FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

TERMINO AVENUE DRAIN
FINAL ENVIRONMENTAL IMPACT REPORT
(SCH NO. 2000111022)

Lead Agency
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

Findings By
County of Los Angeles County Board of Supervisors

July 2008

CHAPTER 1
INTRODUCTION

The California Environmental Quality Act (CEQA), (PRC §21080) and the CEQA Guidelines (14 CCR §15063) state that if it has been determined that a project may or will have significant impacts on the environment then an Environmental Impact Report (EIR) must be prepared. Accordingly, an EIR has been prepared by the County of Los Angeles (County) to evaluate potential environmental effects that may result from the proposed Termino Avenue Drain Project. The EIR has been prepared in accordance with the California Environmental Quality Act of 1970, as amended (Cal. Pub. Res. Code, § 21000 *et seq*.), and implementing State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 *et seq*.).

1.1 CERTIFICATION

In accordance with CEQA Guidelines Section 15090, the County Board of Supervisors, as Lead Agency for the Project, certifies that:

(a) The Final EIR for the Project has been completed and processed in compliance with the requirements of CEQA;

(b) The Final EIR was presented to the County Board of Supervisors, and the County Board of Supervisors, as the decision making body for the County, reviewed and considered the information contained in the Final EIR prior to approving the Project; and

(c) The Final EIR reflects the County's independent judgment and analysis.

The County has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant directing the consultant in preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.

These Findings of Fact (Findings) and Statement of Overriding Considerations have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, in connection with the approval of the Termino Avenue Drain Project.

Before project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 Section 15091 of the CEQA Guidelines, for each identified significant impact:

(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.

The County has made one or more of the specific written findings above regarding each significant impact associated with the Project. Those findings are presented here, along with a presentation of facts in support of the findings. Concurrent with the adoption of these findings, the Board of Supervisors adopts the Mitigation Monitoring and Reporting Program as presented in Chapter 8 of the Final EIR and Chapter 10 of these Findings.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. The lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record. The County's Statement of Overriding Considerations is presented in Chapter 9 of these Findings.

As required by CEQA, the County expressly finds that the Final EIR for the Termino Avenue Drain Project reflects the County's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, the County adopts these Findings and Statement of Overriding Considerations as part of its certification of the Final EIR. A brief explanation of the rationale for each finding is provided in Sections 4, 5, 6 and 7.

1.2 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of this CEQA Findings is designed to meet the latest CEQA Statutes and Guidelines. The Findings is organized into the following sections:

Chapter 1, Introduction outlines the organization of this document and identifies the location and custodian of the record of proceedings.

Chapter 2, Project Description describes the location, project overview, project objectives, and the required permits and approvals for the project.

Chapter 3, CEQA Review and Public Outreach describes the steps the County has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIRs.

Chapter 4, Impacts Determined to be Less than Significant provides a summary of those environmental issue areas where no reasonably foreseeable impacts would occur and those impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

Chapter 5, Less Than Significant Environmental Impacts with Mitigation provides a summary of significant environmental impacts for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental impacts to less than significant levels. This section also provides specific written findings regarding each potentially significant impact associated with the Project.

Chapter 6, Significant Environmental Impacts provides a summary of significant environmental impacts for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels. This section also provides specific written findings regarding each significant impact associated with the Project.

Chapter 7, Findings Regarding Project Alternatives provides a summary of the alternatives considered for the project.

Chapter 8, Statement of Overriding Considerations provides a summary of all of the project's significant unavoidable adverse impacts. In addition, this section identifies the project's substantial benefits that outweigh and override the project's significant unavoidable impacts, such that the impacts are considered acceptable.

Chapter 9, Findings on Mitigation Monitoring and Reporting Program provides a brief discussion of the project's compliance with the CEQA Guidelines regarding the adoption of a program for reporting and monitoring.

Chapter 10, Findings Regarding Changes to the Draft EIR and Recirculation provides a summary of the changes to the Draft EIR in response to public comments received and findings that changes to the Draft EIR does not require recirculation of the Draft EIR for public review.

1.3 RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings upon which County project approval is based are located at 900 South Fremont Avenue, Alhambra, CA 91803. The County of Los Angeles Department of Public Works is the custodian of such documents and other materials that

constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code §21081.6(a)(2) California Code of Regulations Title 14, §15091(e).

CHAPTER 2
PROJECT DESCRIPTION

2.1 ENVIRONMENTAL SETTING

2.1.1 EXISTING SETTING

The proposed project is located in southern Los Angeles County within the City of Long Beach (City). The proposed storm drain alignment generally falls within existing roads and a former Pacific Electric (PE) Railway right-of-way. The mainline of the proposed project would run along Anaheim Street, southerly on Termino Avenue between 8th Street and 11th Street, along the PE right-of-way, across several streets, and along Appian Way, terminating at Marine Stadium. A lateral storm drain would extend from Termino Avenue along the PE right-of-way across several streets and terminate on Redondo Avenue just north of Anaheim Street. Other short lateral drains would connect to the mainline along 4th Street, 6th Street, 7th Street, 8th Street, Park Avenue, and Termino Avenue. The project area is shown on the USGS 7.5 Minute Topographic Long Beach quadrangle. The project area is generally flat with a slight slope toward Alamitos Bay to the southeast.

2.1.2 SURROUNDING LAND USES

Land uses adjacent to the storm drain alignment are primarily residential. Commercial businesses are located at several of the street intersections that would be crossed by the proposed storm drain, including East Anaheim Street and East 11th Street. The alignment passes west of Colorado Lagoon, a V-shaped water body of approximately 40 acres, which is connected to Marine Stadium to the southeast by a tidal culvert. Recreation Park, a City park and golf course, is located north of Colorado Lagoon. The proposed outlet structure at Marine Stadium is surrounded by residential and open space land uses. Marine Stadium is a mile-long rectangular inlet within Alamitos Bay, which outlets to the Pacific Ocean.

2.2 PROJECT OVERVIEW

The proposed project would involve the construction of a storm drain mainline, six lateral drains, low flow treatment pump station, catch basin screens, and an outlet to Marine Stadium in the City. The purpose of the proposed project is to construct a storm drain to alleviate flooding problems in the area and to accommodate water flows in a 50-year flood event. The proposed project would contain two key components: the storm drain to Marine Stadium and the diversion system to the Los Angeles County Sanitation Districts (Sanitation Districts) sewer line. A description of the key components is provided below.

STORM DRAIN TO MARINE STADIUM

This component would include the construction of a 12,190 linear-foot storm drain to accommodate the 50-year frequency storm of 703 cubic feet per second (cfs). The mainline would consist of 8,090 linear feet of storm drain conduit from the terminus at Termino Avenue and Anaheim Street to Marine Stadium and would connect to the existing drainage system at various locations. In addition to the mainline, the proposed drain would include six lateral lines totaling 4,100 linear feet of conduit.

A double box culvert outlet structure would also be constructed at Marine Stadium. The width of the outlet structure would be approximately 22 feet at the upstream end and 30 feet at the downstream end. All parts of the outlet structure would remain within the profile of the existing rip rap. Energy dissipater blocks would be placed in the outlet opening to reduce the velocity of stormwater from the box culvert during major storm events. A woven geotextile fabric would extend into Marine Stadium from the terminus of the outlet to minimize erosion. Approximately 560 cubic yards of material from the rip rap embankment of Marine Stadium would be dredged in order to construct the outlet structure. Architectural treatments for the proposed outlet structure would be compatible with the color and texture of the surrounding rip rap-lined bank.

Storm drain construction will be underground at 7th Street and the PE right-of-way. A jacking pit would be excavated on one side of 7th Street. A receiving pit would be excavated on the other side of 7th Street. Two pipes would be hydraulically pressed from the jacking pit to the receiving pit in construction of this section of the drain. This construction method would avoid impacts to vehicular traffic on 7th Street.

Catch basin screens would be installed to capture suspended solids and water-borne litter and debris known as floatables before they enter Marine Stadium. The screens would be installed in all 89 catch basins within the storm drain system. Inspection and maintenance of the catch basins would occur after major storm events in order to ensure that the system operates efficiently. Additionally, the catch basins would be inspected and cleaned once during the summer, prior to and following a rain event, and when the sump is 40 percent full during the winter, or as needed. Maintenance and operation of the water quality features would be undertaken by the City of Long Beach.

The majority of the main drain project construction would be within portions of the abandoned PE right-of-way, which is currently owned by the City. Some existing landscape features within the PE right-of-way would be replaced, including the landscaped area north of 7th Street.

DIVERSION SYSTEM TO COUNTY SANITATION DISTRICT SEWER LINE

This component would include a diversion system to divert non-storm flows collected north of 7th Street from the storm drain and direct them into an existing County sanitary sewer line. An underground storage box and a pump unit would be constructed at Roswell Avenue and the PE railway right-of-way to temporarily store the non-storm flows diverted from the proposed project until the water is conveyed to

the sewer. The Sanitation Districts would be responsible for treating the stormwater at existing sewage treatment plants. Based on an agreement with the County, the City would accept ownership and be responsible for operation and maintenance of the low-flow diversion system.

CONSTRUCTION ACTIVITIES

Construction of the proposed project is estimated to begin in summer 2009. Construction would occur over a period of approximately 18 to 24 months, contingent on weather conditions suitable for construction. The proposed project would be constructed in continuous operation in sections, with the longest section being approximately 1,700 feet. Construction would progress approximately 100 feet per day, and no one residential block would typically be disturbed during construction for more than approximately 3 to 5 weeks. Construction would begin at Marine Stadium and proceed northwesterly to Anaheim Street. The deepest portion of the excavation would be 25 feet below ground surface in the vicinity of the 8th Street and Termino Avenue intersection.

GENERAL CONSTRUCTION REQUIREMENTS

To minimize construction impacts, a construction staging and traffic plan would be prepared by the County prior to construction. All affected roads would maintain two-way traffic (i.e., at least one lane in each direction) during the construction phase. Construction staging for the alignment would take place mostly within the PE right-of-way.

No construction other than emergency work would take place on Saturdays, Sundays, or national holidays. Construction activities would not occur before 7:00 AM or after 7:00 PM on weekdays. Construction crews would implement standard Best Management Practices (BMPs) during construction and adhere to all applicable construction safety guidelines. All construction activities would conform to County specifications and Americans with Disabilities Act (ADA) guidelines and would be undertaken in a manner consistent with all applicable federal, state, and local regulations regarding the handling and disposal of hazardous materials.

2.3 PROJECT OBJECTIVES

The goal of the proposed project is to provide an efficient storm water drainage system that would protect the project vicinity from flooding. The primary project objectives that have been identified in support of this goal include:

- Construct a storm water drainage system suitable to convey a 50-year flood event;
- Minimize flood-related damage to properties in the low-lying portions of the sub-watershed;
- Convey non-storm flows to the County Sanitation Districts sewer treatment plant; and

- Develop feasible alternatives and mitigation measures that address watershed flooding issues.

2.4 DISCRETIONARY ACTIONS

An EIR is a public document used by a public agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid environmental damage (Cal. Code Regs., Title 14, §15121). As an informational document, an EIR does not recommend for or against approval of a project. The main purpose of an EIR is to inform governmental decision-makers and the public about the potential environmental impacts of a proposed project. As the lead agency under CEQA, this EIR will be used by the County in making decisions with regard to the construction and operation of the proposed project. The information in this EIR will also be used by responsible agencies and other agencies with jurisdiction, as listed below, in deciding whether to grant permits or approvals to construct or operate the proposed project.

- U.S. Army Corps of Engineers - Section 404 and Section 10 Permit for the discharge of dredged or fill material into Marine Stadium.

- California Coastal Commission - Coastal Development Permit for development within a coastal zone.

- California Regional Water Quality Control Board - Construction General Permit for ground disturbing activities; Section 401 Permit for discharge of storm water into Marine Stadium; waste discharge permit for construction dewatering if groundwater is encountered during construction.

- City of Long Beach, Department of Public Works - Various ministerial approvals (e.g., utility relocation, grading, drainage, and traffic control)

CHAPTER 3
CEQA REVIEW AND PUBLIC OUTREACH

The County has complied with CEQA and the CEQA Guidelines during the preparation of the EIR for the project. The Draft EIR, dated February 2007, was prepared after soliciting input from the public, responsible agencies, and affected agencies through the EIR scoping process. The "scoping" of the EIR was conducted utilizing several of the tools available under CEQA. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) and Initial Study were prepared and distributed to the California Office of Planning and Research (State Clearinghouse), responsible agencies, affected agencies, and other interested parties on May 10, 2004. The NOP was posted in the Los Angeles County Clerk's office for 30 days. The NOP was also submitted to the State Clearinghouse to officially solicit participation in determining the scope of the EIR. In response to the NOP, 12 written comment letters were received from various agencies, organizations, and individuals.

Public scoping meetings were held on May 19, 2004 at Lowell Elementary School and on May 22, 2004 at Jefferson Leadership Academies. The purpose of these meetings was to seek input from public agencies and the general public regarding the environmental issues and concerns that may potentially result from the proposed project. Approximately 37 people attended the scoping meeting held on May 19, and approximately 26 people attended the scoping meeting held on May 22. Two written comments were submitted at the meetings. A court reporter was present at both scoping meetings to record the public comments. A transcript of the public comments and copies of the written comment letters are included in Final EIR.

The Draft EIR was circulated for public review and comment on March 1, 2007, initiating a 45-day public review period pursuant to CEQA and its implementing guidelines. The document and Notice of Completion (NOC) was distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the document. A Notice of Availability (NOA) was distributed to over 500 interested parties and adjacent property owners and residents, which informed them of where they could view the document and how to comment. The purpose of the 45-day review period was to provide interested public agencies, groups and individuals the opportunity to comment on the contents and accuracy of the document. The document was available to the public at the County of Los Angeles Department of Public Works and the City of Long Beach and Brewitt Neighborhood Libraries. A copy of the document was also posted online.

Based on comments received during the March 2007 Draft EIR public review period, revisions were made to portions of the Termino Avenue Drain EIR and those modified portions were recirculated for public review pursuant to Section 15088.5(c) of the CEQA Guidelines. Specifically, the project description was revised and new significant information was added to the EIR regarding the potential for green sea turtles to occur within the project area, which required further analysis and discussion. In

addition, supplemental information related to air quality and global climate change was provided in the Recirculated Draft EIR, which was circulated for 45 days from April 4, 2008 and to May 19, 2008. As with the March 2007 Draft EIR, a NOA was distributed to over 500 interested parties and adjacent property owners and residents. The Recirculated Draft EIR was also available for public review online and at the County of Los Angeles Department of Public Works and the City of Long Beach and Brewitt Neighborhood Libraries.

A Final EIR has been completed and includes written comments received by mail and electronic mail on the Draft and Recirculated Draft EIRs, verbal comments received at the Draft and Recirculated Draft EIR public hearings, written responses to the written and verbal comments, and changes to the Draft EIR.

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CHAPTER 4
IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The following summary briefly describes impacts determined to be less than significant, either directly or cumulatively, in the preparation of the Initial Study, Draft EIR, and Final EIR. The County Board of Supervisors hereby makes the same determination based on the conclusions in the Final EIR.

4.1 AESTHETICS

There are no designated state scenic highways within 20 miles of project site. Further, the project site is not visible from any of these highways. Impacts related to scenic highways would not occur. Based on a review of the City's General Plan and LCP, there are no scenic vistas open to the public within the project area that would be affected. Furthermore, the proposed project would not result in placement of any buildings or other obstructions to hinder views of scenic resources. As the majority of the proposed project is below-grade, it would not create substantial shade and shadow effects. The outlet structure and low-flow control cabinet would be visible after construction, but likewise, these would not create shade and shadow effects. The project would not install any new lighting. Likewise, the project would not use construction materials that would reflect natural sunlight or otherwise result in glare. When in operation, the underground portion of the project would not visibly introduce new land uses or visual features and none of this portion of the drain would be visible to sensitive viewers. During excavation and construction, the proposed alignment would be temporarily disturbed and construction activities would be visible to sensitive viewers along each construction segment. However, these impacts would be temporary and the alignment would be restored to its existing visual character upon completion of the project construction. Thus, operation of the drain would not affect the adjacent and proximate visual character. No impacts would occur (Final EIR, p. 3.2-16).

Although the proposed Marine Stadium outfall structure would be larger than existing structures in the area, it would not be visibly intrusive to recreationalists and residences. The proposed outfall structure would appear slightly larger than the existing outfall structure connected to Colorado Lagoon, but the new outfall structure would be consistent with the style of the existing structure and would not be an uncommon sight for this setting, where an urban area meets a marine environment. The handrail would be clearly visible from the parking lot and the bike path. However, it would not be out of character with the surrounding visual setting nor would it detract from the visual quality of the bike path. Placement of the catch basin screens along the alignment and low-flow pumping station in the PE right-of-way just north of 7th Street would not result in a significant visual impact because these structures would be located underground. Some above-ground structures would be installed, including a small pump enclosure and utility bores. Because utility boxes are a common sight on urban sidewalks, the standard appearance of these features renders them unmemorable to the average viewer. Due to the limited duration of the view and the ordinary appearance of the proposed enclosure, it would be rendered

relatively unnoticeable to passing motorists. The impact would be less than significant. During construction, the visual character of vegetated areas of the PE right-of-way would be temporarily affected due to the presence and operation of construction vehicles and equipment and removal of planted vegetation. Vehicles, equipment, and the open storm drain trench would also be visible from adjacent residences along the length of the alignment. Construction, would progress approximately 100 feet per day, and no one residential block would typically be disturbed during construction for more than approximately 3 to 5 weeks. Upon completion of construction, soil would be placed on over the installed pipe to restore the original ground surface level. As these views would be of short duration during construction, and as most houses along the PE right-of way face toward the street rather than the open space of the right-of-way, this impact would be less than significant.

