in a manner protective of human health and consistent with applicable regulatory requirements.

HAZ-4 If unknown wastes are discovered during construction that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Orange County Sanitation District;
- Secure the area as directed by the Orange County Sanitation District; and
- Notify the Orange County Health Care Agency's Hazardous Materials Division's Hazardous Waste/ Materials Coordinator (or other appropriate agency specified by the Director of Engineering). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. Any and all further actions shall be taken in compliance with the directions of the Hazardous Waste / Materials Coordinator and Federal and State law.

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.
- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.
- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.
- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce

impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Interference with an Adopted Emergency Response or Evacuation Plan. With implementation of mitigation, construction and operations of the Proposed Project and other related cumulative projects would not create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from interference with an adopted emergency response or evacuation plan have been mitigated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency

access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

HYDROLOGY AND WATER QUALITY

The Project's potential hydrology and water quality impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.8, *Hydrology and Water Quality*, of the 2020 Recirculated EIR. These include short-term impacts to water quality and cumulative impacts.

Water Quality – Short-Term Impacts. With implementation of mitigation, grading, excavation, and construction activities associated with the Proposed Project would not impact water quality.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential short-term impacts to water quality have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

HWQ-1 Prior to site disturbance activities and as part of the project's compliance with the National Pollutant Discharge Elimination System requirements, a Notice of Intent shall be prepared by the Orange County Sanitation District, or designee, and submitted to the State Water Resources Control Board and the Santa Ana Regional Water Quality Control Board, providing notification and intent to comply with the State of California Construction General Permit and the General Waste Discharge Requirements For Insignificant Threat Discharges to Surface Waters.

HWQ-2 The proposed project shall conform to the requirements of an approved Storm Water Pollution Prevention Plan (to be applied for by the Orange County Sanitation District, or designee, prior to site disturbance) and the National Pollutant Discharge Elimination System Permit for General Construction Activities No. CAS000002, Order No. 2009-0009-DWQ (as amended by 2010-014-DWQ and 2012-006-DWQ), including implementation of all recommended best management practices (e.g., straw

bale barriers, sediment traps, wind erosion/dust control, silt fences, and filter berms), as approved by the State Water Resources Control Board.

HWQ-3 Upon completion of project construction, the Orange County Sanitation District, or designee, shall submit a Notice of Termination to the State Water Resources Control Board to indicate that construction is completed.

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

Cumulative Water Quality Impacts. With implementation of mitigation, grading, excavation, and construction activities associated with the Proposed Project and other related cumulative projects would not impact water quality.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative short-term construction and cumulative long-term operational impacts to water quality have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

HWQ-1 Prior to site disturbance activities and as part of the project's compliance with the National Pollutant Discharge Elimination System requirements, a Notice of Intent shall be prepared by the Orange County Sanitation District, or designee, and submitted to the State Water Resources Control Board and the Santa Ana Regional Water Quality Control Board, providing notification and intent to comply with the State of California Construction General Permit and the General Waste Discharge Requirements For Insignificant Threat Discharges to Surface Waters.

HWQ-2 The proposed project shall conform to the requirements of an approved Storm Water Pollution Prevention Plan (to be applied for by the Orange County Sanitation District, or designee, prior to site disturbance) and the National Pollutant Discharge Elimination System Permit for General Construction Activities No. CAS000002, Order No. 2009-0009-DWQ (as amended by 2010-014-DWQ and 2012-006-DWQ), including implementation of all recommended best management practices (e.g., straw bale barriers, sediment traps, wind erosion/dust control, silt fences, and filter berms), as approved by the State Water Resources Control Board.

HWQ-3 Upon completion of project construction, the Orange County Sanitation District, or designee, shall submit a Notice of Termination to the State Water Resources Control Board to indicate that construction is completed.

HWQ-4 In compliance with the Federal Clean Water Act, the proposed project shall conform to the requirements of the Department of the Army permit(s) (to be applied for by the Orange County Sanitation District, or designee, for prior to site disturbance) from the U.S. Army Corps of Engineers Los Angeles District.

