# CITY OF NEWPORT BEACH
# ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

## DATE/TIME: Monday, July 21, 2008 - 7:00 p.m.

## LOCATION: Police Department Auditorium
## 870 Santa Barbara Drive

Roll Call

1. Minutes of June 16, 2008 (*draft minutes attached*)

2. Report from Subcommittee on DEIR for San Diego Creek Channel (Upper Newport Bay to I-405) Programmatic Operations and Maintenance Project and review and approval of comments *(Project Description and Subcommittee report attached)*

3. Task Force on Green Development Representatives' Report

4. Coastal/Bay Water Quality Committee Representatives' Report

5. Economic Development Committee Representative's Report

6. Report from Staff on Current Projects
   a. Status of code enforcement at corner of Coast Highway and Dover Drive
   b. Others

7. Public Comments

8. Future Agenda Items

9. Adjournment

***NEXT MEETING DATE: August 18, 2008***

*Attachments can be found on the City's website http://www.city.newport.beach.ca.us. Once there, click on **City**

Attachments can be found on the City's website http://www.city.newport-beach.ca.us. Once there, click on ***City Council,*** then scroll to and click on ***Agendas and Minutes*** *then scroll to and click on* ***Environmental Quality Affairs***. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.

# CITY OF NEWPORT BEACH
# ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

## DRAFT MINUTES 6-16-08

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach City Council Chambers, 3300 Newport Boulevard, on **Monday, June 16, 2008.**

**Members Present:**

| | | | |
|---|---|---|---|
| X | Nancy Gardner, Council Member | X | Sandra Haskell |
| E | Michael Henn, Council Member | E | Barry Allen |
| X | Bruce Asper | X | Kristine Adams |
| X | Dolores Otting, Vice Chair | E | Susan Knox |
| X | Kimberly Jameson | X | Arlene Greer |
| X | Kevin Kelly | X | Timothy Stoaks |
| | | | |
| X | Laura Dietz | | Ray Halowski |
| X | Kenneth Drellishak, Chair | X | Barbara Thibault |
| E | Laura Curran | X | Merritt Van Sant |
| X | Michael Smith | E | Robert Rush |
| X | Michael Pascale | | |

**Staff Representatives:** **Guests:**

| | | |
|---|---|---|
| X | James Campbell, Senior Planner | Rick Julian, AERIE proponent<br>Brion Jeannette, AERIE architect<br>Wun Sze Li, AERIE architect |

Chairperson Ken Drellishak called the meeting to order at 7:05 p.m.

1. Minutes of May 19, 2008

Sandra Haskell moved to approve the minutes. Kevin Kelly seconded the motion.

**Motion passed unanimously**

2. Report from subcommittee on AERIE project (101 Bayside Place and 202 and 207 Carnation Avenue) and review and approval of comments on Draft Mitigated Negative Declaration

Dolores Otting noted that the project description was not distributed for all committee members to review. The committee reviewed and made changes to the draft comments.

Arlene Greer moved approval of the comments as amended, and Sandra Haskell seconded the motion.

**Motion passed unanimously**

3. Task Force on Green Development Representative's Report

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4. Coastal/Bay Water Quality Committee Representative's Report

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5. Economic Development Committee Representative's Report

Ken Drellishak reported that the EDC had reviewed a revised and updated Economic Development Policy and changes anticipated to Committee Membership.

6. Report from Staff on Current Projects

None

7. Public Comments

None

8. Future Agenda Items

The Committee wanted an update on the status of the proposed commercial shopping center planned for the corner of W. Coast Highway and Dover.

9. Adjournment

Chair Drellishak adjourned the meeting at 8:45 p.m.

# Chapter 2
# Project Description

Chapter 2
# Project Description

## Introduction

This chapter provides a detailed explanation regarding the description of the proposed project, regulatory requirements, the project location, and the existing conditions of the project site and surrounding areas.

## Project Background

San Diego Creek Channel was constructed as a flood control facility between 1963 and 1964 to convey up to 33,400 cubic feet per second (cfs) of runoff. The lower watershed was developed around the improved creek, relying on its flood control capacity to protect life and property. Surrounding land uses include residential and institutional buildings, as well as the Irvine Ranch Water District (IRWD) Michelson Water Reclamation Plant. Recent engineering analyses of the flood control capacity of lower San Diego Creek Channel showed that accumulation of sediment and vegetation growth had reduced the flood control capacity of the facility from 100-year storm conveyance (33,400 cfs) to approximately a 5-year storm conveyance (18,000 cfs) capacity (refer to Appendix B). The encroachment of vegetation within the channel conveyance area due to the inability to secure permits for maintenance was determined to be the primary cause contributing to the flood control deficiency. According to an inundation study conducted on behalf of IRWD by Tettemer and Associates, escape of floodwaters over the creek levees and inundation of IRWD's facility is probable in a 5-year flood event or larger. Inundation of the facility is expected to cause failure of the pumps, which could potentially discharge up to 4 million gallons per day (mgd) of untreated sewage into San Joaquin Marsh and Upper Newport Bay. Escape of floodwaters over the channel levees would also inundate surrounding areas, including assisted housing and a church.

San Diego Creek Channel flows into Newport Bay, which is the second largest estuarine embayment in southern California and the location of a state ecological reserve containing many endangered species. Upper Newport Bay also provides a significant spawning and nursery area for commercial and noncommercial fisheries. The San Diego Creek Channel is the primary freshwater input into Newport Bay. To a large extent, the continuing health of Upper Newport Bay and its endangered species is dependent upon wise management of the watershed and San Diego Creek Channel. Adjacent to San Diego Creek Channel, between

Michelson Drive and MacArthur Boulevard, is San Joaquin Marsh. This is the largest coastal freshwater marsh in southern California. Although the San Diego Creek Channel was originally constructed for flood control purposes, it has also evolved to serve as a corridor for wildlife movement between the bay, marsh, and upland areas and provides enhanced habitat area to San Joaquin Marsh. The combination of Upper Newport Bay and San Joaquin Marsh provides an important habitat resource unique to southern California.

Since the late 1970s, excess sediment entering Newport Bay from San Diego Creek has been identified as creating an impairment to the beneficial uses of the bay, impacting habitat, recreation, and navigational uses. The bay and creek were the focus of a Clean Water Act (CWA) Section 208 study and subsequent Section 303(d) listing. As a result of the Section 208 study, three in-line channel sediment basins (between MacArthur and I-405) were constructed to trap sediment before discharge into Upper Newport Bay. Basin Nos. 1 and 2 were constructed as part of the Early Action Plan in 1982. Basin No. 3 was constructed in the mid 1990s. Sediment removal plans for Basin No. 1 were prepared in 1993, which modified the limits of the basin. Mitigation for impacts to jurisdictional waters included a 40-foot vegetation buffer along the right side of the channel parallel to the in-line channel sediment basin reaches. A grouted riprap weir was also constructed downstream of Jamboree Road at the outlet to Upper Newport Bay.