No projects are located within a one- to two-block radius of the project site which would create a cumulative aesthetic impact. Any project located at a greater distance than one or two blocks would not have a view of the proposed project site. The majority of the project would be located underground and no visual impacts are anticipated (Final EIR, p. 4-6).

4.2 AIR QUALITY – OPERATIONAL EMISSIONS, COMPLIANCE WITH REGIONAL PLANS, ODORS, ATTAINMENT STATUS

Operation of the storm drain system would be passive (it would not require the routine or daily use of machinery or personnel to operate), except for periodic cleaning of the storm drain catch basin screens, the operation of the pumps to divert flows to the sanitary sewer system, and intermittent trips by maintenance personnel to check system facilities. Emissions from these activities would be negligible and would not trigger any of the applicable South Coast Air Quality Management District (SCAQMD) operations thresholds. Accordingly, there would be no air quality emissions impact from operations. The project would not conflict with or obstruct implementation of the applicable air quality management plan as no housing or job growth would occur and no long-term emissions would be attributed to the project. The proposed project would not result in any construction or operational activities that would generate objectionable odors. No impacts would occur (Final EIR, p. 3.6-11).

The South Coast Air Basin (Basin) is designated nonattainment for state coarse inhalable particulate matter (PM_{10}), fine matriculate matter ($PM_{2.5}$), ozone (O_3), and carbon monoxide (CO) standards, and federal PM_{10}, $PM_{2.5}$, O_3, and CO standards. Construction of the proposed project would not exceed thresholds established for PM_{10}, $PM_{2.5}$, O_3, or CO. Thresholds would only be exceeded for nitrogen oxide (NO_X), which is not designated as non-attainment under federal or state standards (See Findings Section 6.0). Impacts would be less than significant (Final EIR, p.3.6-13).

4.3 AGRICULTURAL RESOURCES

Based on farmland mapping provided by the Natural Resources Conservation Service, there is no designated farmland within the project area; therefore, no impacts to Prime, Unique, or Statewide

Important Farmland would occur. There are also no Williamson Act contract lands in the project area. The project site is zoned as planned development, residential, parks and recreation, and commercial. Therefore, the project would not conflict with any existing agricultural zoning, and no agricultural activities occur on-site. No impacts would occur (Initial Study, p. 7).

4.4 BIOLOGICAL RESOURCES – HABITAT CONSERVATION PLAN, TREE PROTECTION POLICY, WILDLIFE MIGRATION, CUMULATIVE IMPACTS

Implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP as the project area is not located within an adopted HCP, NCCP, or other approved local, regional, or state HCP. No impacts would occur (Final EIR, p. 3.3-12).

No sensitive plant species were found during the focused botanical surveys during the appropriate survey periods for the potentially occurring species. No federally or state-listed plant species are expected to occur within or adjacent to the potential area of impact based on survey results and habitat suitability. No impacts to sensitive plant species would occur as a result of the proposed project. (Final EIR, p. 3.3-13).

Direct impacts to terrestrial wildlife corridors would not occur from the proposed project. Urban adapted species may use the abandoned railway as a corridor; however, these species are not sensitive and are adapted to the urban environment. In addition, at the conclusion of construction, the project area would be restored to the existing conditions, and any current use by urban wildlife would resume. The project site does not serve as a high-quality wildlife corridor, and as such, the project would not result in significant impacts related to wildlife movement. Construction activities would occur within designated essential fish habitat (EFH). Project activities that would affect identified Fisheries Management Plan (FMP) species, northern anchovy, Pacific sardine, Pacific mackerel, and jack mackerel, include increased water turbidity caused by the construction of the outlet structure, and potential temporary resuspension of any contaminants in the immediate area of the outlet during flood periods. An increase in the suspended sediment load would temporarily increase the exposure of FMP species to potentially harmful levels of contaminants. All four FMP species are pelagic schooling species that utilize large expanses of San Pedro Bay. Of the four species, only the northern anchovy is expected to be in Alamitos Bay, but numbers within the Marine Stadium and the Colorado Lagoon portions of Alamitos Bay are not expected to be a major part of the northern anchovy population. Based upon these determinations, the proposed project is will not have adverse effects on populations of the four identified FMP species (Final EIR, p. 3.3-18).

Construction of the project would result in the removal of juvenile oak trees that were planted in the Long Beach Greenbelt restoration area. These trees do not meet the minimum diameter at breast height to be

protected by the County's Oak Tree Ordinance; therefore, impacts to these trees would be less than significant (Final EIR, p. 3.3-19).

The project site is situated in a heavily urbanized area and is not linked to any migration corridors, significant ecological areas, or other protected natural areas. The one-mile cumulative project radius adequately captures the past, present, and probable future projects that would potentially contribute to cumulative biological resource impacts. Related projects will not result in significant impacts to biological resources due to the disturbed and/or developed condition of the area. After construction of the project, the PE right-of-way would be restored to its existing condition. No cumulative biological resource impacts would occur (Final EIR, p. 4-8).

4.5 CULTURAL RESOURCES – HISTORIC RESOURCES, PALEONTOLOGICAL RESOURCES, CUMULATIVE IMPACTS

Construction of the new outlet structure would not detract from the integrity of any structural elements of Marine Stadium that may contribute to its potential eligibility to the California Register of Historic Resources (CRHR) or the National Register of Historic Properties (NRHP). Therefore, the physical alteration caused by the new outlet structure would not result in a substantial adverse change in the significance of Marine Stadium as a locally designated historical resource. No other properties that are eligible or potentially eligible for inclusion on the NRHP or the CRHR are located within the construction area. Therefore, no significant impacts on or to a property of historic significance would occur (Final EIR, pp. 3.4-9 and 3.4-10).

The project alignment is presently developed and there are no known or recorded paleontological resources on the project site; therefore, no impacts on these resources would occur (Final EIR, p. 3.4-10).

The one-mile cumulative project radius adequately captures the past, present, and probable future projects that would potentially contribute to cumulative cultural resource impacts. The proposed project, in conjunction with other cumulative projects in the area, could result in the disturbance of archaeological and/or historic resources in the area. However, each cumulative project would be responsible for implementing the necessary measures to protect any existing cultural resources in the area. Therefore, no significant cumulative impacts are anticipated to occur on these resources (Final EIR, p. 4-7).

4.6 GEOLOGY AND SOILS

The proposed alignment is not located within an Alquist-Priolo Earthquake Fault Zone or within a landslide hazard area. Accordingly, the project would not result in significant impacts related to surface rupture or on- or off-site landslides. No impacts related to expansive soils are anticipated as a result of the storm drain improvements. In addition, the project does not propose septic tanks or alternative waste water disposal systems. No impacts would occur (Final EIR, pp. 3.8-6 and 3.8-7).

The proposed alignment is located within a seismically active region and has the potential to be subjected to ground shaking hazards associated with earthquake events on active faults throughout the region. However, seismic ground shaking from major faults in the region is not anticipated to be greater than at any other sites in southern California and is not considered to pose an unusual risk to the proposed storm drain. The project would not affect any habitable structures and no new buildings are proposed. Above-ground structures would be limited to the Marine Stadium outlet structure and minor equipment associates with the low-flow pump station in the PE right-of-way, west of Colorado Lagoon. Based on the project's adherence to current design and construction requirements in the State of California, including the use of low shear strength backfill, the proposed storm drain would not result in a significant adverse impact by exposing people or structures to major seismic hazards beyond what is considered normal for the southern California region. The impact would be less than significant (Final EIR, p. 3.8-7).

All soils used in the project would be properly compacted in accordance with County specifications and the project would incorporate the use of rip rap and other erosion controls to reduce erosion and scour at the Marine Stadium outlet structure and no significant impacts related to expansive soils, liquefaction, lateral spreading, or subsidence would occur The project would also be subject to Storm Water Pollution Prevention Plan requirements for erosion and sedimentation control during construction. Energy dissipater blocks would be placed in the outlet opening, which would reduce the velocity of stormwater flows and a woven geotextile fabric would be placed at the outlet, which would minimize erosion during operation. The impacts would be less than significant (Final EIR, p.p. 3.8-7 and 3.8-8).

A portion of the alignment is located in a liquefaction hazard zone. The proposed project would be designed and installed in accordance with the Los Angeles County Flood Control District (District) Structural Design Manual, which references the American Concrete Institute Building Code 318-63 for reinforced concrete structures. Since no habitable structures would be constructed, applicable regulations would primarily involve backfill and soil compaction requirements along the utility corridor. Soils would be excavated and properly compacted per District requirements. As such, impacts related to liquefaction, lateral spreading, and subsidence would be less than significant impact (Final EIR, p. 3.8-8).

The project would not contribute to long-term cumulative impacts due its limited maintenance and operational requirements. Short-term impacts would be limited to the immediate project area. The project would not contribute to cumulative geology and soils impacts outside of the 1-mile radius. The proposed project would not result in the exposure of new structures and people to seismic hazards. All new structures for related projects would incorporate the required seismic safety standards to reduce impacts associated with seismic hazards to less than significant levels. No cumulative geologic impacts would occur (Final EIR, p. 4-8).

4.7 HAZARDS AND HAZARDOUS MATERIALS –TRANSPORT, USE OR DISPOSAL, LIST OF HAZARDOUS MATERIALS SITES, WILDLAND FIRES, AIRPORT HAZARDS, EMERGENCY PLANS, EMISSIONS WITHIN ¼-MILE OF SCHOOL, CUMULATIVE IMPACTS

The alignment of the project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impacts from hazardous waste sites would occur. The site is located within urbanized areas with no wildlands on or adjacent to the proposed project. Therefore, the proposed project would not contribute to wildland fire hazards or expose people or structures to wildland fires. No impacts from wildland fires would occur. There are no public airports or private airstrips within the vicinity of the proposed project. Because the project would not result in a safety hazard regarding proximity to public and private airports and airstrips, no impact would occur (Final EIR, p. 3.10-12). The proposed project would not interfere with a current emergency response plan or an emergency evacuation plan for local, state, or federal agencies. Access to all local roads would be maintained during construction and project operation. Any emergency procedures would be implemented within local, state, and federal guidelines during construction and operation of the proposed project. No impact to emergency response plans would occur (Initial Study, p. 15).

The proposed project would install a storm drain conduit in order to convey non-storm flows to the County Sanitation Districts sewer treatment plant and to convey 50-year flood waters to Marine Stadium. Maintenance activities would include routine inspections of the storm drain, pumping station, catch basin screens, and outlet structure. There would be no routine transport, use, or disposal of hazardous materials and accordingly, no impacts would occur (Final EIR, p. 3.10-12).

Four elementary schools, two middle schools, and one high school are located within ¼ mile of the proposed alignment. However, construction of the proposed project is not anticipated to generate hazardous emissions or store hazardous materials or chemicals that would pose a significant public health risk with the exception of those materials required for operation of construction equipment (fuel, lubricants, etc.). In addition, the operational use of the proposed project would be limited to storm water conveyance and the project would not involve hazardous materials, substances, waste, or emissions. Accordingly, impacts would be less than significant (Final EIR, pp. 3.10-13 and 3.10-14).

The project would not contribute to long-term cumulative hazards and hazardous materials impacts due its limited maintenance and operational requirements. Short-term impacts would be limited to the immediate project area. The project would not contribute to cumulative hazards or hazardous materials impacts outside of the 1-mile radius. The proposed project and other cumulative projects within one-mile of the project are not expected to use large quantities of hazardous materials that would create a potential risk to public health and safety. The project would reduce human hazards related to flooding by improving the storm water drainage system so that it is suitable to convey a 50-year flood event and lowering the flood

level within the lagoon. Hazards related to exposure to contaminants through contact with water would also be cumulatively reduced through the improved water quality resulting from the installation of low-flow diversion system and catch basin screens in combination with other approved water quality enhancement projects. Cumulative impacts would be less than significant (Final EIR, pp. 4-9 and 4-10).

4.8 HYDROLOGY AND WATER QUALITY

The proposed project site is not a designated groundwater recharge area and would not require the extraction of groundwater. In addition, the storm drain would not come in contact with groundwater under normal operation. Overall, the area of impervious surfaces would not be increased as a result of the project and there would be no depletion of groundwater supplies or interference with groundwater recharge. The proposed project would provide storm drain system improvements in order to accommodate the 50-year flood conditions in the project area. Accordingly, the project would not create or contribute runoff which would exceed the capacity of stormwater drainage systems. No housing or other habitable structures would be constructed as part of the proposed project. In addition, the proposed storm drain would improve the level of risk associated with flooding in the project area as it would increase the existing storm drain system capacity. The proposed storm drain would be constructed to accommodate the 50-year flood conditions. No impacts related to flooding would occur (Final EIR, p. 3.9-8).

Storm water discharges from the new outfall structure would potentially cause a scour effect in Marine Stadium, and sediments would be re-suspended in the water column. However, energy dissipater blocks and a woven geotextile fabric would be installed as project design features to reduce impacts from high velocity storm water flows and erosion. The impact would be less than significant (Final EIR, p. 3.9-9).

In accordance with Regional Water Quality Control Board (RWQCB) regulations, the proposed project would implement applicable stormwater pollution prevention measures as specified under National Pollution Discharge Elimination System (NPDES) permit requirements for the control of stormwater pollution during construction. Specific requirements include, at a minimum, BMPs for sediment control, construction materials control, site management, and erosion control. In addition, a Storm Water Pollution Prevention Plan (SWPPP) would be developed for construction materials and waste management as the proposed project would require disturbance of more than one acre of land. Adherence to the above-mentioned requirements would reduce sediment-laden runoff, prevent the migration of contaminants from construction areas to Colorado Lagoon and Marine Stadium, and ensure that stormwater discharges would not violate applicable water quality standards. Implementation of the proposed project would redirect non-stormwater flows to an existing County sanitary sewer line, significantly decreasing contaminant loadings into Colorado Lagoon compared to the existing conditions. Approximately 70 percent of the flood flows would be redistributed away from Colorado Lagoon to Marine Stadium; therefore, because of the much greater volume of tidal exchange between Colorado Lagoon and Marine Stadium, the reduction time within Marine Stadium following a 10-year storm flow would not increase as a result of the proposed project and would remain at approximately one day.

Therefore, pollutant dispersal for the overall Colorado Lagoon and Marine Stadium system would improve. Average peak concentrations of pollutants would be approximately half of what they are under existing conditions in Colorado Lagoon. In addition, dry weather conditions would also improve due to the diversion of dry weather flows originating north of 7th Street to the sanitary system. Operational impacts to water quality would be less than significant (Final EIR, pp. 3.9-12 and 3.9-13).

The proposed project would increase the magnitude of the peak flows, as well as the frequency with which the flood flows would enter Colorado Lagoon and Marine Stadium. A hydrologic analysis of 50-year flood conditions conducted for the proposed project determined that the project would divert approximately 200 acre-feet of water from Colorado Lagoon directly to Marine Stadium. Accordingly, the 50-year flood water elevations for Colorado Lagoon would be lower, confining flood water to within the Lagoon. The proposed project would increase flood flows to Marine Stadium; however, because of the substantial capacity within the receiving waters of Marine Stadium, the hydrologic analysis concludes that the flooded area of Marine Stadium would not increase. The impact would be less than significant (Final EIR, pp. 3.9-13 and 3.9-14).

The proposed project site would be restored to the existing conditions at the conclusion of construction. No substantial changes in absorption rates, surface and groundwater quality, groundwater flow and the quantity of groundwater are anticipated to occur as a result of implementation of the proposed project and other cumulative projects. The project would improve storm water runoff and flooding conditions in the project area, thereby improving the existing hydrologic conditions in the project area. No cumulative impacts are anticipated (Final EIR, p. 4-9).

4.9 LAND USE

The proposed project involves upgrading an existing storm drain facility. The proposed improvements would be located almost entirely underground upon completion of the project. Further, the project would not conflict with the City's development standards as the alignment would be restored to its original condition following completion of the proposed project. As such, the proposed project would not require changes to the residential character of these neighborhoods. The Land Use Element identified areas in the City that are prone to flooding based on the most recent FEMA maps. The proposed project would alleviate flooding in the project area and would therefore provide a benefit consistent with the Land Use Element. The proposed project would not conflict with the General Plan objectives, goals, and policies applicable to the project area and would benefit flood control in a portion of the City. The impact would be less than significant. A primary concern of the Long Beach Local Coastal Program (LCP) is improving water quality while maintaining public access for recreational uses at Marine Stadium. The proposed project would include elements to improve water quality in Colorado Lagoon and Marine Stadium. Thus, the proposed project would not conflict with the City's LCP. The impact would be less than significant (Final EIR, p. 3.1-7).

Upon completion of the project, the alignment would be returned to its existing condition and the only visible features would be the outlet structure at Marine Stadium, small above-ground facilities at the low-flow diversion pump location, and new manhole covers along existing roads. With the exception of these features, the proposed project would be constructed entirely underground. The outfall structure at Marine Stadium would not change the stadium's land use designation of open space/parks. As such, operation of the project would be compatible with surrounding land uses. The impact would be less than significant (Final EIR, pp. 3.1-7 and 3.1-8).