LAND USE AND RELEVANT PLANNING

The Project's potential land use and relevant planning impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.09, *Land Use*, of the 2020 Recirculated EIR. These include the California Coastal Act, local coastal programs, and coastal land use plan.

California Coastal Act. With implementation of mitigation, the Proposed Project would not conflict with the Coastal Act's planning and management policies.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from conflicting with the California Coastal Act have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Local Coastal Program and Coastal Land Use Plan. With implementation of mitigation, the Proposed Project would not conflict with the policies provided in the City's Local Coastal Program and Coastal Land Use Plan.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from conflict with the local Coastal Program and Coastal Land Use Plan have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent

feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

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- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible

for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Land Use and Relevant Planning Impact. With implementation of mitigation, the Proposed Project along with other nearby cumulative projects would not conflict with policies within applicable land use plan, policy or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from the applicable land use plans have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

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- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

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- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

NOISE

The Project's potential noise impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.10, *Noise*, of the 2020 Recirculated EIR. These include short-term construction noise and cumulative impacts.

Short-Term Construction Noise Impacts. With implementation of mitigation, grading and construction within the area would not result in significant temporary noise impacts to nearby noise sensitive receivers.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from short-term construction noise have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

NOI-1 Prior to the initiation of construction, the Orange County Sanitation District shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.

- The Orange County Sanitation District shall provide a "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement measures to resolve the complaint and comply with the City Noise Ordinance. The construction hotline telephone number shall be clearly posted on-site.

- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, schools, hospitals, etc.) to the greatest extent possible.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

- Construction activities that produce noise shall not take place outside of the allowable hours specified by the City of Newport Beach Municipal Code, with the exception of the 24 hour per day operation of microtunneling (pursuant to Mitigation Measure NOI-2). Alternative work hours may be designated by the City to reduce other impacts, such as traffic.

NOI-2 Prior to issuance of Demolition or Building Permits, the Orange County Sanitation District, or designee, shall retain a qualified Acoustical Engineer, defined as an individual with a bachelor's degree or above in acoustics, physics, or another closely related engineering discipline and demonstrated field experience, to prepare a Construction Noise Control Plan. The Construction Noise Control Plan shall identify the types, location, and duration of equipment to be used during project construction. Construction noise levels shall be quantified and estimated at the nearest sensitive uses (i.e., residences, schools, churches, recreation/park facilities, hospitals, libraries, etc.) within 1,000 feet of the project construction area. Based on proposed construction hours and equipment to be used, the Construction Noise Control Plan shall identify noise reduction measures to minimize construction noise levels at off-site sensitive uses, demonstrating compliance with the Newport Beach Municipal Code Chapter 10.26 and 10.28. Noise reduction measures may include the use of sound blankets, sound walls/barriers, noise shrouds, and/or limiting the use of heavy noise-emitting equipment to non-sensitive hours (during daytime work hours and not after 5:00 p.m., etc.). The noise reduction measures shall be included in the project engineering drawings and specifications, and/or contractor shop drawings for review by the City of Newport Beach Planning Division. All noise reduction measures identified in the

Construction Noise Control Plan approved by the City of Newport Beach shall be included in all project designs and construction plans for the project.

Cumulative Short-Term Construction Noise Impacts. With implementation of mitigation, grading and construction within the area would not result in cumulatively considerable short-term noise impacts to nearby noise sensitive receivers, following implementation of mitigation measures.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from short-term construction noise have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measures identified in the 2020 Recirculated EIR.

Mitigation Measure:

NOI-1 Prior to the initiation of construction, the Orange County Sanitation District shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.

- The Orange County Sanitation District shall provide a "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement measures to resolve the complaint and comply with the City Noise Ordinance. The construction hotline telephone number shall be clearly posted on-site.

- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, schools, hospitals, etc.) to the greatest extent possible.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

- Construction activities that produce noise shall not take place outside of the allowable hours specified by the City of Newport Beach Municipal Code, with the exception of the 24 hour per day operation of microtunneling (pursuant to

Mitigation Measure NOI-2). Alternative work hours may be designated by the City to reduce other impacts, such as traffic.