In March 1999, the Santa Ana Regional Water Quality Control Board (RWQCB) adopted a total maximum daily load (TMDL) for sediment in the Newport Bay/San Diego Creek Channel watershed intended to reduce sediment impacts over a multi-year period (see Appendix C). The objectives of the TMDL are to reduce the annual average sediment load in the San Diego Creek Channel watershed from a total of 250,000 tons per year to 125,000 tons per year, calculated over a 10-year period (a 50% reduction). In addition, the 125,000 tons per year annual average sediment load target is allocated equally between the San Diego Creek Channel watershed (62,500 tons per year) and the Newport Bay watershed (62,500 tons per year). The sediment TMDL is also intended to reduce the frequency of dredging within Upper Newport Bay. The sediment TMDL specifically identifies in-line channel Sediment Basins 1, 2, and 3 and indicates that the basins will be maintained to have at least 50% of design capacity available prior to November 15 of each year.

On November 19, 1999, the Santa Ana RWQCB also adopted Monitoring and Reporting Program No. 99-74, which requires monitoring and reporting in accordance with the requirements of the sediment TMDL (see Appendix D). The sediment monitoring and maintenance program consists of two study area elements: (1) the Upstream Monitoring Element, which includes those activities performed in the San Diego Creek Channel watershed upstream of the Jamboree Road bridge, and in the Santa Ana-Delhi Channel, and (2) the Newport Bay Monitoring Element, which includes those activities performed in the Upper and Lower Newport Bay.

The U.S. Army Corps of Engineers (USACE) authorized emergency dredging and vegetation removal activities within the San Diego Creek Channel during the 2003/2004 rainy season. However, the bird nesting season prevented removal of all sediment required to reestablish flood capacity in the channel.

In December 2006, following litigation and extended negotiations, permits were issued from the USACE, U.S. Fish and Wildlife Service (USFWS), RWQCB, and California Department of Fish and Game (CDFG) to authorize the County to proceed with interim maintenance within Basins 2 and 3 (from Campus Drive to approximately 1,000 feet downstream of Michelson Drive) and in the Upper Channel Reach (1,000 feet downstream of Michelson Drive to Interstate 405 Freeway [I-405]) of the San Diego Creek Channel. In March 2007, the County conducted maintenance activities within this area of the channel, including sediment and vegetation removal (retaining the 40-foot vegetated buffer zone). Additionally, native trees with a diameter at breast height (dbh) of greater than 3 inches and exotic vegetation were removed from the buffer area. The exotic vegetation removal was conducted in accordance with the Exotic Plant Eradication and Control Plan (Chambers Group 2004).

Proper maintenance of the flood control facilities would allow for the full operation of the in-line channel sediment basins in this reach of channel, providing water quality protection of Upper Newport Bay and the San Joaquin Marsh, and management of riparian habitat for sensitive species. The purpose of the in-line channel sediment basins is to prevent excessive discharges of sediment from entering into Upper Newport Bay. This purpose would be achieved by periodic removal of accumulated sediment in a basin when the sediment exceeds approximately 50% of the basin capacity. Conversely, inadequate or restricted maintenance could allow uncontrolled vegetation growth that could block the function of the in-line channel sediment basins.

The lower San Diego Creek Channel has evolved into a multi-use facility to 1) provide flood control protection, 2) provide sediment capture, 3) serve as a wildlife corridor and enhancement to San Joaquin Marsh, and 4) provide regional recreation opportunities. If the maintenance operations of any single beneficial use are given priority over the others it could threaten the health of Upper Newport Bay. Development of the Operations and Maintenance (O & M) manual is, therefore, a balance of maintenance activities designed to best protect human life and property along the channel and balance the ecological resources of the channel.

# Project Purpose

The purpose of the project for San Diego Creek Channel is to implement standard procedures through the O & M manual to insure the continued maintenance of Orange County Flood Control District (OCFCD) Facility 05 for the public health and welfare that meet both the flood control district's standards for flood protection and the regulatory agencies' requirements for water quality and sensitive species management. Development of the O & M manual is a balance of maintenance activities designed to best protect life and property, San Joaquin Marsh, and Upper Newport Bay.

# Project Objectives

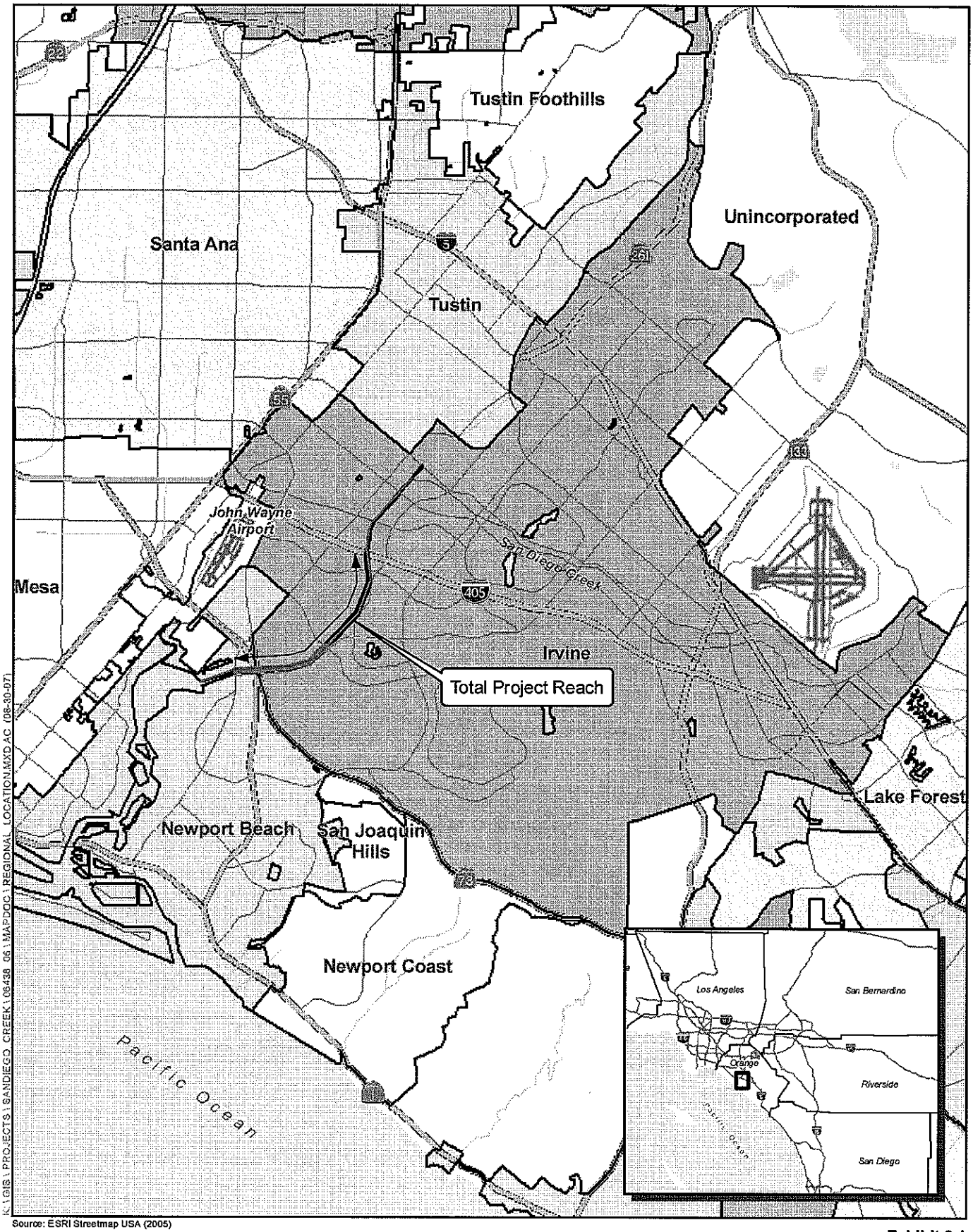
The proposed project is intended to restore and maintain the 100-year flood capacity in the reach of the San Diego Creek Channel from I-405 to the Upper Newport Bay to protect the public, adjacent land uses, and the higher quality habitats in San Joaquin Marsh and Upper Newport Bay from flood damage, sedimentation, and inundation by raw sewage. Accordingly, through routine maintenance and periodic sediment removal, the objectives of the proposed project include the following:

- Provide for timely and consistent routine operations and maintenance in the lower San Diego Creek Channel to sustain 100-year flood control capacity in the channel. This objective is essential to the success of the proposed maintenance project.
- Protect life and property adjacent to and downstream of the channel from flooding and environmental degradation. This objective is essential to the success of the proposed maintenance project.
- Provide for ongoing operations and maintenance of the San Diego Creek Channel within the project area to maintain the 100-year flood capacity without the need for capital improvements. *Capital improvements* are defined by the County as acquisitions, additions, and improvements to fixed assets, such as buildings, building improvements, and land purchases (County of Orange 2005).
- Avoid discharge of untreated sewage from the IRWD reclamation plant to the San Joaquin Marsh and Upper Newport Bay resulting from breach of flood control levees from less-than-design-intensity storms.
- Manage and maintain existing wildlife corridor and riparian vegetation within the 40-foot-wide vegetation buffer.
- Protect beneficial uses in Upper Newport Bay by reducing impact of sedimentation on endangered species in the bay.
- Improve long-term water quality benefits to San Diego Creek and Upper Newport Bay.

# Project Location and Existing Conditions

## Regional and Local Setting

The San Diego Creek Channel watershed incorporates approximately 112.2 square miles in central Orange County, California. San Diego Creek is the primary tributary of the watershed. The channel extends northeast/west from the foothills of Irvine and Lake Forest and discharges into the Upper Newport Bay and ultimately the Pacific Ocean (see Exhibit 2.1, "Regional Location"). The channel was originally constructed in 1963 and 1964 and serves as the primary flood control facility for the watershed.

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Source: ESRI Streetmap USA (2005)

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Jones & Stokes

**Exhibit 2.1**
**Regional Location**
**San Diego Creek Flood Control Channel**
**(Upper Newport Bay to Interstate 405)**
**Programmatic Operations and Maintenance Project**

The proposed project reach extends approximately 15,000 linear feet from the Upper Newport Bay at the Jamboree Road crossing, upstream to I-405. The proposed maintenance project has been divided to include the reach that extends from I-405 to Campus Drive (Reach I) and from Campus Drive to Upper Newport Bay (Reach II) (see Exhibit 2.2, "Project Vicinity Map").

# Existing Site Conditions

The Reach I channel segment incorporates the reach of San Diego Creek Channel that extends from Station 80+00 at Campus Drive to I-405 at Station 156+00. The San Joaquin Channel (Facility F14) confluences with the San Diego Creek Channel along this reach at Station 135+20. The confluence includes a reinforced concrete drop structure and riprap pad along the right bank at the junction. A bridge structure has been constructed over the top of the drop structure to allow continuous maintenance and recreational access along the right bank. The channel along this reach generally consists of a trapezoidal earthen section with a base width of 150 feet, 3-foot-horizontal to 1-foot-vertical side slopes, and a 40-foot vegetation buffer along the right bank.

Reach II of the project site generally consists of earthen trapezoidal segments with base widths of approximately 254 feet at Jamboree Road to 150 feet at I-405. The channel height varies from 24 to 14 feet with side slopes of 3-feet horizontal to 1-foot vertical. On the downstream side of the Jamboree Road bridge (Station 8+20), a grouted riprap weir was constructed across the outlet of the channel. Access roadways are located along both the left and right (looking upstream) banks. The right bank is designated as a Class I bikeway by the City of Irvine *Year 2000 General Plan Update* (1999). The left bank contains a fragmented dirt trail that was nominated by the City of Irvine and received the honorary "National Historic Landmark Trail" designation (Personal Communication Jeff Dickman). Within the project site, this trail is completed only between Campus Drive and Newport Bay. In these areas, non-native vegetation removal would take place up the bikeway and trail.

The channel has been modified over the years to include three in-line channel sediment basins to control the volume of sediment entering the Upper Newport Back Bay. The in-line channel sediment basins were constructed within the channel beginning with the Early Action Plan in 1982 (Basins Nos. 1 and 2), and in 1989 (Basin No. 3). These in-line channel sediment basins are located between MacArthur Boulevard and I-405 (see Exhibit 2.3"Facility Locations"). The in-line channel sediment basins begin upstream of MacArthur Boulevard, starting with a grouted riprap grade control structure at Station 31+80. Riprap grade control structures have been constructed at the upstream and downstream ends of each of the three in-line channel sediment basins. Basin No. 1 extends from Station 34+00 to Station 76+00 within the Reach II channel reach. Basin No. 2 extends from Station 82+00 to Station 98+00, and Basin No. 3 extends from Station 100+00 to Station 135+00, within the Reach I channel reach (also refer to Exhibit 2.2).

Numerous storm drain laterals also discharge to the creek along the project reach. These laterals generally consist of a reinforced concrete outlet structure and riprap erosion protection. IRWD operates a water intake to the San Joaquin Wildlife Sanctuary within 200 feet of the upstream limit of Basin No. 2. This inlet is part of a large concrete weir structure. An associated outlet from the wildlife sanctuary is located in the north bank within Basin No. 2. University of California Natural Reserve System (UCNRS) also operates an intake structure to the San Joaquin Freshwater Marsh Reserve near Station 70 and two outlet culverts in the north bank of Basin 1. In addition, the CEQA-approved Marsh Reserve Phase 2 Restoration and Enhancement Project will construct a third outlet culvert near Station 60 in the north bank of Basin 1. Construction is anticipated in 2008.