Construction of the proposed project would temporarily restrict access to certain portions of the alignment, including short-term obstructions along streets and sidewalks and at some intersections. However, detours and obstructions would not restrict access to adjacent residences and businesses. Consequently, construction impacts would be temporary and would not result in any land use compatibility impacts. The impact would be less than significant. The proposed project alignment traverses the Wilson High, Eastside Carroll Park, Belmont Heights, and Belmont Park neighborhoods. As it is largely underground, operation of the proposed project would not physically divide any established community within Long Beach. The impact would be less than significant (Final EIR, p. 3.1-8).

The one-mile cumulative project radius adequately captures the past, present, and probable future projects that would potentially contribute to cumulative land use impacts. Upon completion, the storm drain would be buried underground and the proposed alignment would be returned to its pre-project condition. No land use patterns or land use designations would be altered as a result of the project. Development of other cumulative projects in the City of Long Beach would result in further urbanization and redevelopment in the surrounding metropolitan area. Each cumulative project is subject to independent environmental review, which would include land use conformity analyses, to ensure that no significant cumulative impacts related to land use compatibility and consistency would occur. The proposed project would not contribute to cumulative land use impacts (Final EIR, p. 4-5).

4.10 MINERAL RESOURCES

There are no known mineral deposits of economic importance to the state or region underlying the project site. The project site is not located in any City-designated mineral resource or mineral resource extraction zones. The construction of the proposed project would not result in the loss of availability of any known mineral resource. No impacts would occur (Initial Study, p. 19).

4.11 NOISE – AIRPORT NOISE, OPERATIONAL NOISE, CUMULATIVE NOISE

The site is not within the airport land use plan, nor would the construction or operations personnel working on the project be exposed to excessive aircraft noise levels. In addition, the project site is not in the vicinity of a private airstrip. No impact would occur (Final EIR, p. 3.7-11).

The operations of the storm drain system would not require the routine or daily use of machinery or personnel to operate, except for periodic cleaning of the storm drain catch basin screens and the operation of the pumps to divert flows to the sanitary sewer system. These operations would occur underground, and the noise would not be heard at sensitive receptors. No permanent increase in ambient noise levels would occur as a result of the project (Final EIR, p. 3.7-14).

Construction-related sound levels and groundborne noise and vibration attenuate rapidly from their source. Typically, noise produced by construction equipment is reduced at a rate of about 6 dB per doubling of distance. Accordingly, the one-mile cumulative project radius adequately captures the past, present, and probable future projects that would potentially contribute to cumulative noise impacts. The project would not contribute to long-term cumulative impacts due its limited maintenance and operational requirements. Short-term impacts would be limited to the immediate project area, since construction activities would generally be confined to the proposed construction corridor. The project would not contribute to significant cumulative noise impacts (Final EIR, pp. 4-7 and 4-8).

4.12 POPULATION AND HOUSING

The site of the proposed storm drain system is currently occupied by existing open space, roadways, parking lots, and sidewalks. No housing units or persons would be displaced as a result of the storm drain construction. The storm drain would not require new homes, nor would it encourage people to move to the project area. The new system would be intended to protect the existing drainage area, and would not provide infrastructure that would directly or indirectly result in population growth. No new jobs would be created upon completion of the project. Operation of the drainage system would therefore not induce employment growth or household formation. Therefore, the proposed project would not induce population growth in the project area. No impacts would occur (Final EIR, p. 4-2)

4.13 PUBLIC SERVICES

Fire protection in the project area is provided by the Long Beach Fire Department, which operates 23 stations grouped under 19 divisions within 4 bureaus. Construction activities and staging areas would not impact operation at the fire stations nor would operation of the proposed project require additional fire protective services. Adequate notification of lane closures would be provided to the Long Beach Fire Department. Impacts would be less than significant. The project area is served by the Long Beach Police Department, East Division. The proposed improvements would not induce development resulting in increased response time or the need for additional staffing and equipment. Since the majority of construction impacts would not occur on public roads and adequate notification of lane closures would be provided to the Long Beach Police Department, impacts to police protection services would be less than significant. In addition, implementation of mitigation measures TRANS-A through TRANS-F (see Section 3.5, Transportation and Circulation) would further reduce the potential for impacts to police protection services. The proposed project area is within the Long Beach Unified School District (LBUSD). There are six schools located within ¼ mile of the proposed alignment. Development of the

proposed project would not generate additional students within LBUSD nor would it increase the demand for schools, as the project would not induce substantial population growth. Schools would not be impacted by the proposed project. There are four parks located within a 1-mile radius of the proposed project. Construction impacts would temporarily alter pedestrian access to some recreational areas due to lane closures, road construction, and PE right-of-way construction; however, alternative access would be provided during construction and all of the parks would still be available for use by the community. No operational impacts to parkland are expected to occur. The nearest libraries to the project site are the Brewitt Library (4036 East Anaheim Street), located immediately to the east of the terminus of the lateral at Termino Avenue and Anaheim Street, and the Bay Shore Library (195 Bay Shore Avenue), approximately 0.6 mile south of the proposed project. Construction and operation of the proposed project would not restrict access or prevent residents from using these libraries, nor would it increase use of these libraries. The proposed project would not result in the need for additional library services; therefore, impacts to library services would not occur (Final EIR, pp. 4-2 and 4-3).

4.14 RECREATION

Because the proposed project would upgrade an existing storm water system, and would not result in the construction of new residences or facilitate the development of residences, the project would not result in increased population. Therefore, the proposed project would not increase demand for neighborhood or regional parks or other recreational facilities. Existing recreational facilities within the project vicinity would not be impacted by operation of the proposed project, and would maintain service to current users. The proposed project would not increase use of existing park or recreation facilities. Impact to existing parks and recreation facilities would be less than significant (Final EIR, p. 3.11-2)

The proposed project would not result in the creation of any new recreational facilities or expansion of existing recreation facilities, and would not cause an increase in demand on parks and recreational facilities. Water-related recreational activities at Marine Stadium (i.e., fishing and water skiing) would remain available during construction of the proposed project, as only a small portion of the stadium would be affected by construction activities. Impacts to existing and proposed recreational facilities would be less than significant (Final EIR, pp. 3.11-2 and 3.11-3).

The project would not contribute to long-term cumulative impacts due its limited maintenance and operational requirements. Short-term impacts would be limited to the immediate project area. The project would not contribute to cumulative recreation impacts outside of the 1-mile radius. No construction activities would occur within the parks. All amenities would be available to park users during project construction and operation and would not affect the provision of recreational services in the area. Temporary indirect impacts to the golf course (i.e., increased dust and noise during construction) would occur as a result of the Colorado Lagoon Restoration project; however, these will be minor and would not be cumulatively significant (Final EIR, p. 4-10).

4.15 TRANSPORTATION/TRAFFIC – OPERATIONAL TRAFFIC, AIR TRAFFIC PATTERNS, ALTERNATIVE TRANSPORTATION, PARKING, CUMULATIVE TRAFFIC

Operation of the proposed project would not generate any net new vehicle trips and as such, would not conflict with the CMP Traffic Impact Analysis Guidelines. The proposed project would not result in any permanent changes in existing roadway design or any uses which would be incompatible with area traffic. As such, upon completion of project construction, traffic conditions would be expected to return to current conditions and there would be no traffic impacts during the operational phase of the proposed project. Due to distance from the project site to the nearest commercial airport (Long Beach Municipal Airport) and the types of uses associated with the proposed project, no changes to air traffic patterns would occur. No impacts to emergency access would occur as a result of the proposed project, and the project would not conflict with any alternative transportation programs (Final EIR, p. 3.5-5).

No permanent or temporary parking facilities are included as part of the proposed project, nor would any be required as a result of the proposed project. Upon completion of construction, the proposed project would not encroach or require the removal of curb parking located along street right-of-way. Therefore, no significant impacts on parking capacity would occur with implementation of the proposed project. . Only a small portion of the total parking would be removed at any one time and would only occur as construction trenching and plating proceeds along the storm drain alignment. Similarly, parking spaces along Appian Way at Colorado Lagoon and in the parking lot at Marine Stadium would be temporarily displaced during construction in the southern project area. No long-term parking would be lost. These impacts would be temporary and would result in a less than significant impact (Final EIR, p. 3.5-7).

Traffic volumes under the operational conditions would not change from the existing conditions. During construction, a limited number of construction vehicles would travel to the site, as construction crews would number approximately 20 people per day. Four of the five related projects located near the project site are small residential or commercial developments and the fifth consists of water quality improvement measures which would have no impact on traffic. These projects, in addition to the proposed project, would not result in a cumulative traffic impact (Final EIR, p. 4-7).

4.16 UTILITIES AND SERVICE SYSTEMS

The proposed project would use water only during construction for dust control and for personal use by construction personnel. The contractor would supply the water necessary to accommodate project construction. All required water and wastewater connections are currently constructed and in operation. The project would not require the need for expanded facilities, and therefore no impact would occur. The project is exempt from wastewater treatment requirements of the RWQCB or NPDES regulations relating to wastewater discharge because no point source discharge of wastewater would occur. Approximately 80 gallons per minute of stormwater would be diverted to the County sanitary sewer line and treated. The

County of Los Angeles Sanitation Department has indicated that there is adequate capacity to treat the stormwater. The project would not require additional drainage systems, nor would it result in the need for expanded off-site drainage facilities. No impact would occur. During construction, small quantities of debris and materials would be hauled to an approved solid waste disposal facility. Given the small quantity of material, the project would not substantially affect the capacity of existing land fills in the project area. Upon completion of construction, the project would not generate solid waste. The impact would be less than significant (Final EIR, p. 4-4).

4.17 IRREVERSIBLE ENVIRONMENTAL CHANGES

Construction of the proposed project would result in the irreversible commitment of nonrenewable resources, including fossil fuels; natural gas; water; and building materials such as lumber, concrete, and steel. However, the proposed project is not anticipated to consume substantial amounts of energy in a wasteful manner, and it is unlikely to result in significant impacts as a result of consumption of utilities. Operation of the proposed project would also consume small amounts of nonrenewable resources including energy to operate the diversion system pump, which would limit the availability of these resources for future generations or other uses during the life of the project. Although irreversible environmental changes would result from the proposed project, such changes would not be considered significant (Final EIR, pp. 4-10 and 4-11).

4.18 GROWTH INDUCING IMPACTS

Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place without implementation of the proposed project. The growth-inducing potential of a project would be considered significant if it results in growth or population concentration that exceeds those assumptions included in pertinent master plans, land use plans, or projections made by regional planning authorities. Implementation of the proposed project would not directly induce growth, as it is an infrastructure project that would serve existing and planned development in the project area. In addition, the project site and its immediate vicinity are already developed with urban land uses, including planned development, commercial and residential uses, and public facilities. Upon completion of the underground storm drain project, the alignment would be returned to its existing condition. No housing would be removed or created as a result of the project and no permanent jobs would be created. Construction activities would result in a temporary increase in jobs and population related to construction, which could increase demand for local services and housing. However, these temporary increases would be minimal, since the project would be expected to employ construction workers already living and working in the area. As such, the proposed project would not provide for or induce a population or job growth in the vicinity. The project would not directly or indirectly introduce new uses inconsistent with the surrounding uses or create new housing or residential land uses which would cause an increase in population. Given the built-out nature of the area, population growth would not occur as a result of the improved flooding conditions in this portion of Long Beach. As such, the project is not expected to

significantly induce growth in the City and surrounding communities. The impact would be less than significant (Final EIR, pp. 4-11 and 4-12).

CHAPTER 5
LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS WITH MITIGATION

The following Findings for project impacts refer to the significant environmental effects of the project for which mitigation measures have been identified in the Final EIR which will avoid or substantially lessen the significant environmental effects to below a level of significance.

5.1 BIOLOGICAL RESOURCES – SENSITIVE SPECIES, RIPARIAN HABITAT, WETLANDS

Significant Impact: **BIO-1** *The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or United States Fish and Wildlife Service (USFWS).* As set forth in Section 3.3 of the Final EIR, the project would potentially disturb active bird nests during construction in the Marine Stadium and Long Beach Greenbelt areas, resulting in a significant impact. Construction of the outlet structure at Marine Stadium would also potentially result in a behavioral modification to green sea turtles, California sea lions, and Pacific harbor seals, resulting in a significant impact. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, the following mitigation measures would reduce the significant effect of Impact BIO-1 to a less than significant level.

BIO-A Should tree removal or removal of the Long Beach Greenbelt restoration area occur during the breeding season for migratory non-game native bird species (generally March 1-September 1, as early as February 15 and as late as September 15 for raptors), weekly bird surveys would be performed to detect any protected native birds in the trees to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys would be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys would continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, DPW would delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction with 300 feet of the nest

(within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of this measure would be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

BIO-K A qualified marine biologist shall be on site during the construction period to monitor the potential presence of green sea turtles. The onsite biological monitor shall have the authority to halt construction operations and shall determine when construction operations can proceed.

BIO-L Construction crews and work vessel crews shall be briefed on potential for this species to be present and will be provided with identification characteristics of sea turtles, since they may occasionally be mistaken for seals or sea lions.

BIO-M In the event that a sea turtle is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea turtle(s) is safely outside the outer perimeter of construction. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.

BIO-N The biological monitor shall prepare an incident report of any green sea turtle activity in the project area and shall inform the construction manager to have his crews aware of the potential for additional sightings. The report shall be provided within 24 hours to the California Department of Fish and Game and the National Marine Fisheries Service.

BIO-O In the event that a California sea lion or a Pacific harbor seal is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea lion(s) or seal(s) is safely outside the outer perimeter of construction. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.

Rationale/Supporting Explanation: Although no active nests were observed during the surveys, nesting birds could be present when construction activities commence. Disturbance of active nests would violate the Migratory Bird Treaty Act (MBTA) and result in a significant impact requiring mitigation. To ensure compliance with the MBTA, mitigation measure BIO-A has been provided to require nesting bird surveys prior to the start of project construction. With implementation of this mitigation measure, impacts to nesting birds would be less than significant (Final EIR, p. 3.3-12).

Although the potential for green sea turtles to occur in the project area is relatively low, green sea turtles may be utilizing the eelgrass beds located throughout the bay as one source of their nutritional requirements. Alamitos Bay is north of this species' typical range, so the occurrence of individuals in the Long Beach area is likely to remain low. The project area within Marine Stadium is approximately 2.5 miles from the mouth of the Bay, further decreasing the chance that this species will occur within the project area. If, however, a green sea turtle were to be present during the one- to two-week installation period of the sheet piling for the cofferdam or the one-week removal period, it could potentially result in a behavioral modification to this species that would include a likely change in swimming behavior to avoid excessive noise or turbidity. Once the cofferdam is installed, the potential for impacts would be reduced, since the construction area would be physically separated from the marine environment. No mortality or other adverse impacts would be expected to occur as a result of any project-related activities. Furthermore, Mitigation Measures BIO-K through BIO-N, would reduce the potential for impacts to sea turtles in the unlikely event that one is present in the project area during the three-month outlet structure construction process. No significant impacts to green sea turtles would occur during construction (Final EIR, p. 3.3-14).

Similarly, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on California sea lions or Pacific harbor seals due to the low potential for these species to occur in the project area. In the event that either of these species is sighted within 500 meters (1,640 feet) of the construction zone, Mitigation Measure BIO-O would reduce potential impacts to a less than significant level. Accordingly, the proposed project would not have a substantial adverse effect on California sea lions or Pacific harbor seals (Final EIR, p. 3.3-14).

Significant Impact: **BIO-2** *The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG, National Marine Fisheries Service (NMFS), or USFWS.* As set forth in Section 3.3 of the EIR, the project would directly and indirectly affect eelgrass and native landscaping areas during construction, resulting in a significant impact. Mitigation measures would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, the following mitigation measures would reduce the significant effect of Impact BIO-2 to a less than significant level.

BIO-B A qualified marine biologist will resurvey the extent of eelgrass coincident with the construction easement to confirm the extent of eelgrass within the permanent and temporary impact areas. Based on 2005 surveys, the direct permanent and temporary impacts to marine sea grasses in Marine Stadium (i.e., 0.0189 acre total) shall be mitigated at a ratio of 1.2:1, in accordance with the Southern California Eelgrass Mitigation Policy. A total of 0.0227 acres of eelgrass will be replanted by DPW,

including at least 0.0181 acres in the temporary impact area when sediment conditions stabilize following the completion of outlet construction. The remaining 0.0046 acres of eelgrass shall be planted within Marine Stadium or elsewhere within Alamitos Bay in a location determined by a qualified biologist. The location of eelgrass transplant mitigation shall be in areas similar to proposed outlet structure location. Factors such as, distance from project, depth, sediment type, distance from ocean connection, water quality, and currents are among those that shall be considered in evaluating potential sites. Monitoring the success of eelgrass mitigation shall be required for a period of five years in accordance with the Southern California Eelgrass Mitigation Policy. A wetland eelgrass mitigation plan shall be prepared to discuss the methods and schedule for planting eelgrass at the Marine Stadium and Alamitos Bay locations, and post-planting monitoring. In accordance with the California Coastal Commission's (CCC's) Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone, the mitigation plan will include the following information, as relevant to the eelgrass mitigation sites:

1) Clearly stated objectives and goals consistent with regional habitat goals. These regional goals must identify functions and or habitats most in need of enhancement or restoration and must be as specific as possible. If the regional goals have not been identified, then the applicant and CCC staff should work with relevant federal, State, or local agencies to determine if the proposed plan is consistent with the ecology and natural resource composition of the area.