NOI-2 Prior to issuance of Demolition or Building Permits, the Orange County Sanitation District, or designee, shall retain a qualified Acoustical Engineer, defined as an individual with a bachelor's degree or above in acoustics, physics, or another closely related engineering discipline and demonstrated field experience, to prepare a Construction Noise Control Plan. The Construction Noise Control Plan shall identify the types, location, and duration of equipment to be used during project construction. Construction noise levels shall be quantified and estimated at the nearest sensitive uses (i.e., residences, schools, churches, recreation/park facilities, hospitals, libraries, etc.) within 1,000 feet of the project construction area. Based on proposed construction hours and equipment to be used, the Construction Noise Control Plan shall identify noise reduction measures to minimize construction noise levels at off-site sensitive uses, demonstrating compliance with the Newport Beach Municipal Code Chapter 10.26 and 10.28. Noise reduction measures may include the use of sound blankets, sound walls/barriers, noise shrouds, and/or limiting the use of heavy noise-emitting equipment to non-sensitive hours (during daytime work hours and not after 5:00 p.m., etc.). The noise reduction measures shall be included in the project engineering drawings and specifications, and/or contractor shop drawings for review by the City of Newport Beach Planning Division. All noise reduction measures identified in the Construction Noise Control Plan approved by the City of Newport Beach shall be included in all project designs and construction plans for the project.

TRANSPORTATION

The Project's potential transportation impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.11, *Transportation/Traffic*, of the 2020 Recirculated EIR. These include impacts to public transit, bicycle, and pedestrian facilities; hazardous design features; emergency access; and cumulative impacts.

Roadway, Transit, Bicycle, and Pedestrian Facilities. With implementation of mitigation, Project construction would not adversely impact plans related to roadway, transit, bicycle, and pedestrian facilities.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from roadway, transit, bicycle, and pedestrian facilities have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Hazardous Design Features. The Project would not substantially increase hazards due to short-term construction activities within surrounding roadways.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts from hazardous design features have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the

Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Emergency Access. With implementation of mitigation, implementation of the Project would not result in inadequate emergency access.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts to emergency access have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project

construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Roadway, Transit, Bicycle, and Pedestrian Facilities. With implementation of mitigation, implementation of the Proposed Project and other related cumulative projects would not conflict with adopted policies, plans, or programs regarding roadway, public transit, bicycle, and pedestrian facilities.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from roadway, transit, bicycle, and pedestrian facilities have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Hazardous Design Features. With implementation of mitigation, implementation of the Proposed Project and other related cumulative projects would not substantially increase hazards due to a proposed design feature.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts from hazardous design features have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce

impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

Cumulative Emergency Access. With implementation of mitigation, implementation of the Proposed Project and other related cumulative projects would not result in inadequate emergency access.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts to emergency access have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

TRA-1 Prior to initiation of construction activities, engineering drawings and specifications, and/or contractor shop drawings shall be prepared by the Project Engineer, or designee, and submitted for review and approval by the Orange County Sanitation District, California Department of Transportation (Caltrans), and the City of Newport Beach Public Works Department. These documents shall, at a minimum, address the following:

- Traffic control protocols shall be specified for any lane closure, detour, or other disruption to traffic circulation, including bicycle and pedestrian trails. Disruption to traffic circulation shall be minimized to the greatest extent feasible. Bicycle and pedestrian trails shall remain open, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity.

- Bus stop access impacts shall be coordinated with, and approved by, the Orange County Transportation Authority.

- At least one week before any construction activities that would affect travel on nearby roadways, the construction contractor shall notify the City of Newport Beach Public Works Department and Caltrans, as applicable, of construction activities that could impede movement (such as lane closures) along roadways, to allow for planning temporary detours or identifying alternative emergency access routes where appropriate. Surrounding property owners shall also be notified of project activities through advanced mailings.