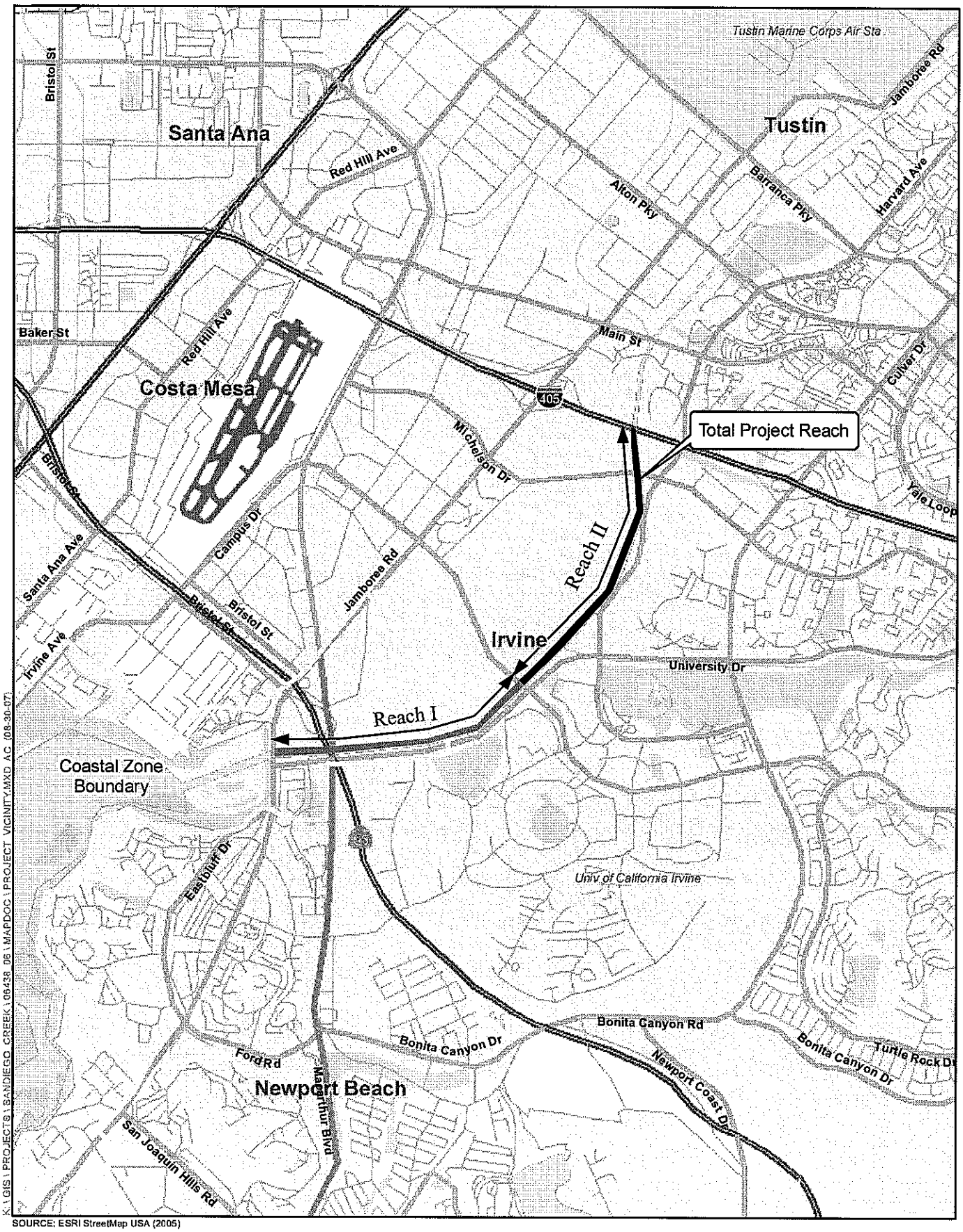
## Surrounding Land Uses

Existing land uses in the vicinity of the project site include the Upper Newport Bay Ecological Reserve, UCNRS San Joaquin Freshwater Marsh Reserve, (Natural Community Conservation Planning [NCCP] Reserve land), IRWD San Joaquin Marsh Wildlife Sanctuary (non-NCCP Reserve land), IRWD Michelson Water Reclamation Plant, William R. Mason Regional Park, Rancho San Joaquin Golf Course, University of California at Irvine (UCI), and industrial, residential, and commercial development. Exhibit 2.3 depicts the location of these facilities in relation to the lower San Diego Creek Channel.

## Existing Land Use Designations

Portions of the project site are located within the Cities of Irvine and Newport Beach. Project activities associated with sediment and vegetation removal would occur within an area designated for Conservation Open Space Preservation/Recreation uses in the City of Irvine Year 2000 General Plan Update (March 9, 1999) and within an area designated for Open Space uses in the City of Newport Beach General Plan (July 2006). The Irvine Conservation Open Space-Preservation/Recreation land use designation identifies lands that contain biotic communities of high significance for permanent preservation with little or no modification. Flood control facilities are an allowed use under this designation. The Newport Beach Open Space land use designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. Implementation of the proposed project would not require zoning changes or general plan amendments in the City of Irvine or the City of Newport Beach.

The City of Newport Beach General Plan also lists San Diego Creek Channel as an Environmental Study Area (ESA) and Basin 1 as an Environmentally Sensitive Habitat Area (ESHA). According to the general plan, *ESAs* are undeveloped areas supporting natural habitats that may be capable of supporting sensitive biological resources or that function as a migration corridor for wildlife. In addition, portions of ESAs within the coastal zone that contain sensitive or rare species are referred to as ESHAs. As defined by the California Coastal Act, *ESHAs* are areas in which "plant or animal life or their habitats are either rare or

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SOURCE: ESRI StreetMap USA (2005)

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Jones & Stokes

**Exhibit 2.2**
**Project Vicinity Map**
**San Diego Creek Flood Control Channel**
**(Upper Newport Bay to Interstate 405)**
**Programmatic Operations and Maintenance Project**


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SOURCE: NAIP Imagery (2005), ESRI StreetMap USA (2005)

Jones & Stokes

**Exhibit 2.3**
**Facility Locations**
**San Diego Creek Flood Control Channel**
**(Upper Newport Bay to Interstate 405)**
**Programmatic Operations and Maintenance Project**

are especially valuable because of their special nature or role in an ecosystem that could easily be disturbed or degraded by human activities and developments." The California Coastal Act requires that ESHAs be protected against any significant disruption of habitat values. Only uses dependent on those resources areas are allowed within ESHAs. Adjacent development must be sited and designed to prevent impacts that would significantly degrade the ESHA and must be compatible with the continuance of the ESHA.