2) Adequate baseline data regarding the biological, physical, and chemical criteria for the mitigation area.

3) Documentation that the project will continue to function as a viable wetland over the long term.

4) Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the mitigation site base map, and maintenance techniques.

5) Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined through monitoring, or other means that the enhancement or restoration techniques are not working.

6) Documentation of the necessary management and maintenance requirements, and provisions for remediation should the need arise.

7) An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities.

8) A five-year monitoring program.

BIO-C A project marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone.

BIO-D The project marine biologist shall meet with the construction crews prior to dredging to review areas of eelgrass to avoid and to review proper construction techniques.

BIO-E If barges and work vessels are used during construction, measures shall be taken to ensure that eelgrass beds are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.

BIO-F No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to tidal erosion and dispersion. Construction materials shall not be stored in contact with the soil. Any construction debris within the temporary cofferdam area shall be removed from the site at the end of each construction day.

BIO-G During construction of the Marine Stadium outlet structure, floating booms shall be used to assist in containing debris discharged into Marine Stadium, and any debris discharged shall be removed as soon as possible but no later than the end of each day.

BIO-H A silt curtain shall be utilized to assist in controlling turbidity during construction of the cofferdam at Marine Stadium. The County of Los Angeles shall limit, to the greatest extent possible, the suspension of benthic sediments into the water column.

BIO-I Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery or construction equipment or power tools into Marine Stadium. Such measures include deployed oil booms and a silt curtain around the proposed construction zone at all times to minimize the spread of any accidental fuel spills, turbid construction-related water discharge, and debris. Other measures include training construction workers on emergency spill notification procedures, proper storage of fuels and lubricants, and provisions for on-site spill response kits.

BIO-J A qualified marine biologist shall monitor the construction process on a weekly basis to ensure that all water quality Best Management Practices (BMPs) are implemented, and to assist the project engineer in avoiding and minimizing environmental effects to benthic communities, including eelgrass. Within thirty days after the project is completed, a

post-construction marine biological survey shall be conducted to determine the extent of any construction impacts on eelgrass habitat. The survey report will be completed within 30 days and shall be submitted to the California Coastal Commission and the U.S. Army Corps of Engineers.

BIO-P The Pacific Electric (PE) right-of-way between 7th and 8th Streets shall be replanted with native vegetation at a 1:1 ratio. A restoration and monitoring plan for the site shall be prepared and implemented at the conclusion of construction. The restoration plan shall, at minimum, include the following components:

- Prior to construction, a qualified horticulturist with experience in native plant cultivation shall supervise salvage of plants, soil, and other materials as appropriate from the Long Beach Greenbelt area in the PE right-of-way between 7th and 8th Streets. Salvaged materials shall be maintained and used in replanting of the site. Supplemental native species appropriate to the site (occurring within the Los Angeles Basin and of local genetic stock) shall be used as necessary.

- Following implementation, the restoration area shall be monitored quarterly for the first two years and biannually for three more years. Success shall be defined as 80 percent survival of container plants after two years and 100 percent survival thereafter.

Rationale/Supporting Explanation: A total of 0.0189 acre of eelgrass is located within the outlet structure construction easement zone (see Figure 3.3-2). Initially, all of the eelgrass would be removed once the coffer dam is constructed, the area is dredged, and the waters are pumped out of the coffer dam. Once the outlet is constructed, and the coffer dam is removed, a total of 0.0008 acre would be permanently lost in the footprint of the outlet structure or by rip rap placed along side and in front of the structure to depths of -6 ft Mean Lower Low Water (MLLW). The remaining 0.0181 acre of removed eelgrass habitat within the coffer dam would be available for onsite eelgrass mitigation once the bayfloor is restored to tidal action. The loss of 0.0189 acre of eelgrass is considered a localized, significant impact that can be mitigated to a less than significant level with the successful transplantation of eelgrass within Alamitos Bay (Final EIR, pp. 3.3-15 and 3.3-16) as required by mitigation measure BIO-B. Mitigation measures BIO-C, BIO-D, and BIO-E would reduce potential impacts to eelgrass beds located outside of the construction area to a less than significant level.

Eelgrass beds located nearby the construction zone would be potentially affected by short-term increases in turbidity when the coffer dam is constructed. This may result in the deposition of fine sediments on eelgrass blades and reduce underwater light levels that would temporarily reduce eelgrass primary productivity. With implementation of mitigation measures, turbidity levels would be reduced and impacts to eelgrass beds would be less than significant. With the implementation of water quality Best

Management Practices (BMPs) and mitigation measures BIO-F through BIO-J to reduce the spread of any turbidity plume, there would be no significant impacts to eelgrass bed resources outside of the localized construction zone (Final EIR, p. 3.3-16).

All of the Long Beach Greenbelt native landscaping area within the PE right-of-way (2.54 acres) would be removed for construction of the proposed project, including planted oak trees. As part of the proposed project, at the conclusion of project construction, all impacted areas would be restored to their existing condition, including the Long Beach Greenbelt. However, short-term impacts to vegetation communities would be significant. Implementation of mitigation measure BIO-P would restore the areas with appropriate native vegetation, which would reduce the level of impact to native landscaping to less than significant. The remainder of the Long Beach Greenbelt project remains ruderal and disturbed; therefore, no significant impacts to these areas would occur (Final EIR, p. 3.3-16).

Significant Impact: **BIO-3** *The proposed project would have a substantial adverse effect on any federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means*. As set forth in Section 3.3 of the EIR, short-term adverse impact on water quality would occur when the coffer dam is constructed, related to an increase in suspended sediment loads, and an increase of water turbidity, resulting in a significant impact. Mitigation measures would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, Mitigation Measures BIO-B through BIO-J (see above) would reduce the significant effect of Impact BIO-3 to a less than significant level.

Rationale/Supporting Explanation: The proposed project would result in impacts to Marine Stadium, an ACOE designated "waters of the U.S." Construction of the outlet structure would result in 'fill' of a jurisdictional waterbody. Therefore, the County would be required to obtain permits from the ACOE (CWA Section 404) and RWQCB (CWA Section 401). In addition, the project would be required to comply with the regulations of the CCC, as outlined in the Long Beach LCP.

Construction of the outlet structure in Marine Stadium would involve constructing a coffer dam around the proposed construction zone, removing and replacing rip rap along the shoreline, recontouring the rip rap shoreline to depths of –5 ft MLLW around the opening of the outlet structure, and removal of approximately 560 cubic yards of material from the embankement area of Marine Stadium. These impacts would have a short-term adverse impact on water quality when the coffer dam is constructed, related to an increase in suspended sediment loads, and an increase of water turbidity. Resuspension of bottom sediments also has a potential to release sediment-bound contaminants back into the water column that can become available to water column and bottom-dwelling filter feeders. Impacts to water quality

would be significant. Implementation of mitigation measures BIO-F through BIO-J would address the short-term water quality impacts and reduce the level of impact to less than significant.

5.2 CULTURAL RESOURCES – ARCHAEOLOGICAL RESOURCES, HUMAN REMAINS

Significant Impact: **CUL-1** *Construction of the proposed project would cause a substantial adverse change in the significance of a historic or archaeological resource.* As set forth in Section 3.4 of the EIR, the project would potentially disturb archaeological resources, resulting in a significant impact. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, the following mitigation measures reduce the significant effect of Impact CUL-1 to a less than significant level.

CUL-A A qualified archaeological monitor shall be present during all ground disturbing activities within the Pacific Electric (PE) right-of-way. If archaeological materials are encountered during construction, work in the vicinity shall be immediately halted until the resource is assessed and the need for treatment is determined. The archaeological monitor may, at his/her discretion, recommend limited monitoring in portions of the PE right-of-way where clearly disturbed soil matrices or extensive native soils are observed and have no potential to yield cultural resources.

CUL-B In accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98, and Section 15064.5 of the CEQA Guidelines, if cultural materials are encountered during ground disturbing activities outside the Pacific Electric (PE) right-of-way where archaeological monitoring is not recommended, work in the vicinity of the discovery will be halted immediately and a qualified archaeologist will be contacted to assess the find.

Rationale/Supporting Explanation: Two archaeological sites were identified as a result of the archaeological survey and research indicates the PE right-of-way has suffered only minor ground disturbance historically and may contain intact subsurface cultural deposits. Construction of the proposed project would potentially disturb buried historic archaeological deposits associated with the abandoned PE railroad. Disturbance of potentially important cultural resources would be a significant impact. The mitigation measures identified above would reduce these impacts to a less than significant level by halting work in the vicinity until the resource is assessed and the need for treatment is determined (Final EIR, p. 3.4-9).

Significant Impact: **CUL-4** *Construction of the proposed project would potentially disturb human remains, including those interred outside of a formal cemetery.* As set forth in Section 3.4 of the EIR, the

project would potentially disturb previously unknown human remains, resulting in a significant impact. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, Mitigation Measures CUL-A, CUL-B (see above) and CUL-C (see below) would reduce the significant effect of Impact CUL-4 to a less than significant level.

CUL-C In accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98, and Section 15064.5 of the CEQA Guidelines, if human remains are encountered on the property during grading activities, the Los Angeles County Coroner's Office shall be contacted and all activities in the vicinity of the discovery shall cease until appropriate disposition of the remains is determined.

Rationale/Supporting Explanation: The project area does not contain any formal cemeteries; however, the PE right-of-way has suffered only minor ground disturbance historically and may contain intact subsurface cultural deposits. Due to the extensive grading and ground disturbance required to construct the storm drain, buried human remains could be encountered during construction. Disturbance of these remains would be a significant impact. Implementation of the mitigation measures identified above would minimize impacts to buried resources (including human remains) to a less than significant level by ensuring compliance with the Health and Safety Code (Final EIR, p. 3.4-10).

5.3 TRANSPORTATION AND CIRCULATION – TRAFFIC INCREASE, TRAFFIC HAZARDS, EMERGENCY ACCESS

Significant Impact: **TRANS-1** *The proposed project would result in an increase in traffic during construction that would create a substantial change in relation to the existing traffic load and capacity of the street system.* As set forth in Section 3.5 of the EIR, the project would potentially add vehicle trips in the project vicinity during construction, resulting in a significant impact to traffic operations. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, the following mitigation measure reduces the significant effect of Impact TRANS-1 to a less than significant level.

TRANS-A Prior to construction, a construction traffic control plan shall be prepared by the contractor for review and approval by the Los Angeles County Department of Public Works. The plan shall also be submitted to the City of Long Beach for review. The plan shall include, at a minimum, advanced signing on Termino Avenue, alerting motorists to roadway construction and an increase in construction vehicle movements, signing to alert

motorists to temporary or limited access points to adjacent properties, and appropriate barricades. At least one point of ingress/egress shall be maintained by the County to all properties adjacent to construction area.

TRANS-B Temporary traffic cones/barricades, temporary striping, and delineators shall be appropriately placed by Los Angeles County Department of Public Works in order to maintain one through lane in each direction during the peak hours. Lane widths within these areas may be reduced.

TRANS-C In the vicinity of storm drain crossings at abandoned Pacific Electric (PE) Railroad right-of-way at Ximeno Avenue, 7th Street, 8th Street, and Termino Avenue at 10th Street and 11th Street, no lane closures would occur during the peak traffic period (6:00 AM to 8:30 AM and 3:30 PM to 6:00 PM on weekdays).

TRANS-D No construction shall occur at the intersection of Termino Avenue and Anaheim Street during the morning or evening peak traffic periods.

TRANS-E Traffic shall be controlled during construction by adhering to the guidelines contained in Standard Specifications for Public Works Construction and the "California Manual on Uniform Traffic Control Devices." These guidelines provide methods to minimize construction effects on traffic flow.

Rationale/Supporting Explanation: During construction, heavy equipment, construction vehicles, and construction employee vehicles would use portions of the PE right-of-way, Colorado Street, Appian Way, Termino Avenue, Ximeno Avenue, 7th Street, 10th Street, and 11th Street throughout the construction period. Storm drain construction activities would generate traffic. A maximum of 20 trips per day would be made by haul trucks removing excavated materials; however, trips would generate from varying locations through the proposed alignment and would not be a continuous flow of traffic from one location. Temporary significant impacts would occur as a result of vehicle traffic delay, slowing of vehicle speeds at the roadway approaches and intersections (deterioration of roadway and intersection level of service [LOS]), and restricted access to adjacent properties during the period of construction. In addition, due to the slow speed of vehicles hauling construction equipment on local roadways, the risk of vehicle accidents would increase and response times for emergency vehicles would be reduced. Impacts would be significant; however, with implementation of provided mitigation measures, no significant traffic impacts would result. Specifically, a traffic control plan would be developed and implemented during the construction process to facilitate traffic operation in the vicinity of the storm drain construction activities. As required by TRANS-A and TRANS-B, one through lane in each direction would be maintained during the peak hours and access to all adjacent properties would be maintained during construction. Mitigation measures TRANS-C and TRANS-D would further restrict storm drain construction activities at all major intersections and along 7th Street, Termino Avenue, and Anaheim Street to avoid impacts during the peak traffic hours (Final EIR, pp. 3.5-5 and 3.5-6).

Significant Impact: **TRANS-2** *The proposed project would increase hazards due to design features or incompatible uses during construction.* As set forth in Section 3.5 of the EIR, the project would result in temporary hazards associated with slow moving construction vehicles and equipment, as well as closure of lanes and sidewalks, resulting in a significant impact to traffic operations. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, Mitigation Measure TRANS-A (see above) would reduce the significant effect of Impact TRANS-2 to a less than significant level.

Rationale/Supporting Explanation: The project does not propose any permanent changes in existing roadway design or any uses which would be incompatible with area traffic. Upon completion of the project, all roadways would be returned to their previous condition. The project would result in temporary hazards associated with slow moving construction vehicles and equipment, as well as closure of lanes and sidewalks. As such, construction of the proposed project would result in short-term significant impacts. Incorporation of mitigation measures TRANS-A through TRANS-E would address these potential hazards by implementing a traffic control plan and establishing lane closure and construction timing restrictions during storm drain construction. These measures would reduce potential traffic hazards to a less than significant level (Final EIR, p. 3.5-6).

Significant Impact: **TRANS-3** *The proposed project would result in inadequate emergency access during construction.* As set forth in Section 3.5 of the EIR, the project would result in temporary increase in response times during project construction, resulting in a significant impact to emergency response. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. As discussed in the Recirculated Draft EIR, the construction process has been revised to avoid trenching along 7th Street. In addition, the following mitigation measure would reduce the significant effect of Impact TRANS-3 to a less than significant level.

TRANS-F Prior to construction, the Los Angeles County Department of Public Works shall provide written notification to City of Long Beach fire, police, and paramedic departments, regarding the schedule and duration of construction activities, and to identify alternative routes that may be used to avoid response delays.

Rationale/Supporting Explanation: During construction, temporary lane closures may occur in order to excavate the storm drain trench, place the storm drain, and backfill the trench. Impacts would include a temporary increase in response times in the project vicinity while equipment is being moved to and from staging areas for the Fire Department and Police Department. Although this impact is temporary and

would occur only along those roadway segments as trenching is occurring, impacts to emergency access would be significant. To avoid these potentially significant impacts, measure TRANS-F requires the County to coordinate with the City of Long Beach fire, police, and paramedic departments, regarding the schedule and duration of construction activities, and to identify alternative routes that may be used to avoid response delays. In addition, measures TRANS-A through TRANS-F would facilitate traffic flow during construction, assuring adequate emergency access. Implementation of these mitigation measures would reduce this impact to a less than significant level (Final EIR, p. 3.5-6).

5.4 AIR QUALITY– VIOLATE AIR QUALITY STANDARDS

Significant Impact: **AIR-1** *Construction of the proposed project would violate SCAQMD's air quality standards for NO_x and would contribute to an existing or projected air quality violation.* As set forth in Section 3.6 of the EIR, estimated emissions of NO_X for the maximum day of activity are 134 pounds, which would exceed the 100 pound per day threshold. The exceedence of the NO_x emissions threshold would be a significant impact. Mitigation measure AIR-A is would be required as a condition of the project to reduce NO_x emissions below the SCAQMD significance thresholds (Final EIR, p. 3.6-12)).

Finding: The County finds that 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. Specifically, AIR-A, set forth below, would reduce impacts from NO_x below the SCAQMD significance threshold.

AIR-A The contractor shall provide a plan, for approval by the Los Angeles County Department of Public Works (DPW), demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 25 percent nitrogen oxide (NO_X) reduction. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

The construction contractor shall submit to the DPW a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the construction contractor shall provide DPW with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

All property owners within 300 feet of the proposed storm drain construction zone shall be notified, in writing, of the proposed construction schedule. Contact information for questions or to report air quality violations shall be provided, including phone numbers for the Department of Public Works inspector, area engineer, and office engineer. The notification, by standard mail, shall be delivered at least two weeks prior to the start of work.

Rationale/Supporting Explanation: Construction of the project would create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. Mobile source emissions, primarily NO_X, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. The principal sources of pollutant emissions during construction are construction equipment engine exhaust and fugitive dust. In construction equipment exhaust, the principal pollutants of concern are NO_X and VOC, the primary constituents in the formation of O_3, which is a regional nonattainment pollutant for Los Angeles County.

As discussed in the Final EIR with respect to Impact AIR-1, emissions of NO_X during the heaviest construction activities would exceed the CEQA significance thresholds set by SCAQMD by 34 pounds per day, and would be significant (Final EIR p. 3.6-12). Mitigation measure AIR-A would reduce these impacts below the SCAQMD significance thresholds.