- Identify construction vehicle haul routes for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) to the site; necessary traffic controls and detours; and a construction phasing plan for the project to reduce impacts to local streets and plan for traffic control signage and detours along identified haul routes to minimize impacts to existing traffic flow.

- Identify any and all construction staging or material storage sites located outside of the project site.

- Specify the hours during which hauling activities can occur and methods to mitigate construction-related impacts to adjacent streets such as traffic control barricades, cones, flaggers, and warning signs.

- Require the contractor to keep all haul routes clean and free of debris, including but not limited, to gravel and dirt resulting from project construction. The Contractor shall clean adjacent streets, as directed by the Orange County Sanitation District, of any project material which may have been spilled, tracked, or blown onto adjacent City of Newport Beach and Caltrans streets or areas.

- Hauling of oversize loads shall be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday. No hauling or transport shall be allowed during nighttime hours, weekends, or Federal holidays. Any oversized loads utilizing Coast Highway shall obtain a Caltrans permit for such activities.

- Use of local streets shall be prohibited, except when required to provide direct access to the project site and in compliance with the approved project haul routes.

- Haul trucks entering or exiting public streets shall yield to public traffic at all times.

- If hauling operations cause any damage to existing pavement, streets, curbs, and/or gutters along the haul route, the contractor shall be fully responsible for repairs. The repairs shall restore the damaged property to its original condition.

- All construction-related staging of vehicles shall be kept out of the adjacent public roadways and shall occur on the project site or within additional off-street staging areas previously identified and arranged. Construction staging areas shall maintain public access to recreational activities.

- Construction-related lane closures would only occur between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. More or less restrictive closure hours may be prescribed by the City.

- Use of a construction flagperson (as deemed appropriate by the Orange County Sanitation District) to assist in maintaining efficient vehicle travel in both directions (particularly during peak travel hours) and use of construction

signage and safe detour routes for pedestrians and bicyclists when travel lanes and sidewalks along Coast Highway are affected.

- The engineering drawings and specifications shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD).

TRIBAL CULTURAL RESOURCES

The Project's potential tribal cultural resources impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.12, *Tribal Cultural Resources*, of the 2020 Recirculated EIR. These include impacts to tribal cultural resources and cumulative impacts.

Tribal Cultural Resources. With implementation of mitigation, the Proposed Project would not cause a significant impact to a tribal cultural resource.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential impacts related to tribal cultural resources have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

CUL-1 Prior to ground-disturbing activities, Orange County Sanitation District (OCSD), or its designee, shall retain a qualified archaeologist who meets the requirements of the Secretary of the Interior's Standards to prepare an Archaeological Monitoring Protocol Plan for the project that is consistent with all applicable requirements of the City of Newport Beach Local Coastal Program (CLUP) and Coastal Development Permit (CDP) as determined by the City of Newport Beach. The Archaeological Monitoring Protocol Plan shall include, but is not limited to, the following:

- Identification of the project's area of potential effect;

- Training procedures regarding the Archaeological Monitoring Protocol Plan and the identification of potential archaeological resources. The training shall be open to Native American tribal representative(s), to assist the contractor's representative in identifying potential tribal cultural resources.

- Procedures to follow in the event that potential archaeological resources are discovered during construction activities, including, without limitation, halting

work in the area of the find and contacting the qualified archaeologist to evaluate the find.

- Procedures for proceeding with construction work after a significant find is inventoried, documented, and/or recovered.

OCSD, or designee, shall implement all recommended and required measures identified in the Archaeological Monitoring Protocol Plan approved by the City of Newport Beach.

If evidence of potential subsurface archaeological resources is found during ground disturbance/excavation activities, these activities shall cease within 50 feet of that area and the construction contractor shall contact OCSD. Construction activities shall be allowed to continue in other areas of the site. OCSD, or designee, shall then retain a qualified archaeologist to evaluate the discovery prior to resuming grading/construction activities in the immediate vicinity of the find. If warranted based on the archaeologist's evaluation of the find, the archaeologist shall collect the resource, and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the significance (depth, nature, condition, and extent of the resource), identify final mitigation measures that OCSD or its designee shall incorporate into future construction plans, and provide cost estimates.