# Proposed Project

The proposed project is the adoption and implementation of the existing O & M manual. County activities under the O & M manual would be a continuation of past routine and emergency channel maintenance activities in most of the same areas and using many of the same techniques. The manual contains guidelines for recommended inspection activities and schedules, notifications, reporting, and the routine maintenance activities and their related frequencies for the Lower San Diego Creek Channel from Upper Newport bay to I-405. The manual includes existing cooperative agreements related to the channel operation and maintenance, and incorporates the requirements of the agreements in the overall program. The manual also includes thresholds and procedures to notify regulatory agencies and monitoring plans to evaluate biological impacts and water quality during scheduled sediment removal maintenance activities. The O & M manual is intended to serve as a comprehensive guide for maintenance and operation of the San Diego Creek Channel, OCFCD Facility No. 05, between Jamboree Road and the I-405.

The O & M manual provides a comprehensive approach to managing the cost and environmental impact of maintenance, while restoring the original flood control capacity of 33,400 cfs of the channel, and is anticipated to produce an overall benefit to the public. The manual would be used by County staff to ensure that routine maintenance practices are conducted in an efficient, consistent, and environmentally sensitive manner.

The O & M manual is incorporated herein by reference and is included herein as Appendix E. The O & M manual serves as the primary project description for the EIR. The draft O & M manual contains the following main project elements, which are described in greater detail below:

- facility inspections,
- routine maintenance activities,
- vegetation management,
- sediment removal, and
- emergency repair work.

Facility inspections include semiannual inspections during the spring and fall seasons. These inspections would determine whether the channel zones and the flood control systems are properly functioning. In addition, the inspections

would ensure compliance with all requirements of applicable agreements and regulatory permits. The results of the inspections would be documented and would involve locating and recommending repairs, surveying sediment levels in the three in-line channel sediment basins, and inspecting the vegetative growth in the channels and along the established 40-foot wide vegetation buffer. Table 2-1 provides a list of facility inspection items for each zone of the channel. Other miscellaneous inspection items include:

- Loose/Grouted Riprap Grade Control Structures
  - Displaced of settled rock
  - Cracked or broken grout
  - Exposed or damaged filter fabric
  - Degradations of rock
  - Voids or unprotected sub-grade soils
  - Damaged or missing wier boards/channels
- RCPs, CMPs, and RCBs Entering Channel
  - Erosion around outlet structures
  - Damage to structures
  - Obstructions or non-functioning outlets
  - Missing or displaced erosion protection
- Other Inspection Items
  - Monitoring of work performed by other agencies/utilities (with Permits)
  - Illegal access and usage of facilities
  - Encroachments into OCFDC right-of-way

A detailed schedule for the routine maintenance activities is provided in the O & M manual. Routine maintenance activities include:

- weed/vegetation control,
- sediment removal,
- rodent control,
- channel clearing,
- grading access roads,
- flash board operation,
- channel/slope repair,
- recreation trail maintenance,
- exotic vegetation removal,
- re-planting vegetation,

**Table 2-1:** Summary of Channel Zone Characteristics and Inspection Items

| Zone | Name | Location | Purpose of Zone | Inspection Items |
|---|---|---|---|---|
| 1 | Maintenance Access Road | The maintenance access roadway on the top of the channel levee and the back slope of the levee to the flood control right-of-way. | For inspection access during storm and high flow conditions, and maintenance access for routine and emergency activities. | Erosion & rutting<br>Washouts<br>Obstructions on roadway<br>Vegetation overgrowth<br>Ponding or drainage problems<br>Fencing damage<br>Gates locked and working properly |
| 2 | West Bank | The portion of the original flood channel bottom. | For flood control capacity and sediment management. Sediment removal in the basin would include staging activities on the west bank. | Undesired vegetation/overgrowth<br>Slope erosion or sloughing<br>Burrowing animals or rodents<br>Toe cutting/washouts<br>Slope settlement/bulging<br>RCPs, CMPs, or RCBs entering channel |
| 3 | West Bench | The westerly channel slope surface. | For flood control and sediment activities. | Trash/debris accumulation<br>Undesired vegetation/over growth<br>Extreme silt build up<br>Water ponding |
| 4 | Basins or Channel Bottom | The basin zone is the series of in-line channel sediment basins constructed to reduce sediment accumulation in Upper Newport Bay. | To trap storm-generated sediment. | Trash/debris accumulation<br>Sediment build up<br>Undesired vegetation/overgrowth |
| 5 | Vegetation Corridor | 40-foot-wide strip of the channel with natural vegetation. | To provide natural habitat within the channel to serve as a wildlife link to other areas. | Trash/debris accumulation<br>Undesired vegetation/overgrowth |
| 6 | East Bank | Easterly channel slope surface. | For flood control and grassland habitat. | Same as Zone 2 |
| 7 | Recreational Trail | The area east of the top of the channel slope that includes paved access and a recreational trail. | For flood control maintenance access and recreational uses. | Erosion & rutting<br>Washouts<br>Obstructions on roadway<br>Vegetation overgrowth<br>Ponding or drainage problems<br>Fencing damage |

- utility maintenance,
- storm drain lateral inspection, and
- geomatic and biological surveys.