Instead of requiring any one particular means for reducing project-related NOx emissions, mitigation measure AIR-A identifies a project wide fleet-average 25 percent NOx reduction. This provides some flexibility for the construction contractor to achieve the target reductions without mandating a specific method of emission reductions. A similar 20 percent reduction target has been adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD) to meet the CEQA requirements to implement "all feasible mitigation." No such targets have been adopted by the SCAQMD.

As discussed in the EIR, the most effective means of NOX emission reduction for diesel engines include cooled exhaust gas recirculation (EGR), diesel oxidation catalysts, lean NOx catalysts, and low NOx fuels. Some combination of these technologies may be used to reach the 25% NOx reduction requirement identified in Mitigation Measure AIR-A. Application of the above methods to all off-road and on-road diesel engine powered equipment on a project of this scale may not be feasible due to the cost of implementation and the availability of these materials.

The fleet of construction equipment described in Table 2-2 of the Final EIR has total horsepower of greater than 1500 hp but less than 20,000 hp. For the purpose of regulating NOx reduction requirements, the fleet for the Termino Avenue Drain project is classified as a medium sized fleet. Contractors with medium sized fleets are required to start reporting the NOx emissions of their equipment in 2009, and to meet the regulatory limits in 2010.

There are 4 levels of diesel engines in operation in California today classified from the older Tier 0 to the newer and cleaner Tier 3. Tier 4 engines –which will be the only engines that meet both NOx and PM requirements—are not expected to be available in significant quantity until 2014. Tier 3 is the best technology that is expected to be available in 2009 when the Termino Avenue Drain project begins. A study conducted by Justice & Associates for the Construction Industry Air Quality Coalition estimated that it would cost an average of $77,000 to replace the engines in older equipment with Tier 3 engines. For the Termino Avenue Drain project, the contractor would have to replace 31engines at a cost of $2.4 million to upgrade the fleet to the best technology available. This assumes that there are existing Tier 3 replacement engines for all equipment. Currently, there are a limited number of models capable of being replaced due to physical limitations on the machine for additional cooling systems or other engineering design requirements needed to meet Tier 3 emissions levels. The contractor would be required to purchase expensive new machines. Loaders in the horsepower range that would be used by the contractor cost an average of approximately $100,000. New cranes can cost from $300,000 to $5 million. Accordingly, the cost associated with additional mitigation beyond that required in the EIR would be economically infeasible.

5.5 HAZARDOUS MATERIALS – RELEASE OF HAZARDOUS MATERIALS

Significant Impact: **HAZ-2** *The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment.* As set forth in Section 3.10 of the EIR, the project would potentially create a significant hazard to the public or the environment during excavation, resulting in a significant impact. Mitigation would be required to reduce these impacts to a less than significant level.

Finding: The County finds that 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. Specifically, the following mitigation measures the significant effect of Impact HAZ-2 to a less than significant level.

HAZ-A Prior to any excavation activities within the proposed storm drain alignment south of Colorado Street, groundwater monitoring wells shall be installed to quantify the groundwater flow and to collect samples to be tested for contaminants. Site specific Maximum Contaminant Levels (MCLs) shall be applied by the Regional Water Quality Control Board (RWQCB). Should groundwater contamination levels exceed RWQCB MCLs, any water encountered during excavation or dewatering activities shall be handled using one of three methods: discharge to a sanitary sewer system, transport offsite using a disposal contractor, or discharge into a storm drainage system in compliance with a National Pollution Discharge Elimination System (NPDES) permit. The Los Angeles County Department of Public Works shall choose any of these three methods, as they are

all acceptable to RWQCB and are all equally effective at contaminant removal. Specific mitigation requirements for each of the three options are discussed below.

Disposal in Sanitary Sewer System

Prior to construction, the construction contractor would coordinate with the County Sanitation Districts to determine the applicable disposal requirements. A written agreement would be obtained describing the testing, monitoring, and disposal requirements for the dewatering effluent. Based on the level of contamination identified at the site, best available technology (BAT) economically achievable would be implemented to ensure that pollutant concentrations in the wastewater discharge did not exceed the disposal requirements. If the treated effluent is discharged only into the sanitary sewer system, an NPDES permit would not be required; however, a permit would be required from the Sanitation Districts.

Transport Offsite

Under this option, dewatering effluent would be removed from the site by a licensed commercial transportation, storage, and disposal (TSD) contractor. If all dewatering effluent is transported offsite to an approved disposal facility, an NPDES permit would not be required.

Discharge into Storm Drainage System

Under this option, the construction contractor would coordinate with the RWQCB regarding the disposal of dewatering effluent in local storm drains. If contamination levels exceeded RWQCB effluent limitations, the project must comply with RWQCB's Order No. 97-043. Best Management Practices (BMPs) and BAT would be implemented to ensure that pollutant concentrations in the wastewater discharge would not cause violation of any applicable water quality objective for the receiving waters, including discharge prohibitions. In addition, BAT would be implemented to ensure that the discharges would not cause acute nor chronic toxicity in receiving waters. If groundwater contamination is found in the dewatering effluent, water would be treated by granular activated carbon (GAC) or other accepted treatment to remove dissolved-phase hydrocarbons. If necessary, a second absorption media consisting of clay would be used to remove methyl tertiary-butyl ether (MTBE) and other fuel oxygenates. Dewatering activities would be monitored under RWQCB's Monitoring and Reporting Program.

HAZ-B A special excavation criteria area has been designated for approximately 250 feet of PE right-of-way south of the intersection of 4th Street and Park Avenue. Soils excavated from this area shall not be used for backfill. The soils shall be segregated and covered

during construction and shall be hauled to a Class I landfill or other appropriate soil treatment and recycling facility.

Rationale/Supporting Explanation: Samples collected from the proposed alignment in the vicinity of Colorado Lagoon and Marine Stadium indicated high levels of hydrocarbons and VOCs. As such, excavation of impacted soils and groundwater would potentially expose workers to contamination. Soil exposure pathways would include inhalation of particles, absorption through skin from contact, and inhalation of vapors from VOCs in soil during construction activities such as excavation and dredging. Groundwater encountered during excavation and dredging activities would create exposure pathways through the absorption of pollutants through skin and the inhalation of vapors from the contaminated water. The mitigation measures identified above would reduce impacts associated with soil and groundwater contamination in the vicinity of Marine Stadium by avoiding potential exposure during construction and implementing proper disposal requirements. Mitigation measure HAZ-A identifies methods for disposal of contaminated groundwater south of Colorado Street (if encountered); whereas, measure HAZ-B requires special handling and disposal of all excavated soils for approximately 250 feet of PE right-of-way south of the intersection of 4th Street and Park Avenue. Construction impacts would be reduced a less than significant level with implementation of these mitigation measures (Final EIR, p. 3.10-13).

CHAPTER 6
SIGNIFICANT ENVIRONMENTAL IMPACTS

The following Findings for project impacts refer to the significant environmental effects of the project for which feasible mitigation measures are not available to avoid or substantially lessen the significant environmental effects to below a level of significance. The impacts would remain significant and unavoidable.

6.1 AIR QUALITY –SENSITIVE RECEPTORS, CUMULATIVE IMPACTS

Significant Impact: **AIR-3** *Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations.* As set forth in Section 3.6 of the Final EIR, residences located near to the main storm drain work areas would be exposed to PM_{10} and $PM_{2.5}$ emissions in excess of SCAQMD's Localized Significance Thresholds (LST) during construction of the storm drain. This impact would be significant and unavoidable.

Finding: The County finds that changes or alterations have been required in, or incorporated into, the project which lessens the significant environmental impact as identified in the Final EIR. In addition to the implementation of SCAQMD Rule 403, mitigation measures are provided in the EIR to reduce PM emissions during construction, including watering and fill material hauling requirements described in Mitigation Measures AIR-B (Final EIR, p. 3.6-16). After implementation of these measures, PM_{10} and $PM_{2.5}$ emissions would still exceed the LST thresholds and the County finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation.

Rationale/Explanation: As set forth in Section 3.6 of the Final EIR, the SCAQMD has promulgated voluntary standards and methodology for calculation of impacts based on LST (SCAQMD 2003). Since residences are located close to the main storm drain work areas, an LST screening analysis was conducted for this project. Construction emissions for the LST analysis were calculated in accordance with the SCAQMD methodology described in Section 3.6.3 (Final EIR, p. 3.6-14). Results are shown in Table 3.6-6. According to the SCAQMD methodology, "if the calculated emissions for the proposed construction or operational activities are below the LST emission found on the LST lookup tables, then the proposed construction or operation activity is not significant" (SCAQMD 2005d).

As shown in Table 3.6-6, PM_{10} and $PM_{2.5}$ emissions would exceed the LST thresholds. The mitigated PM emissions in Table 3.6-6 represent emissions after dust mitigation allowed by URBEMIS. As mentioned above, the project would comply with SCAQMD Rule 403 for dust control. Not all measures included in Rule 403 can be quantified in URBEMIS; therefore, the emission reductions would likely be greater than those shown above. Additionally, excavation activities would not occur near a particular receptor for more than 1 to 2 days, before construction activities are completed. Thus, the LST analysis for the Termino Project is not representative of a construction project where receptors would be exposed to

construction emissions for a longer period. Although impacts from local emissions of the proposed project to sensitive receptors would likely be less than indicated in the above table, because the daily emissions would exceed the LST thresholds, impacts would be significant and unavoidable.

Significant Impact: **Cumulative Air Quality Impact** *Construction of the proposed project would contribute to a cumulative air quality impact.* As set forth in Section 4.0 of the EIR, the proposed project, in conjunction with other cumulative projects in the area, would generate short-term air pollutant emissions from construction. No long-term emissions would result from operation of the project. Each of the related projects would have construction emissions and would generate additional vehicle trips in the project vicinity, contributing to existing air quality violations. All projects would be required to comply with the SCAQMD's air pollution control measures and rules. Implementation of these measures would reduce air emissions; however, cumulative air quality impacts related to PM_{10} and $PM_{2.5}$ emissions from construction of the project and other cumulative projects in the area would be significant and unavoidable. Implementation of SCAQMD Rule 403 would reduce PM emissions, emissions of PM_{10} and $PM_{2.5}$ during project construction would remain above the SCAQMD's LST thresholds (Final EIR, p. 4-7).

In addition to the cumulatively significant PM_{10} and $PM_{2.5}$ emissions, the proposed project would also result in significant unavoidable cumulative impacts related to global climate change. Short-term sources of project-generated greenhouse gas (GHG) emissions would be the off-road construction equipment and on-road vehicles used for site preparation, grading, and construction of the site facilities. The combustion of gasoline and diesel fuel results in the generation of CO_2, methane, and nitrous oxide. As such, operation of the construction equipment associated with the project would generate emissions that would exceed existing levels and contribute to global warming impacts. Specifically, the project would generate 2,561 tons of CO_2 emissions. Mitigation measure AIR-A would reduce the project's contribution to global climate change; however, given the magnitude of the impact (2,561 tons of CO_2 emissions), the impacts would remain significant and unavoidable (Final EIR, p. 4-7). In the absence of defined regulations for the determination of significance for GHG emissions, DPW has conservatively determined that for the purposes of this EIR, the proposed project's contribution to GHG emissions would be significant.

Finding: The County finds that changes or alterations have been required in, or incorporated into, the project which lessens the significant cumulative air quality and climate change impacts identified in the Final EIR. In addition to the implementation of SCAQMD Rule 403, mitigation measures are provided in the EIR to reduce PM emissions during construction, including the watering and fill material hauling requirements described in Mitigation Measures AIR-B (Final EIR, p. 3.6-16). Additionally, implementation of Mitigation Measure AIR-A requires the heavy-duty off-road vehicles to achieve a project wide fleet-average 25 percent NO_x reduction compared to the most recent CARB fleet average at time of construction. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. Despite implementation of these measures, PM_{10} and

$PM_{2.5}$ emissions would still exceed the LST thresholds, and construction activities would still create significant quantities of GHG emissions. The County finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation.

Rationale/Supporting Explanation: As set forth in Section 3.6 of the Final EIR, the construction emissions for the LST analysis were calculated in accordance with the SCAQMD methodology described in Section 3.6.3 (Final EIR, p. 3.6-14). As shown in Table 3.6-6, PM_{10} and $PM_{2.5}$ emissions would exceed the LST thresholds. As mentioned above, the project would comply with SCAQMD Rule 403 for dust control. Because the daily emissions would exceed the LST thresholds after implementation of the Rule 403 measures, impacts would be significant and unavoidable.

As discussed above, impacts related to GHG emissions during construction would remain significant and unavoidable after implementation Mitigation Measure AIR-A. Instead of requiring any one particular means for reducing project-related NO_x emissions, mitigation measure AIR-A identifies a project wide heavy-duty construction fleet-average 25 percent NO_x reduction. This provides some flexibility for the construction contractor to achieve the target reductions without mandating a specific method of emission reductions. A similar 20 percent reduction target has been adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD) to meet the CEQA requirements to implement "all feasible mitigation." No such targets have been adopted by the SCAQMD.

As discussed in the EIR, the most effective means of NO_x emission reduction for diesel engines include cooled exhaust gas recirculation (EGR), diesel oxidation catalysts, lean NO_x catalysts, and low NO_x fuels. Some combination of these technologies may be used to reach the 25% NO_x reduction requirement identified in Mitigation Measure AIR-A. Application of the above methods to all off-road and on-road diesel engine powered equipment on a large project, however, would not be feasible due to the cost of implementation and the availability of these materials.

The fleet of construction equipment described in the EIR has total horsepower of greater than 1500 hp but less than 20,000 hp. For the purpose of regulating NO_x reduction requirements, the fleet for the Termino Avenue Drain project is classified as a medium sized fleet. As required by the California Air Resources Board's (CARB's) *Regulation for In-Use Off-Road Diesel Vehicles* (final rule approved May 16, 2008), contractors with medium sized fleets are required to start reporting the NO_x emissions of their equipment in 2009, and to meet the regulatory limits in 2013.

There are 4 levels of diesel engines in operation in California today classified from the older Tier 0 to the newer and cleaner Tier 3. Tier 4 engines –which will be the only engines that meet both NO_x and PM requirements—are not expected to be available in significant quantity until 2015, when the new CARB standards take affect. Tier 3 is the best technology that is expected to be available in 2008 when the Termino Avenue Drain project begins. A study conducted by Justice & Associates for the Construction Industry Air Quality Coalition estimated that it would cost an average of $77,000 to replace the engines in

older equipment with Tier 3 engines[1]. For the Termino Avenue Drain project, the contractor would have to replace 31engines at a cost of $2.4 million to upgrade the fleet to the best technology available. This assumes that there are existing Tier 3 replacement engines for all equipment. Currently, there are a limited number of models capable of being replaced due to physical limitations on the machine for additional cooling systems or other engineering design requirements needed to meet Tier 3 emissions levels. The contractor would be required to purchase expensive new machines. Loaders in the horsepower range that would be used by the contractor cost an average of approximately $100,000. New cranes can cost from $300,000 to $5 million[2]. Accordingly, the cost associated with additional NO_x reduction mitigation beyond that required in the EIR would be economically infeasible.

6.2 NOISE – CONSTRUCTION NOISE AND VIBRATION, EXCEED ESTABLISHED STANDARDS, CUMULATIVE NOISE

Significant Impact: **NOISE-1** *Construction of the proposed project would create a substantial temporary or periodic increase in ambient noise levels, including groundborne noise levels, in the vicinity of the project, in excess of existing noise levels without the project.* As set forth in Section 3.7 of the EIR, the nearest sensitive noise receptors to the project main alignment and laterals are residences, with some homes within 50 feet of the alignment. During pavement breaking, grading and excavation for foundations and utilities, exterior noise levels at the nearest homes may approach 90 dBA for very short periods, and may occasionally exceed 75 dBA L_{eq} for an hourly average, which would exceed measured ambient noise levels by as much as 28 dBA L_{eq}. Although the proposed construction activities would comply with the City's noise standards; construction noise levels in some areas would cause disturbance and interfere with daily activities, resulting in a significant impact. Therefore, project construction would required be to implement Mitigation Measures NOISE-A and NOISE-F as provided below to minimize the disturbance to nearby residents. Impacts would remain significant after mitigation.

The nearest residences to the pile driving operations at Marine Stadium would be the homes on East Paoli Way, approximately 120 feet away. Construction operations would result in varying degrees of temporary ground vibration, largely from pile driving. Vibrations would be perceived for short periods when the driver strikes the pile; however, there would be virtually no risk of architectural or structural damage. However, the anticipated maximum vibration would be greater than the City standard as stated in section 8.80.200 of the City's ordinances. As such, vibration from the project construction would be a significant impact. In addition, the disturbing and unusual nature of the impact from the pile driver, a significant impact would result with respect to the noise of the pile driving. Implementation of mitigation measures NOISE-A through NOISE-F would reduce the pile-driving noise and vibration at nearby residents to the extent practical; however, noise levels and vibration amounts would still exceed City thresholds at the nearest residences (Final EIR, p. 3.7-13).

[1] Construction Industry Air Quality Coalition, Off-Road Cost of Compliance - http://www.cleanairconstruction.org
[2] http://www.biggecranesales.com

Finding: The County finds that changes or alterations have been required in, or incorporated into, the project which lessens the significant environmental impact as identified in the Final EIR. Specifically, NOISE-A through NOISE-F, set forth below, would reduce construction noise impacts. However, noise levels would remain above the City's noise thresholds at nearby sensitive receptors, and the County finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation.