If the qualified archaeologist determines that the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the assessment and recovery of the resource, as applicable. The qualified archaeologist and any applicable Native American contacts shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

Salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. Work within the area of discovery shall resume only after the resource has been appropriately inventoried, documented, and/or recovered, as detailed in the test-level report(s).

Cumulative Tribal Cultural Resource Impacts. With implementation of mitigation, the Proposed Project, combined with other related cumulative projects, would not cause a significant impact to a tribal cultural resource.

Findings

1. *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.*

2. *With the incorporation of mitigation, the effects identified in the EIR have been determined not to be significant.*

Facts in Support of Findings

The potential cumulative impacts related to tribal cultural resources have been mitigated or substantially lessened to a level of less than significant with incorporation of the mitigation measure identified in the 2020 Recirculated EIR.

Mitigation Measure:

CUL-1 Prior to ground-disturbing activities, Orange County Sanitation District (OCSD), or its designee, shall retain a qualified archaeologist who meets the requirements of the Secretary of the Interior's Standards to prepare an Archaeological Monitoring Protocol Plan for the project that is consistent with all applicable requirements of the City of Newport Beach Local Coastal Program (CLUP) and Coastal Development Permit (CDP) as determined by the City of Newport Beach. The Archaeological Monitoring Protocol Plan shall include, but is not limited to, the following:

- Identification of the project's area of potential effect;
- Training procedures regarding the Archaeological Monitoring Protocol Plan and the identification of potential archaeological resources. The training shall be open to Native American tribal representative(s), to assist the contractor's representative in identifying potential tribal cultural resources.
- Procedures to follow in the event that potential archaeological resources are discovered during construction activities, including, without limitation, halting work in the area of the find and contacting the qualified archaeologist to evaluate the find.
- Procedures for proceeding with construction work after a significant find is inventoried, documented, and/or recovered.

OCSD, or designee, shall implement all recommended and required measures identified in the Archaeological Monitoring Protocol Plan approved by the City of Newport Beach.

If evidence of potential subsurface archaeological resources is found during ground disturbance/excavation activities, these activities shall cease within 50 feet of that area and the construction contractor shall contact OCSD. Construction activities shall be allowed to continue in other areas of the site. OCSD, or designee, shall then retain a qualified archaeologist to evaluate the discovery prior to resuming grading/construction activities in the immediate vicinity of the find. If warranted based on the archaeologist's evaluation of the find, the archaeologist shall collect the resource, and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of the significance (depth, nature, condition, and extent of the resource), identify final mitigation measures that OCSD or its designee shall incorporate into future construction plans, and provide cost estimates.

If the qualified archaeologist determines that the find is prehistoric or includes Native American materials, affiliated Native American groups shall be invited to contribute to the assessment and recovery of the resource, as applicable. The qualified archaeologist and any applicable Native American contacts shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

Salvage operation requirements pursuant to Section 15064.5 of the CEQA Guidelines shall be followed. Work within the area of discovery shall resume only after the resource has been appropriately inventoried, documented, and/or recovered, as detailed in the test-level report(s).

1.6 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

OCSD, having reviewed and considered the information contained in the Final EIR, Technical Appendices, and the administrative record, finds that mitigation measures identified in the Final EIR would avoid or substantially lessen potential Project impacts and, therefore, Project implementation would not cause a significant unavoidable impact.

2.0 CERTIFICATION OF THE FINAL EIR

OCSD declares that no new significant information as defined by the State *CEQA Guidelines*, Section 15088.5, has been received by OCSD after circulation of the 2020 Recirculated EIR that would require recirculation.

OCSD certifies the EIR based on the following findings and conclusions:

2.1 FINDINGS

The Proposed Project would not have the potential for creating significant adverse environmental impacts. It was determined that applicable mitigation measures would avoid or substantially lessen potential Project impacts, and that no significant unavoidable impacts would occur.

2.2 CONCLUSIONS

- All significant environmental impacts from the implementation of the Proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, would be mitigated to a level of insignificance.