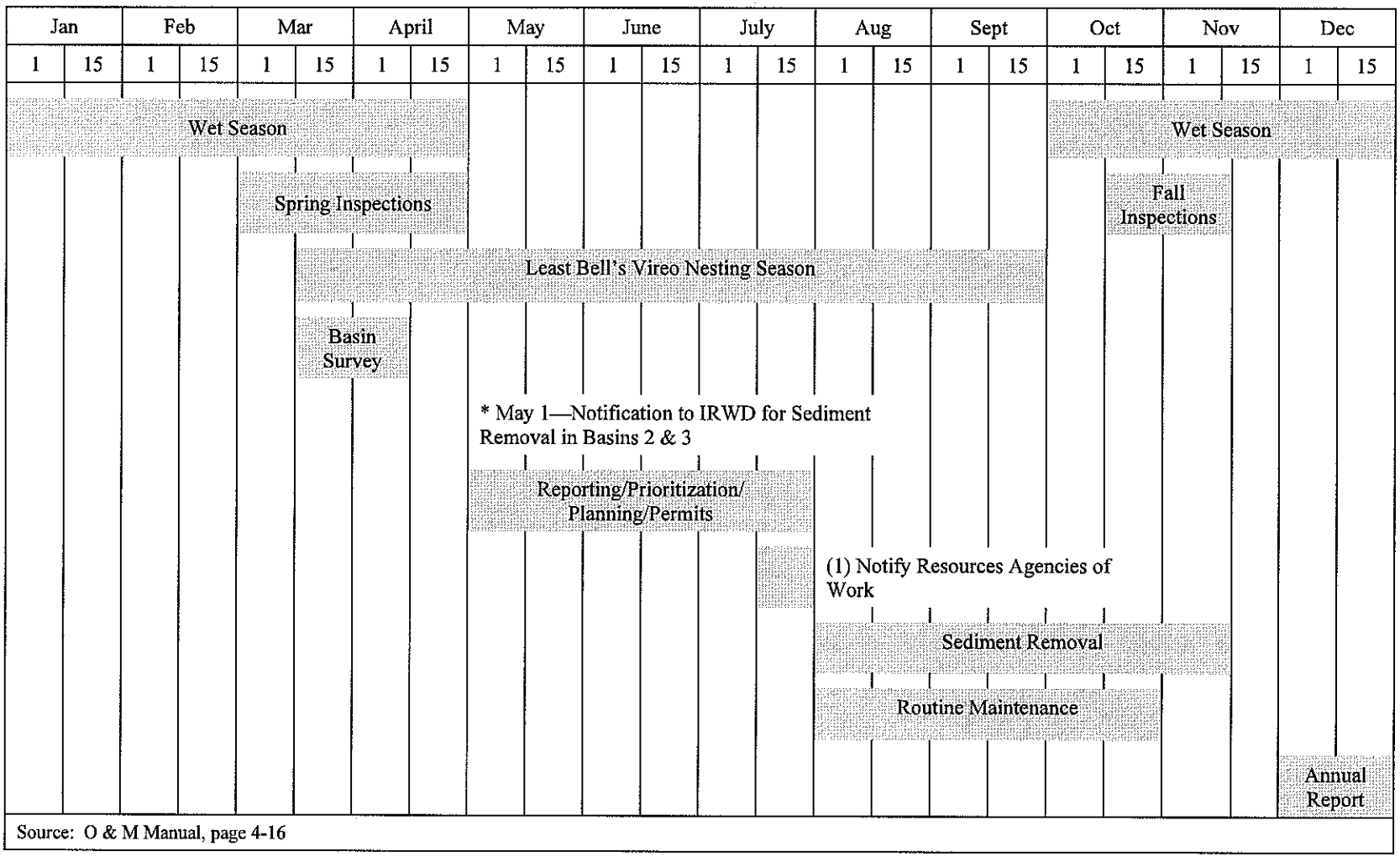
The semiannual inspections would determine the necessity of the routine maintenance activities. The criteria used to determine the need for maintenance would vary but would include the need to provide the required flood carrying capacity, maintain the in-line sediment channel basins, and manage the channel vegetation to the maximum allowable condition. The guidelines for the spring and fall maintenance activities for each of the channel maintenance zones are included in Table 2-2. Vegetation management includes both inspection and management for maintaining acceptable vegetative cover for flood conveyance while maintaining the beneficial uses for wildlife habitat. The management would control vegetation in the channel invert, the in-line channel sediment basins, and along the channel banks. The management would vary depending on the season and zone of the channel. The O & M manual provides detailed schedules of when vegetation management could and would occur.

The Basin Plan TMDL for Sediment in the Newport Bay/San Diego Creek Watershed identifies Basin Nos. 1, 2, and 3. The sediment TMDL indicates that the basins will be maintained to have at least 50% of design capacity available prior to November 15 of each year. The O & M manual outlines the management sediment and supports the established cooperative agreement between IRWD and the OCFCD regarding each agency's responsibility for the removal of sediment. Prior to any sediment removal activities, OCFCD and IRWD would apply and acquire all the required permits, respectively, per the O & M manual.

Emergency repairs would only be performed when the conditions are defined as emergency. An emergency is when there is a threat to life, public health, and safety, including an imminent and significant loss of public and private property. Channel-related emergencies could be caused by events of extreme rainfall runoff, failure of system elements, breach or erosion of channel banks, or the accumulation of a waterborne pollutant that could result in closure or other adverse impacts to the Upper Newport Bay or the San Joaquin Freshwater Marsh Reserve. The O & M manual outlines the necessary actions and approvals needed prior to starting emergency repairs.

In addition to emergency repairs, the O & M manual identifies maintenance procedures for El Niño and predicted high rainfall year. Specifically, should an El Niño or high rainfall year be predicted by the National Weather Service, sediment removal within the in-line channel sediment basins would be excavated no matter the sediment level or vegetation type present. Non-routine El Niño maintenance activities are required in order to maintain flood capacity, public health and safety, and water quality. As with emergency work, the resource agencies will be notified prior to El Niño maintenance.

**Table 2-2.** Inspection and Maintenance Schedule




Source: O & M Manual, page 4-16

The proposed project divides the San Diego Creek Channel into zones. The main project elements (facilities inspection, routine maintenance, vegetation inspection and management, sediment removal, and emergency repair), as described above, apply to each zone at certain times of the year and in certain situations (i.e., emergency situations). The O & M manual identifies the location, purpose, inspection elements to evaluate, and maintenance requirements and schedules for each zone. Table 2-1 summarizes this information. The typical inspection items listed may not be all-inclusive, and they are described in more detail in the O & M manual. Exhibits 2.4 and 2.5 provide a visual reference to this table and identify the location of each zone to be maintained by the O & M manual.