NOISE-A Best management practices (BMPs) for construction noise shall be implemented for the duration of construction of the proposed project. Such BMPs shall include the following:

- The project contractor shall plan and schedule construction activities to minimize the simultaneous operation of diesel-engine powered equipment near residences or other sensitive receptors, so as to minimize noise levels resulting from operating several pieces of high noise level-emitting equipment.
- Construction equipment shall be fitted with state-of-the-art noise shielding and muffling devices to reduce noise levels to the maximum extent feasible.
- Stationary sources, such as message boards for traffic control, that would be located within 500 feet of residences shall be solar or battery powered, or connected to the local power grid, i.e., not powered by an internal combustion engine.
- Equipment maintenance and staging areas shall be located as far away from the residences as feasible.

NOISE-B Pile driving and jack hammering shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on weekends and state and federal holidays. No weekend construction shall occur without a permit from the City of Long Beach noise control officer.

NOISE-C The contractor shall establish a noise complaint and response procedure that includes a 24-hour telephone number for complaints, and a procedure where a field engineer/construction manager will respond to and investigate the complaints and take corrective action if necessary in a timely manner. Complaints after normal working hours may be received by voice mail.

NOISE-D All residences within 100 feet of planned jack hammering and similar pavement breaking activities shall be notified of the planned activities prior to the start of work. The notification shall advise that there will be loud noise and potentially perceived vibration associated with the construction, and shall state the date, time, and planned duration of

the planned activities. The notification shall provide a telephone contact number for affected parties to ask questions and report any unexpected noise impacts.

NOISE-E Project specifications shall require the pile driving equipment to be equipped with noise reduction that would limit the maximum impact noise to 90 dBA at 50 feet. Alternatively, the contractor may erect temporary noise barriers that would limit the maximum impact noise to 80 dBA at the nearest residences.

NOISE-F All residences within 300 feet of planned pile driving activities shall be notified of the planned activities prior to the start of work. The notifications, by standard mail, shall be delivered at least two weeks prior to the start of work. The notification shall advise that there will be loud noise associated with the construction, and shall state the date, time, and planned duration of the planned activities. The notification shall provide a telephone contact number for affected parties to ask questions and report any unexpected noise impacts.

Rationale/Explanation: As discussed above, some construction activities would occur within 50 feet of sensitive receptors. In these areas, construction noise levels would potentially cause disturbance and interfere with daily activities, resulting in a significant impact. Mitigation measures NOISE-A through NOISE-F would reduce the potential noise impacts; however, intermittent noise levels would likely exceed the established noise thresholds during more intensive construction activities, including pile driving in Marine Stadium. As discussed in Section 2 of the Final EIR, the proposed project would be constructed in continuous operation in sections, with the longest section being approximately 1,700 feet. Construction would progress approximately 100 feet per day, and no one residential block would typically be disturbed during construction for more than approximately 3 to 5 weeks. Because the construction activities would occur within a relatively narrow 2-mile corridor, noise impacts would only affect a given receptor for a short period of time before activities move to the next section. Accordingly, implementation of additional mitigation measures such as noise barriers or sound blankets along the proposed alignment would not be practical or feasible, given that: (a) normal construction activities would not exceed noise thresholds; (b) intensive construction activities would typically not occur within 50-feet of a given sensitive receptor for more than a few days; (c) the construction corridor is two miles in length.

As discussed above, construction operations would result in varying degrees of temporary ground vibration, largely from pile driving near Marine Stadium. Although no architectural or structural damage is anticipated, the disturbing and unusual nature of the impact from the pile driver would result in a significant impact. Implementation of mitigation measures NOISE-B would limit the hours of operation for pile driving activities and measure NOISE-C would provide a mechanism for issuing and responding to noise complaints. Additionally, all residences within 300 feet of planned pile driving activities would be notified of the planned activities prior to the start of work. Mitigation measure NOISE-F would require the pile driving equipment to be equipped with noise reduction that would limit the maximum impact noise to 90 dBA at 50 feet or, alternatively, the contractor would be required to erect temporary

noise barriers that would limit the maximum impact noise to 80 dBA at the nearest residences. No additional feasible measures are available to further reduce the potential short-term noise impacts associated with pile driving activities. The cost of installing permanent noise barriers would not be feasible, given that pile driving activities would only occur for a short duration during installation of the cofferdam at Marine Stadium, which is expected to be completed in less than one week.

Significant Impact: **NOISE-3** *The proposed project would generate or expose people to excessive groundborne vibrations.* As set forth in Section 3.7, pile driving would occur only at the Marine Stadium area. At Marine Stadium, residences are the nearest approximately 120 feet from the work areas, and maximum vibration at these receptors would be anticipated to be in the range of 0.06 to 0.14 inches per section peak particle velocity (in/sec ppv) (0.009 to 0.021 g). Thus, vibrations would be perceived for short periods when the driver strikes the pile; however, there would be virtually no risk of architectural or structural damage. The anticipated maximum vibration would be less than the 0.2 in/sec ppv Caltrans standards, but would be greater than the City standard as stated in section 8.80.200 of the City's ordinances. As such, vibration from the project construction would be a significant impact. Mitigation Measures NOISE-B though NOISE-D are included in Section 3.7.4 below to minimize the disturbance to nearby residents. Construction impacts would remain significant and unavoidable (Final EIR, p. 3.7-14).

Finding: The County finds that changes or alterations have been required in, or incorporated into, the project which lessens the significant environmental impact as identified in the Final EIR. Specifically, NOISE-B through NOISE-D, set forth above, would reduce construction noise impacts. However, noise levels would remain above the City's noise thresholds at nearby sensitive receptors, and the County finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation.

Rationale/Explanation: As discussed above, construction operations would result in varying degrees of temporary ground vibration, largely from pile driving near Marine Stadium. Although Caltrans vibration standards would not be exceeded, pile driving activities near Marine Stadium would exceed the City's standards. This impact would only occur during the installation of the cofferdam, which is expected to be completed in less than one week. Mitigation measures NOISE-B through NOISE-F would reduce vibration-related impacts; however, impacts would remain significant and unavoidable during the short-duration pile-driving activities. No additional feasible measures are available to further reduce the potential short-term vibration impacts associated with the short-duration pile driving activities.

Significant Impact: **NOISE-4** *The proposed project would expose people to noise levels in excess of standards established in a local general plan or noise ordinance, or in other applicable local, state, or federal standards.* As set forth in Section 3.7, some noise levels during construction would exceed the standards of the Noise Element of the General Plan and sections 8.80.150, 8.80.170, and 8.80.200 of the City ordinances. Therefore, project construction noise would be a significant impact. Mitigation Measures NOISE-A and NOISE-F, set forth above, would minimize the disturbance to nearby residents.

However, construction noise levels would still exceed City noise standards (Final EIR, p. 3.7-14 and 3.7-15).

Finding: The County finds that changes or alterations have been required in, or incorporated into, the project which lessens the significant environmental impact as identified in the Final EIR. Specifically, NOISE-A through NOISE-F, set forth above, would reduce construction noise impacts. However, noise levels would remain above the City's noise thresholds at nearby sensitive receptors, and the County finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation.

Rationale/Explanation: Mitigation measures NOISE-A through NOISE-F would reduce the noise impacts; however, intermittent noise levels would exceed the established noise thresholds during more intensive construction activities, including pile driving in Marine Stadium. As discussed in Section 2 of the Final EIR, construction would progress approximately 100 feet per day, and no one residential block would typically be disturbed during construction for more than approximately 3 to 5 weeks. Because the construction activities would occur within a relatively narrow 2-mile corridor, noise impacts would only affect a given receptor for a short period of time before activities move to the next section. Accordingly, implementation of additional mitigation measures such as noise barriers or sound blankets along the proposed alignment would not be practical or feasible, given that: (a) normal construction activities would not exceed noise thresholds; (b) intensive construction activities would typically not occur within 50-feet of a given sensitive receptor for more than a few days; and (c) the construction corridor is two miles in length.

Implementation of mitigation measures NOISE-B would limit the hours of operation for pile driving activities and measure NOISE-C would provide a mechanism for issuing and responding to noise complaints. Additionally, all residences within 300 feet of planned pile driving activities would be notified of the planned activities prior to the start of work. Mitigation measure NOISE-F would require the pile driving equipment to be equipped with noise reduction that would limit the maximum impact noise to 90 dBA at 50 feet or, alternatively, the contractor would be required to erect temporary noise barriers that would limit the maximum impact noise to 80 dBA at the nearest residences. No additional feasible measures are available to further reduce the potential short-term noise impacts below the City's thresholds. The cost of installing permanent noise barriers would not be feasible, given that pile driving activities would only occur for a short duration during installation of the cofferdam at Marine Stadium, which is expected to be completed in less than one week.

As discussed above, no additional feasible measures are available to further reduce the potential short-term noise impacts associated with project construction activities.

CHAPTER 7
FINDINGS REGARDING PROJECT ALTERNATIVES

Chapter 5, Project Alternatives, of the Final EIR discussed the alternatives to the proposed project in order to present a reasonable range of options. The alternatives evaluated included: No Project Alternative (Alternative 1) and Colorado Lagoon Outlet Structure Alternative (Alternative 2).

7.1 NO PROJECT (ALTERNATIVE 1)

According to the CEQA Guidelines (Section 15126.6(e)(3)(B)), the No Project Alternative is defined as the "circumstance under which the project does not proceed." The impacts of the No Project Alternative shall be analyzed "by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Under the No Project Alternative, the proposed new drainage system would not be constructed. The existing drainage system would continue to function in its current capacity.

7.1.1 ENVIRONMENTAL EFFECTS

Direct impacts associated with the proposed project would be avoided because no construction would occur under the No Project Alternative. Because the proposed excavations would not occur, temporary impacts to aesthetics, biological resources, cultural resources, geology and soils, water quality, and transportation/traffic would not occur. Additionally, no construction-related air quality and noise impacts associated with the construction of the storm drain system would occur.

However, the No Project Alternative would not benefit from the positive features of the proposed project in that it would not convey the 50-year flood; would not address flood-related damage to properties in the low-lying portions of the sub-watershed; would not convey non-storm low flows to the Los Angeles County Sanitation Districts sewer treatment plant; and would not be a feasible alternative or provide mitigation to address watershed flooding issues.

The No Project Alternative would not provide an adequate storm drain system for the project area and would not improve water quality by continuing to direct untreated low flow and storm flows into Colorado Lagoon. The No Project Alternative would also not address the issue of housing located within the existing 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map but would instead result in a continued risk of loss, injury or death involving flooding, to people and structures located within the 50-year floodplain.

7.1.2 FINDINGS

The County finds that specific economic, legal, social, technological, and other considerations make the No Project Alternative infeasible and less desirable than the proposed project. Specifically, implementation of the No Project Alternative would not result in any of the storm drain improvements outlined above and set forth in the Statement of Overriding Considerations. This alternative has also been rejected because it would not meet the most critical project objectives which are:

- Construct a storm water drainage system suitable to convey a 50-year flood event;
- Minimize flood-related damage to properties in the low-lying portions of the sub-watershed;
- Convey non-storm flows to the Los Angeles County Sanitation Districts (Sanitation Districts) sewer treatment plant; and
- Develop feasible alternatives and mitigation measures that address watershed flooding issues.

7.2 COLORADO LAGOON OUTLET STRUCTURE ALTERNATIVE (ALTERNATIVE 2)

Alternative 2 is similar to the proposed project except that the majority of stormwater flows would be conveyed to Colorado Lagoon instead of Marine Stadium. Alternative 2 would have an identical alignment north of the intersection of East 4th and Park Streets; however, two storm drain alignments would be constructed south of the intersection to convey flows to both Colorado Lagoon and Marine Stadium. The smaller storm drain would convey an initial stormwater flow into Marine Stadium, with the larger storm drain conveying additional stormwater flows into Colorado Lagoon. Similar to the proposed project, non-stormwater flows collected north of 7th Street would be diverted to the County Sanitation sewer line via a low-flow bypass pump. Similar to the proposed project, Alternative 2 would require approximately 18 to 24 months to construct.

7.2.1 ENVIRONMENTAL EFFECTS

As discussion in Chapter 5.0 of the Final EIR, impacts associated with Alternative 2 would be similar to the proposed project for land use, cultural resources, transportation and circulation, air quality, noise and vibration, geology and soils, recreation. However, some impacts would be slightly greater than the proposed project, including aesthetics, biological resources, hydrology and water quality, and hazards and hazardous materials (see Table 5.3-1 of the Final EIR). These additional impacts are associated with the construction of the Colorado Lagoon outlet structure, which would not occur under the proposed project. Although none of the significance determinations would change for this alternative, the impacts would be increased for aesthetics, biological resources, hydrology and water quality, and hazards and hazardous materials as described below. Construction-related impacts to air quality and noise would remain

significant and unavoidable under this alternative. Cumulative air quality impacts would also be significant and unavoidable during construction of this alternative.

AESTHETICS, LIGHT AND GLARE

Aesthetic and visual impacts associated with this alternative would be similar to those associated with the proposed project; however, impacts would be greater at Colorado Lagoon, since a new outlet structure would be constructed at this location. The new outlet structure would be larger than the existing structure and would be visible from several public vantage points at Colorado Lagoon and from the adjacent golf course. No significant aesthetic impacts would be anticipated, due to the County design requirements for the outlet structure discussed above and the lack of designated scenic resources in the area.

BIOLOGICAL RESOURCES

Alternative 2 would result in discharge of storm runoff to both Colorado Lagoon and Marine Stadium. A new, smaller outlet structure would be constructed at Marine Stadium, further north than for the proposed project, and construction of the cofferdam would reduce the impact area from 0.13 acre to 0.02 acre. This alternative would direct the majority of storm flows to Colorado Lagoon, whereas the proposed project would direct all flows to Marine Stadium.

Although the area of disturbance in Marine Stadium would be smaller, this alternative would still result in direct and indirect impacts to eelgrass requiring mitigation. As with the proposed project, implementation of mitigation measure BIO-B through BIO-J would reduce impacts to eelgrass at Marine Stadium to a less than significant level. Given the close proximity to the outlet structure identified for the proposed project, similar construction water quality effects would be anticipated for this alternative and the same mitigation measures would be required. However, the magnitude of these impacts would be reduced, since the outlet structure would be smaller and construction activities would disturb a smaller footprint. As with the proposed project, impacts to green sea turtles, California sea lions, and Pacific harbor seals would be mitigated to less than significant levels through implementation of mitigation measures BIO-K through BIO-O.

The temporary cofferdam at Colorado Lagoon would create new impacts to biological resources that would not occur under the proposed project. Impacts to marine benthic organisms and fish associated with construction of the cofferdam in Marine Stadium would be similar in Colorado Lagoon. In addition, construction in Colorado Lagoon would impact shoreline pickleweed habitat, which would be removed during construction. Impacts to pickleweed would require additional mitigation measures to reduce adverse impacts to a less than significant level.

In addition, the cofferdam would be located at the western arm of Colorado Lagoon, which is heavily contaminated based on sediment sampling results (City of Long Beach 2004b). The dredging required for construction of the cofferdam would release contaminated materials into the water column, which would result in adverse impacts to marine benthic organisms and fish in Colorado Lagoon.

As discussed under Hydrology and Water Quality below, there would be greater reductions in salinity levels in Colorado Lagoon during storm events, and the time required for return to normal salinity levels would be greater than under the proposed project. Implementation of construction BMPs and mitigation measures as required for the proposed project would be expected to reduce biological resource impacts to a less than significant level.

As with the proposed project, the County would be required to obtain permits from the U.S. Army corpso of Engineers (ACOE), Clean Water Act (CWA) Section 404 and RWQCB, CWA Section 401 for this alternative. In addition, this alternative would be required to comply with the regulations of the California Coastal Commission (CCC), as outlined in the LCP.

HYDROLOGY AND WATER QUALITY

Alternative 2 would increase stormwater flow volume and velocity at the Colorado Lagoon and Marine Stadium outfall structures. This alternative would also include energy dissipater blocks and woven geotextile fabric at the outfall structures to reduce storm water flow velocity and prevent erosion. As such, impacts from erosion from drainage alteration would be less than significant for this alternative.

Construction-related water quality and hydrology impacts would be similar to the proposed project; however, additional impacts would occur at Colorado Lagoon, where a new outlet structure would be created for this alternative. Colorado Lagoon is a 303(d) listed water body with impairments to the beneficial uses due to contaminated sediment (lead, organochlorine pesticides, polychlorinated biphenyls, and metals) in the western arm of the lagoon near the proposed outfall location. Dredging and installation of the temporary cofferdam would suspend sediment in the water column, leading to an increase in turbidity and possible migration of contaminated sediments. However, these localized impacts would occur in an already-contaminated area and would not be significant if Mitigation Measures BIO-F through BIO-J are implemented during construction.