# Required Discretionary Permits and Approvals

## County of Orange

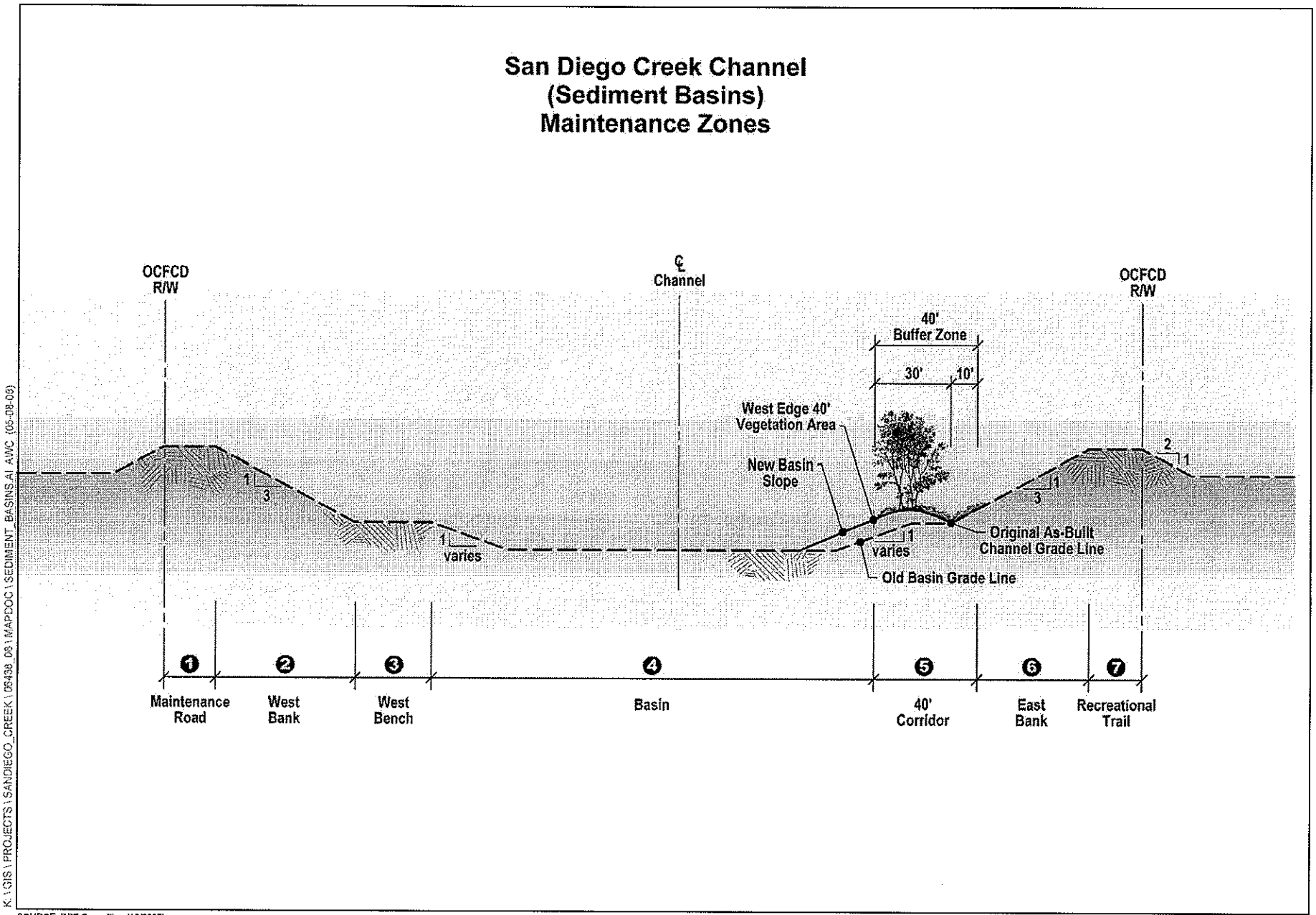
Implementation of the proposed O & M manual will require the following approvals by the County of Orange Board of Supervisors (acting as OCFCD):

| Discretionary Authority | Action |
|---|---|
| Board of Supervisors – OCFCD | Adoption of the EIR. |

## State and Federal Permits

Implementation of the proposed O & M manual will require the approvals from the following state and federal agencies:

| Discretionary Authority | Action |
|---|---|
| USACE | Issuance of authorization under Section 404 of the Clean Water Act for discharge to federal jurisdictional waters. |
| RWQCB, Santa Ana Region | Issuance of a Section 401 Water Quality Certification. |
| CDFG | Issuance of a 1602 Streambed Alteration Agreement. |
| California Coastal Commission | Issuance of a Coastal Development Permit for implementation of the O & M manual within the channel reach between Jamboree Road and Campus Avenue, including Basin 1. |

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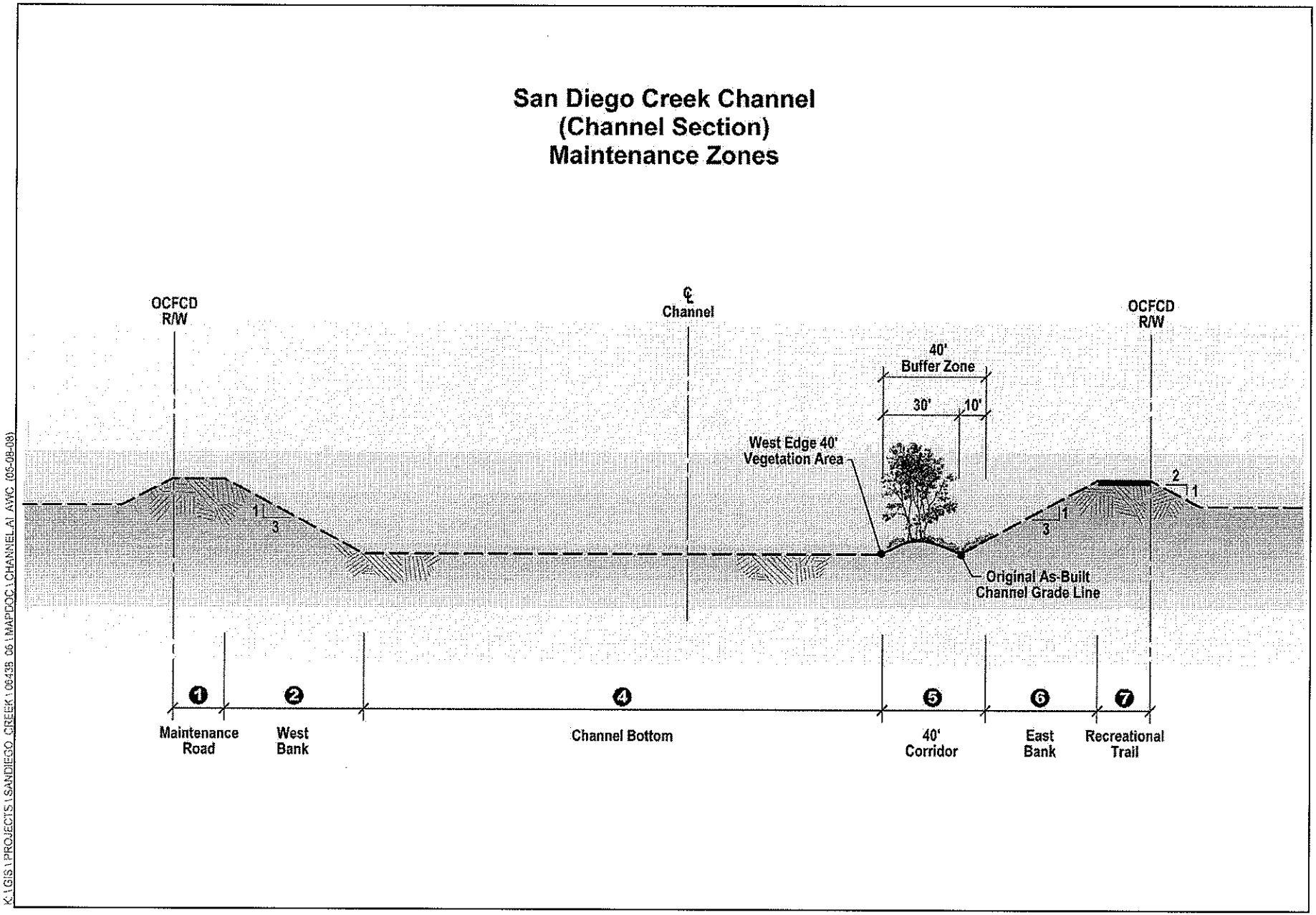
SOURCE: RBF Consulting (10/2007)