During construction, adherence to the BMPs established in the SWPPP would reduce sediment-laden runoff, prevent the migration of contaminants from construction areas to Colorado Lagoon and Marine Stadium, and ensure that stormwater discharges would not violate applicable water quality standards. As such, construction-related impacts to water quality from stormwater runoff would be reduced to a less than significant level for this alternative

As with the proposed project, Alternative 2 would increase pollutant loadings in Marine Stadium and decrease loadings in Colorado Lagoon as this alternative would divert approximately 50 percent of flood flows to Marine Stadium. Similar to the proposed project, there would be a 50 percent reduction of pollutants due to tidal dilution in Marine Stadium within one day following a storm flow, and overall system water quality would improve. In addition, the catch basin screens and diversion of low flows originating north of 7th Street to the sanitary system would improve water quality by diverting dry flows, and pollutant loading due to re-suspension during high velocity storm flows would be reduced with the

implementation of the energy dissipater and geotextile fabric. Impacts to water quality during project operation would be less than significant under Alternative 2, as with the proposed project.

This alternative would decrease flood elevations only slightly within Colorado Lagoon when compared to existing conditions. Alternative 2 would only divert approximately 93 acre-feet of water from Colorado Lagoon, reducing the maximum 50-year flood elevation in the lagoon to 6.4 feet National Geodetic Vertical Datum (NGVD) from 6.9 feet NGVD. Because the lowest point surrounding the lagoon is at an elevation of 5.5 feet NGVD, flooding would still occur under Alternative 2. Flooding would be reduced under this alternative compared to existing conditions; however, impacts would be greater than the proposed project.

As with the proposed project, Alternative 2 would not place housing or structures that would impede flow in the 100-year flood zone, interfere with groundwater recharge, or create runoff which would exceed the capacity of storm drains. Overall, impacts to hydrology and water quality would be less than significant under Alternative 2 as it would represent an improvement over the existing condition. Impacts would, however, would be greater for this alternative than for the proposed project.

HAZARDS AND HAZARDOUS MATERIALS

Impacts related to hazards would be similar to the proposed project, with one primary exception. Unlike the proposed project, which would discharge storm water flows into Marine Stadium, Alternative 2 would also discharge storm flows into Colorado Lagoon. Sediment sampling in the vicinity of the proposed outlet structure in Colorado Lagoon has indicated significantly higher concentrations of lead, organochlorine pesticides, polychlorinated biphenyls, and metals. Energy dissipater blocks and geotextile fabrics would be installed at the outlet structure and impacts from operational-related hazardous material release from scour and re-suspension would be reduced to a less than significant level; however, workers would be exposed to contaminated soils and groundwater during dredging and dewatering activities associated with installation of the coffer dam. Two mitigation measures are provided in the Final EIR to reduce impacts associated with contaminated soil and groundwater to a less than significant level for this alternative.

7.2.2 FINDINGS

The County finds that specific economic, legal, social, technological, and other considerations make Alternative 2 infeasible and less desirable than the proposed project. While Alternative 2 would reduce impacts to eelgrass and marine resources in Marine Stadium and would reduce aesthetic impacts at Marine Stadium by reducing the size of the outfall structure, this alternative would also increase aesthetic impacts at Colorado Lagoon, and create new impacts to biological resources, hydrology and water quality, and hazards and hazardous materials from construction of the Colorado Lagoon outlet structure. This alternative would provide similar flood protection benefits and would meet most of the basic objectives of the proposed project. Due to the additional impacts associated with construction at

Colorado Lagoon, Alternative 2 does not achieve a level of environmental protection that warrants approval in lieu of the approved project and the County rejects this alternative.

The County finds that the range of alternatives studied in the EIR reflects a reasonable range of alternatives that would potentially be capable of reducing the environmental effects of the proposed project, while accomplishing most of the basic project objectives. The County finds that the alternatives analysis is sufficient to inform the Board of Supervisors and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the County's ability to achieve its project objectives. Based on impacts identified in the EIR, and other reasons described above, the County finds that adoption and implementation of the Project as approved is the most desirable, feasible, and appropriate action.

CHAPTER 8
STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the County has balanced the benefits of the proposed Termino Avenue Drain Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 8.

8.1 SIGNIFICANT UNAVOIDABLE IMPACTS

Based on the information and analysis set forth in the Final EIR and the record of proceedings, construction of the proposed project would result in significant impacts related to air quality and noise. Since residences are located immediately adjacent to the main storm drain work areas, an LST screening analysis was conducted for this project. Construction emissions for the LST analysis were calculated in accordance with the SCAQMD methodology described in Section 3.6.3 (Final EIR, p. 3.6-14). As shown in Table 3.6-6, PM_{10} and $PM_{2.5}$ emissions would exceed the LST thresholds by 15.58 and 3.13 pounds per day, respectively, resulting in significant and unavoidable impacts. Additionally, off-road construction equipment and on-road vehicles used for site preparation, grading, and construction of the site facilities would generate emissions that would exceed existing levels and contribute to global warming impacts. Specifically, the project would generate 2,561 tons of CO_2 emissions. In addition to the project-specific impacts, cumulative air quality impacts related to PM_{10}, $PM_{2.5}$, and GHG emissions from construction of the project and other cumulative projects in the area would also be significant and unavoidable.

In addition to the short-term air quality impacts, the project would also exceed City of Long Beach ordinances relating to construction noise and vibration levels experienced by sensitive receptors. During pavement breaking, grading and excavation for foundations and utilities, exterior noise levels at the nearest homes may approach 90 dBA for very short periods, and may occasionally exceed 75 dBA L_{eq} for an hourly average, which would exceed measured ambient noise levels by as much as 28 dBA L_{eq}. For persons outside, these noise levels would be disturbing and would interfere with normal speech. These noise levels may also be disturbing at locations inside structures, especially if windows are open and could interfere with daily activities. In addition, sensitive receptors near Marine Stadium would experience significant noise and vibration impacts in excess of the City's noise and vibration standards during pile driving activities for the cofferdam construction.

8.2 PROJECT BENEFITS

The County has (i) independently reviewed the information in the Final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) balanced the project's benefits against the project's significant unavoidable construction-related air quality and noise impacts. The County finds that the project's benefits outweigh the project's temporary significant unavoidable impacts, and chooses to approve the Project, despite its significant and unavoidable effects, because, in its view, those impacts are considered acceptable in light of the project's benefits. The County finds that each of the following benefits is an overriding consideration, independent of the other benefits, which warrants approval of the project notwithstanding the project's significant unavoidable impacts to air quality and noise. Substantial evidence supports the various benefits. Such evidence can be found in the preceding findings, which are incorporated by reference into this section, the Final EIR, and the documents which make up the Record of Proceedings. Construction of the Termino Avenue Drain would provide public benefits described below.

8.2.1 IMPROVED FLOOD PROTECTION

The proposed project area is located in the southern portion of the San Gabriel River watershed, which has historically experienced flooding problems. In 1995, severe flooding of up to 5 feet caused extensive property damage in the southern portion of the watershed, including interior flooding of buildings and automobiles (see Appendix A, Storm Photos – Termino Avenue). Portions of the watershed are located in a special flood hazard area as designated by the Federal Emergency Management Agency (FEMA). In 1983, the City amended its General Plan with the adoption of FEMA maps, which indicate the areas subject to flooding in 100- and 500-year frequency flood events. The existing drainage system in this portion of the watershed is not sufficient to convey the maximum runoff that would be generated on average once every 50 years during what is known as a 50-year flood event.

The proposed project would construct a storm water drainage system suitable to convey a 50-year flood event, which would greatly reduce flood-related damage to properties in the low-lying portions of the 596-acre sub-watershed. Once operational, the new storm drain system would reduce the potential for flooding above the curb lines from approximately Atherton Street on the north to Colorado Street on the south and from Redondo Avenue on the west to Park Avenue on the east. Increased flood protection would be provided for approximately 40 properties within the designated Zone AH[1] on FEMA's *National Flood Insurance Program Flood Insurance Rate Map, FIRM Panel 0601360025C*. Added drainage protection would also be provided for 183 acres below Colorado Street that currently drains into Colorado Lagoon. In addition, future laterals could be connected to this major backbone drain, resulting in even greater flood protection benefits in other parts of the San Gabriel Watershed.

[1] FEMA-designated AH Zones are areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage.

The proposed project would divert approximately 200 acre-feet of water from Colorado Lagoon directly to Marine Stadium. Accordingly, the 50-year flood water elevations for Colorado Lagoon would be decreased to 4.2 feet NGVD, which is below the lowest perimeter elevations surrounding the Lagoon, confining flood water to within the Lagoon. Because of the substantial capacity within the receiving waters of Marine Stadium, the hydrologic analysis prepared for the EIR concluded that the flooded area of Marine Stadium would not increase and the 50-year flood water elevation in Marine Stadium would remain at 3.6 feet NGVD. This would greatly reduce potential flood-related damages in the vicinity of Colorado Lagoon compared to existing conditions.

Given the high level of County, City, and community support, the broad scope of the flooding problems, and the possible elimination of a FEMA-designated AH zone, the flood-related benefits of the proposed project would be considerable.

8.2.2 WATER QUALITY ENHANCEMENT

The proposed project would improve water quality by eliminating an existing source of urban runoff into Colorado Lagoon. In addition, catch basin screens and a low-flow treatment pumping station would be installed to improve water quality. The catch basin screens would be installed in all catch basins to remove suspended solids and water-borne litter and debris, known as floatables, from the urban runoff and light storm flows. The low-flow pumping station would improve water quality by diverting non-rainy season low flows originating north of 7th Street to the County's sewage treatment system.

Currently, all low-flow dry-weather flows drain into Colorado Lagoon, which is a 303(d) listed water body. Analysis of sediment samples collected from the Lagoon concluded that significantly higher concentrations of pollutants are located at the northwest portion of the Lagoon, where the existing Termino Avenue Project 452 Drains discharge. Implementation of the proposed project would redirect non-stormwater flows to an existing County sanitary sewer line, significantly decreasing contaminant loadings into Colorado Lagoon compared to the existing conditions.

Approximately 70 percent of the flood flows would be redistributed away from Colorado Lagoon to Marine Stadium. As a result, the proposed project would decrease pollutant loadings in Colorado Lagoon and increase pollutant loadings into Marine Stadium. The pollutant load analysis determined that following implementation of the proposed project, the recovery pattern following a 10-year storm flow into Colorado Lagoon would be similar to existing conditions; however, the peak average pollutant concentration following an event would be half of that which currently occurs within the lagoon. In addition, because of the much greater volume of tidal exchange between Colorado Lagoon and Marine Stadium, the 50 percent reduction time within Marine Stadium following a 10-year storm flow would not increase as a result of the proposed project and would remain at approximately one day. Therefore, pollutant dispersal for the overall Colorado Lagoon and Marine Stadium system would improve. Average peak concentrations of pollutants would be approximately half of what they are under existing conditions

in Colorado Lagoon. In addition, dry weather conditions would also improve due to the diversion of dry weather flows originating north of 7th Street to the sanitary system.

8.2.3 RECREATIONAL ENHANCEMENTS AT COLORADO LAGOON

Colorado Lagoon is used for recreational activities such as swimming, picnicking, and model boat sailing, as well as providing estuarine habitat. In addition to the lead contaminated sediments in the western "arm" of the lagoon, other pollutants such as nutrients (fertilizers and sewage), pesticides, herbicides, public health organisms, and street runoff (solvents, oils, grease) negatively affect public recreation opportunities in the lagoon. The proposed project would eliminate a large source of urban runoff into Colorado Lagoon, which would improve the overall quality of the recreational experience at the lagoon.

8.3 ALTERNATIVE SITES

Because the project is location specific with regards to the flooding issues it is intended to address, there are no alternative sites where the storm drain could be feasibly relocated while meeting the objectives of the project. The County identified an alternate location for the outlet structure within Colorado Lagoon, which was evaluated as an alternative to the proposed project in Section 5.0 of the Final EIR. However, the County found this alternative to be infeasible and less desirable than the project based on the specific considerations set forth in Section 7 of this Findings document.

8.4 CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the County has determined that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The County has considered information contained in the Final EIR as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable air quality and noise impacts will result from construction of the project, the County adopts the foregoing Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognized all unavoidable significant impacts, the County hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the Termino Avenue Drain project.

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the project have been eliminated or substantially lessened where feasible;

b. There are no feasible project alternatives which would mitigate or substantially lessen the impacts; and

c. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

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CHAPTER 9
FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 15091 (a) (1) of the CEQA Guidelines, the County finds that implementation of the mitigation measures and project design standards identified in the Final EIR would substantially lessen the significant environmental impacts resulting from the project. These mitigation measures and project design standards have been required in, or incorporated into the project. In accordance with Section 15091 (d), and Section 15097 of the CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program provided in this chapter is hereby adopted as the mitigation monitoring and reporting program for this project.

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Phase[1]	Monitoring Phase[1]	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Biological Resources						
BIO-A Should tree removal or removal of the Long Beach Greenbelt restoration area occur during the breeding season for migratory non-game native bird species (generally March 1-September 1, as early as February 15 and as late as September 15 for raptors), weekly bird surveys would be performed to detect any protected native birds in the trees to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys would be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys would continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, DPW would delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction with 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of this measure would be recorded to document compliance with applicable State and Federal laws pertaining to the protection of native birds.	Pre-construction	Construction	County of Los Angeles, Department of Public Works			
BIO-B A qualified marine biologist will resurvey the extent of eelgrass coincident with the construction easement to confirm the extent of eelgrass within the permanent and temporary impact areas. Based on 2005 surveys, the direct permanent and temporary impacts to marine sea grasses in Marine Stadium (i.e., 0.0189 acre total) shall be mitigated at a ratio of 1.2:1, in accordance with the Southern California Eelgrass Mitigation Policy (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_final.pdf). A total of 0.0227 acres of eelgrass will be replanted by DPW, including at least 0.0181 acres in the temporary impact area when sediment conditions stabilize following the completion of outlet construction. The remaining 0.0046 acres of eelgrass shall be planted within Marine Stadium or elsewhere within Alamitos Bay in a location determined by a qualified biologist. The location of eelgrass transplant mitigation shall be in areas similar to proposed outlet structure location. Factors such as, distance from project, depth, sediment type, distance from ocean connection, water quality, and currents are among those that shall be considered in evaluating potential sites. Monitoring the success of eelgrass mitigation shall be required for a period of five years in accordance with the Southern California Eelgrass Mitigation Policy. A wetland eelgrass mitigation plan shall be prepared to discuss the methods and schedule for planting eelgrass at the Marine Stadium and Alamitos Bay locations, and post-planting monitoring. In accordance with the California Coastal Commission's (CCC's) Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone, the mitigation plan will include the following information, as relevant to the eelgrass mitigation sites: 1) Clearly stated objectives and goals consistent with regional habitat goals. These regional goals must identify functions and or habitats most in need of enhancement or restoration and must be as specific as possible. If the regional goals have not been identified, then the applicant and CCC staff should work with relevant federal, State, or local agencies to determine if the proposed plan is consistent with the ecology and natural resource composition of the area. 2) Adequate baseline data regarding the biological, physical, and chemical criteria for the mitigation area. 3) Documentation that the project will continue to function as a viable wetland over the long term. 4) Sufficient technical detail in the project design including, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the mitigation site base map, and maintenance techniques. 5) Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined through monitoring, or other means that the enhancement or restoration techniques are not working. 6) Documentation of the necessary management and maintenance requirements, and provisions for remediation should the need arise. 7) An implementation plan that demonstrates there is sufficient scientific expertise, supervision, and financial resources to carry out the proposed activities. 8) A five-year monitoring program.	Operation	Operation	County of Los Angeles, Department of Public Works			
BIO-C A project marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone.	Pre-construction	Pre-construction	County of Los Angeles,			

[1] The Implementation and Monitoring phases are broken down into four categories: Final Plans and Specifications, Pre-Construction, Construction, and Operation. "Final Plans and Specifications" indicates that the mitigation measure must be incorporated into the final approved design, plans, and specifications for the project. "Pre-Construction" refers to measures that are required prior to the start of construction. "Construction" refers to all aspects of project construction, including, but not limited to, site preparation, paving, material hauling, and construction of new facilities. "Operations" includes all measures that must be implemented during routine operations of the storm drain.

Mitigation Measure	Implementation Phase[1]	Monitoring Phase[1]	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
			Department of Public Works			
BIO-D The project marine biologist shall meet with the construction crews prior to dredging to review areas of eelgrass to avoid and to review proper construction techniques.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-E If barges and work vessels are used during construction, measures shall be taken to ensure that eelgrass beds are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-F No construction materials, equipment, debris, or waste shall be place or stored where it may be subject to tidal erosion and dispersion. Construction materials shall not be stored in contact with the soil. Any construction debris within the temporary cofferdam area shall be removed from the site at the end of each construction day.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-G During construction of the Marine Stadium outlet structure, floating booms shall be used to assist in containing debris discharged into Marine Stadium, and any debris discharged shall be removed as soon as possible but no later than the end of each day.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-H A silt curtain shall be utilized to assist in controlling turbidity during construction of the cofferdam at Marine Stadium. The County of Los Angeles shall limit, to the greatest extent possible, the suspension of benthic sediments into the water column.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-I Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery or construction equipment or power tools into Marine Stadium. Such measures include deployed oil booms and a silt curtain around the proposed construction zone at all times to minimize the spread of any accidental fuel spills, turbid construction-related water discharge, and debris. Other measures include training construction workers on emergency spill notification procedures, proper storage of fuels and lubricants, and provisions for on-site spill response kits.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-J A qualified marine biologist shall monitor the construction process on a weekly basis to ensure that all water quality Best Management Practices (BMPs) are implemented, and to assist the project engineer in avoiding and minimizing environmental effects to benthic communities, including eelgrass. Within thirty days after the project is completed, a post-construction marine biological survey shall be conducted to determine the extent of any construction impacts on eelgrass habitat. The survey report will be completed within 30 days and shall be submitted to the California Coastal Commission and the U.S. Army Corps of Engineers.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-K A qualified marine biologist shall be on site during the construction period to monitor the potential presence of green sea turtles. The onsite biological monitor shall have the authority to halt construction operations and shall determine when construction operations can proceed.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-L Construction crews and work vessel crews shall be briefed on potential for this species to be present and will be provided with identification characteristics of sea turtles, since they may occasionally be mistaken for seals or sea lions.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-M In the event that a sea turtle is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea turtle(s) is safely outside the outer perimeter of construction. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-N The biological monitor shall prepare an incident report of any green sea turtle activity in the project area and shall inform the construction manager to have his crews aware of the potential for additional sightings. The report shall be provided within 24 hrs to the California Department of Fish and Game and the National Marine Fisheries Service.	Construction	Construction	County of Los Angeles, Department of Public Works			
BIO-O In the event that a California sea lion or a Pacific harbor seal is sighted within 500 meters (1,640 feet) of the construction zone, all construction activity shall be temporarily stopped until the sea lion(s) or seal(s) is safely outside the outer perimeter of construction. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.	Construction	Construction	County of Los Angeles, Department of Public Works			

Mitigation Measure	Implementation Phase[1]	Monitoring Phase[1]	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
BIO-P The Pacific Electric (PE) right-of-way between 7th and 8th Streets shall be replanted with native vegetation at a 1:1 ratio. A restoration and monitoring plan for the site shall be prepared and implemented at the conclusion of construction. The restoration plan shall, at minimum, include the following components: • Prior to construction, a qualified horticulturist with experience in native plant cultivation shall supervise salvage of plants, soil, and other materials as appropriate from the Long Beach Greenbelt area in the PE right-of-way between 7th and 8th Streets. Salvaged materials shall be maintained and used in replanting of the site. Supplemental native species appropriate to the site (occurring within the Los Angeles Basin and of local genetic stock) shall be used as necessary. • Following implementation, the restoration area shall be monitored quarterly for the first two years and biannually for three more years. Success shall be defined as 80 percent survival of container plants after two years and 100 percent survival thereafter.	Final Plans and Specifications; Operation	Final Plans and Specifications; Operation	City of Long Beach			
Cultural Resources						
CUL-A A qualified archaeological monitor shall be present during all ground disturbing activities within the Pacific Electric (PE) right-of-way. If archaeological materials are encountered during construction, work in the vicinity shall be immediately halted until the resource is assessed and the need for treatment is determined. The archaeological monitor may, at his/her discretion, recommend limited monitoring in portions of the PE right-of-way where clearly disturbed soil matrices or extensive native soils are observed and have no potential to yield cultural resources.	Construction	Construction	County of Los Angeles, Department of Public Works			
CUL-B If cultural materials are encountered during ground disturbing activities outside the PE right-of-way where archaeological monitoring is not recommended, work in the vicinity of the discovery will be halted immediately and a qualified archaeologist will be contacted to assess the find.	Construction	Construction	County of Los Angeles, Department of Public Works			
CUL-C In accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98, and Section 15064.5 of the CEQA Guidelines, if human remains are encountered on the property during grading activities, the Los Angeles County Coroner's Office shall be contacted and all activities in the vicinity of the discovery shall cease until appropriate disposition of the remains is determined.	Construction	Construction	County of Los Angeles, Department of Public Works			
Transportation and Circulation						
TRANS-A Prior to construction, a construction traffic control plan shall be prepared by the contractor for review and approval by the Los Angeles County Department of Public Works. The plan shall also be submitted to the City of Long Beach for review. The plan shall include, at a minimum, advanced signing on Termino Avenue, alerting motorists to roadway construction and an increase in construction vehicle movements, signing to alert motorists to temporary or limited access points to adjacent properties, and appropriate barricades. At least one point of ingress/egress shall be maintained by the County to all properties adjacent to construction area.	Final Plans and Specifications	Final Plans and Specifications	County of Los Angeles, Department of Public Works			
TRANS-B Temporary traffic cones/barricades, temporary striping, and delineators shall be appropriately placed by the County in order to maintain one through lane in each direction during the peak hours. Lane widths within these areas may be reduced.	Construction	Construction	County of Los Angeles, Department of Public Works			
TRANS-C In the vicinity of storm drain crossings at abandoned PE Railroad right-of-way at Ximeno Avenue, 7th Street, 8th Street, and Termino Avenue at 10th Street and 11th Street, no lane closures would occur during the peak traffic period (6:00 AM to 8:30 AM and 3:30 PM to 6:00 PM on weekdays).	Construction	Construction	County of Los Angeles, Department of Public Works			
TRANS-D No construction shall occur at the intersection of Termino Avenue and Anaheim Street during the morning or evening peak traffic periods.	Construction	Construction	County of Los Angeles, Department of Public Works			
TRANS-E Traffic shall be controlled during construction by adhering to the guidelines contained in Standard Specifications for Public Works Construction and the "California Manual on Uniform Traffic Control Devices." These guidelines provide methods to minimize construction effects on traffic flow.	Construction	Construction	County of Los Angeles, Department of Public Works			
TRANS-F Prior to construction, DWP shall provide written notification to City of Long Beach fire, police, and paramedic departments, regarding the schedule and duration of construction activities, and to identify alternative routes that may be used to avoid response delays.	Pre-construction	Pre-construction	County of Los Angeles, Department of Public Works			
Air Quality						
AIR-A The project shall provide a plan, for approval by the Los Angeles County Department of Public Works, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 25 percent NOX reduction. Acceptable options for reducing emissions may include use of late model engines, low-	Final Plans and Specifications; Pre-construction;	Final Plans and Specifications; Pre-construction;	County of Los Angeles, Department of			

Mitigation Measure	Implementation Phase[1]	Monitoring Phase[1]	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The construction contractor shall submit to the Los Angeles County Department of Public Works a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the construction contractor shall provide DPW with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. All property owners within 300 feet of the proposed storm drain construction zone shall be notified, in writing, of the proposed construction schedule. Contact information for questions or to report air quality violations shall be provided, including phone numbers for the project's DOW inspector, area engineer, and office engineer. The notification, by standard mail, shall be delivered at least two weeks prior to the start of work.	Construction	Construction	Public Works			
AIR-B The construction contractor shall ensure that all excavation sites and excavated soil shall be watered to ensure that the soil is wet to minimize dust plumes. Haul trucks shall be covered when loaded with fill. Open storage piles shall have water applied once per hour or shall be covered to prevent fugitive dust plumes beyond the project boundary.	Final Plans and Specifications; Pre-construction; Construction	Final Plans and Specifications; Pre-construction; Construction	County of Los Angeles, Department of Public Works			
Noise						
NOISE-A Best management practices (BMPs) for construction noise shall be implemented for the duration of construction of the proposed project. Such BMPs shall include the following: • The project contractor shall plan and schedule construction activities to minimize the simultaneous operation of diesel-engine powered equipment near residences or other sensitive receptors, so as to minimize noise levels resulting from operating several pieces of high noise level-emitting equipment. • Construction equipment shall be fitted with state-of-the-art noise shielding and muffling devices to reduce noise levels to the maximum extent feasible. • Stationary sources, such as message boards for traffic control, that would be located within 500 feet of residences shall be solar or battery powered, or connected to the local power grid, i.e., not powered by an internal combustion engine. • Equipment maintenance and staging areas shall be located as far away from the residences as feasible.	Construction	Construction	County of Los Angeles, Department of Public Works			
NOISE-B Pile driving and jack hammering shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on weekends and state and federal holidays. No weekend construction shall occur without a permit from the City of Long Beach noise control officer.	Construction	Construction	County of Los Angeles, Department of Public Works			
NOISE-C The contractor shall establish a noise complaint and response procedure that includes a 24-hour telephone number for complaints, and a procedure where a field engineer/construction manager will respond to and investigate the complaints and take corrective action if necessary in a timely manner. Complaints after normal working hours may be received by voice mail.	Pre-construction	Pre-construction	County of Los Angeles, Department of Public Works			
NOISE-D All residences within 100 feet of planned jack hammering and similar pavement breaking activities shall be notified of the planned activities prior to the start of work. The notification shall advise that there will be loud noise and potentially perceived vibration associated with the construction, and shall state the date, time, and planned duration of the planned activities. The notification shall provide a telephone contact number for affected parties to ask questions and report any unexpected noise impacts.	Pre-construction	Pre-construction	County of Los Angeles, Department of Public Works			
NOISE-E Project specifications shall require the pile driving equipment to be equipped with noise reduction that would limit the maximum impact noise to 90 dBA at 50 feet. Alternatively, the contractor may erect temporary noise barriers that would limit the maximum impact noise to 80 dBA at the nearest residences.	Final Plans and Specifications	Final Plans and Specifications				
NOISE-F All residences within 300 feet of planned pile driving activities shall be notified of the planned activities prior to the start of work. The notifications, by standard mail, shall be delivered at least two weeks prior to the start of work. The notification shall advise that there will be loud noise associated with the construction, and shall state the date, time, and planned duration of the planned activities. The notification shall provide a telephone contact number for affected parties to ask questions and report any unexpected noise impacts.	Pre-construction	Pre-construction	County of Los Angeles, Department of Public Works			
Hazards and Hazardous Materials						
HAZ-A Prior to any excavation activities within the proposed storm drain alignment south of Colorado Street, groundwater monitoring wells shall be installed to quantify the groundwater flow and to collect samples to be tested for contaminants. Site specific Maximum Contaminant Levels (MCLs) shall be applied by the Regional Water Quality Control Board (RWQCB). Should groundwater contamination levels exceed RWQCB MCLs, any water encountered during excavation or dewatering activities shall be handled using one of three methods: discharge to a sanitary sewer system, transport offsite using a disposal contractor, or discharge into a storm drainage system in compliance with a National Pollution Discharge Elimination System (NPDES) permit. The County shall choose any of these three methods, as they are all acceptable to	Pre-construction	Pre-construction	County of Los Angeles, Department of Public Works			

Mitigation Measure	Implementation Phase[1]	Monitoring Phase[1]	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
RWQCB and are all equally effective at contaminant removal. Specific mitigation requirements for each of the three options are discussed below. **Disposal in Sanitary Sewer System** Prior to construction, the construction contractor would coordinate with the County Sanitation Districts to determine the applicable disposal requirements. A written agreement would be obtained describing the testing, monitoring, and disposal requirements for the dewatering effluent. Based on the level of contamination identified at the site, best available technology (BAT) economically achievable would be implemented to ensure that pollutant concentrations in the wastewater discharge did not exceed the disposal requirements. If the treated effluent is discharged only into the sanitary sewer system, an NPDES permit would not be required; however, a permit would be required from the Sanitation Districts. **Transport Offsite** Under this option, dewatering effluent would be removed from the site by a licensed commercial transportation, storage, and disposal (TSD) contractor. If all dewatering effluent is transported offsite to an approved disposal facility, an NPDES permit would not be required. **Discharge into Storm Drainage System** Under this option, the construction contractor would coordinate with the Regional Water Quality Control Board (RWQCB) regarding the disposal of dewatering effluent in local storm drains. If contamination levels exceeded RWQCB effluent limitations, the project must comply with RWQCB's Order No. 97-043. Best Management Practices (BMPs) and BAT would be implemented to ensure that pollutant concentrations in the wastewater discharge would not cause violation of any applicable water quality objective for the receiving waters, including discharge prohibitions. In addition, BAT would be implemented to ensure that the discharges would not cause acute nor chronic toxicity in receiving waters. If groundwater contamination is found in the dewatering effluent, water would be treated by granular activated carbon (GAC) or other accepted treatment to remove dissolved-phase hydrocarbons. If necessary, a second absorption media consisting of clay would be used to remove methyl tertiary-butyl ether (MTBE) and other fuel oxygenates. Dewatering activities would be monitored under RWQCB's Monitoring and Reporting Program.						
HAZ-B A special excavation criteria area has been designated for approximately 250 feet of PE right-of-way south of the intersection of 4th Street and Park Avenue. Soils excavated from this area shall not be used for backfill. The soils shall be segregated and covered during construction and shall be hauled to a Class I landfill or other appropriate soil treatment and recycling facility.	Construction	Construction	County of Los Angeles, Department of Public Works			

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CHAPTER 10
FINDINGS ON CHANGES TO THE DRAFT EIR AND RECIRCULATION

10.1 CHANGES TO THE DRAFT EIR

The Draft EIR was circulated for public review and comment on March 1, 2007, initiating a 45-day public review period pursuant to CEQA and its implementing guidelines. Based on comments received during the March 2007 Draft EIR public review period, revisions were made to portions of the Termino Avenue Drain EIR and those modified portions were recirculated for public review pursuant to Section 15088.5(c) of the CEQA Guidelines. Specifically, the project description was revised and new significant information was added to the EIR regarding the potential for green sea turtles to occur within the project area, which required further analysis and discussion. In addition, supplemental information related to air quality and global climate change was provided in the Recirculated Draft EIR, which was circulated for 45 days from April 4, 2008 and to May 19, 2008.

In response to comments from the public and other public agencies during the Draft and Recirculated Draft EIR review periods, minor modifications have been incorporated into the Draft EIR. All of the changes to the Draft EIR are described in Chapter 6 of the Final EIR.

10.2 FINDINGS REGARDING FINAL EIR

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the County finds that all information added to the Final EIR in response to comments on the Recirculated Draft EIR merely clarifies, amplifies or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b) and that no significant new information has been received that would require recirculation.

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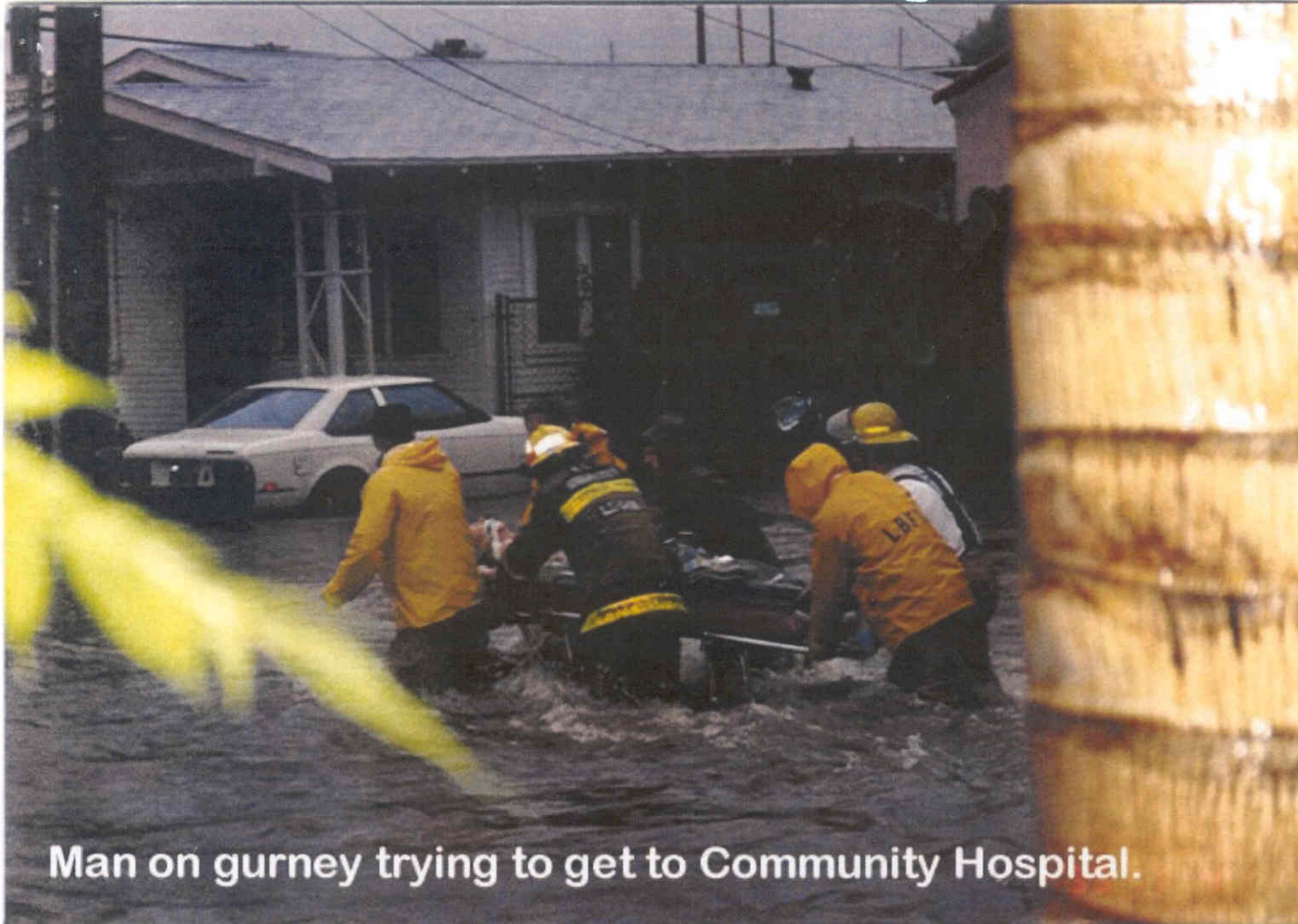
Appendix A
Storm Photos



Man on gurney trying to get to Community Hospital.

Termino looking north to Anaheim Street.

Paramedic van looking south on Termino