Jones & Stokes

Figure 2.4
Channel Maintenance Zones - Sediment Basin
San Diego Creek Flood Control Channel
(Upper Newport Bay to Interstate 405)
Programmatic Operations and Maintenance Project

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SOURCE: RBF Consulting (10/2007)

Jones & Stokes

Figure 2.5
Channel Maintenance Zones - Channel Reach
San Diego Creek Flood Control Channel
(Upper Newport Bay to Interstate 405)
Programmatic Operations and Maintenance Project

To: Ms. Lisa Cibellis, Planner IV 22 July 2008
Orange County Flood Control District
300 No. Flower St.
Santa Ana, CA 92708

From: Environmental Quality Affairs Citizens Advisory Committee (EQAC),
City of Newport Beach

Subject: DEIR San Diego Creek Channel (Upper Newport Bay to I-405)
Programmatic Operations and Maintenance Project, June 2008

EQAC is a voluntary citizen advisory group responsible for advising the City of Newport Beach on issues of importance related to the subject DEIR. We appreciate the opportunity to provide the following inputs in hopes that they will assist you in the development of a project that adequately protects the long-term viability of Upper Newport Bay and the overall quality of life of the residents of Newport Beach. Inputs are presented in the order that they appear in the DEIR.

**Executive Summary**

Under No Project Alternative, page ES-7, the current channel capacity is listed as 18,900 cfs (54% of original capacity). This is not consistent with other capacity values cited in Chapter 2 (page 2-1) and Appendix B. It further states that, at this capacity, the IRWD Michelson Water Reclamation plant is at risk of inundation by a 10-year flood event (which could result in discharge of 4 million gallons per day of raw sewage into San Joaquin Marsh and Upper Newport Bay). However, Appendix B shows that there is a risk of a 2 to 5 year flood inundation for the same data. If true, Appendix B would add serious emphasis to the importance of early implementation of the proposed project. To avoid confusion, please clarify this discrepancy and use consistent Appendix B values throughout the EIR for channel maximum flow capacity, current flow capacity and risk of inundation.

**Chapter 2 Project Description**

Paragraph 3, page 2-2, indicates that the annual average sediment load in the San Diego Creek Channel watershed is 250,000 tons per year. If the Sediment Basins 1, 2 and 3 are performing as planned, this sediment is captured in the Sediment Basins and eventually removed in accordance with the procedures identified in the O&M Manual. The IS/NOP, page 39, asserts that local landfills have sufficient capacity to handle this annual sediment load (or that portion which does not go for beach replenishment or construction projects) and concludes that disposal of the sediment is a less than significant impact. Please provide numbers to support this conclusion. In particular, how much of the annual 250,000 tons of sediment will go to the local landfill and what portion of the landfill capacity does that represent?

Exhibits 2.2 and 2.3 here and Exhibits 2 and 3 in the IS/NOP have incorrectly identified SR73 as SR55. Please correct here and anywhere else that these maps are used.

Under Proposed Project, page 2-7, the DEIR refers to the O&M Manual including “existing cooperative agreements” related to channel operation and maintenance. Page 2-12 lists County, State and Federal Permit requirements, but there is no listing of “existing cooperative agreements”. There appear to be 2 such agreements in the O&M Manual (Appendix E) including Agreement D98-034 involving the City of Newport Beach. Are there any others involving the City of Newport Beach? In particular, do these agreements or other procedures or regulations provide assurances that contaminated siltation resulting from maintenance operations (i.e. Sediment Basin cleaning) are prevented from entering Upper Newport Bay?

**Chapter 3 Environmental Setting, Impacts and Mitigation**

**3.2 Transportation**

This is an EIR for what basically amounts to a maintenance project in the San Diego Creek Channel. This plan, if approved, does not have any impact on streets and roads in the City of Newport Beach.

The project as designed only utilizes roads in the City of Irvine and all are private roads along the channel or roads very near the I-405 Freeway. The required haul route would be from the channel on private haul roads to the intersection of Riparian Way and Michelson, a signalized intersection.

The project plans to remove large amounts of vegetation (clearing of 18.5 acres in channel) and sediment (26,000 cubic yards). This will require 5500 truck trips for the vegetation and 1500 truck trips for the sediment. This will be spaced over a three and a half month period in the initial year and then repeated every two to three years but with substantially less truck trips required. The removal will be per the O&M Manual of the Flood Control District. That indicates that work can only be done from 9:00 a.m. to 3:00 p.m. on weekdays and it is therefore outside the peak hour traffic use of any road involved.

The details of the plan are clear that no road in the City of Newport Beach will be utilized at all and the ones in Irvine to be used are Riparian Way, Michelson Drive and Culver to the I-405 Freeway. These roads are all at the extreme east end of the project (nearest to the I-405 Freeway) and far from the City of Newport Beach border.

**3.3 Air Quality**

3.3-1 Localized Emissions Impacts (page3.3-17)

SCAQMD states that "When quantifying mass emissions for localized significance threshold (LST) analysis, only emissions that occur ***on site*** are considered. Consistent with SCAQMD LST guidelines, emissions related to offsite haul truck activity and employee trips are not considered in the evaluation of localized impacts. … As such, localized impacts that may result from construction-period air pollutant emissions would be less than significant. No mitigation measures are necessary…."
However, localized emissions impacts occurring offsite during the construction-period are not addressed in this DEIR as SCAQMD LST guidelines do not require such. Thus, OCFCD cannot ensure that residents' health will not be compromised by possible increases of unmitigated offsite emissions during the construction-period.

How will OCFCD address the potential risks imposed upon residents by offsite emissions?

**3.4 Biological Resources**

Impact 3.4-1(page 3.4-29) states that "Focused surveys for special status plants could not be conducted in spring/summer 2007 due to drought conditions; therefore it is unknown
which, if any, special status plant species occur on the project site." The report then lists 10 potential species that could potentially occur at the project site. However, this area has been subject of monitoring for many years. Are other reports available on species in the location?

Page 3.4-33, paragraph 4, A. states that coastal sage scrub habitat removal is subject to ...public health and safety considerations... unexpected slope stabilization, erosion control measures, emergency facility repairs etc.

How and by whom is a determination made of need for "unexpected slope stabilization, erosion control measures, emergency facility repairs, etc"? Will public be notified of these plans? What is, or could be, included in these definitions, e.g. emergency facility repairs?

Page 3.4-42 (last paragraph) states: "Following project implementation, a 40-foot wide corridor of willow scrub vegetation would remain... but the remainder of both banks would essentially be cleared of vegetation. Although the slopes would be revegetated with native grassland, the overall habitat cover along the creek would be substantially reduced. This reduction in riparian and sage scrub habitat cover would substantially lower the habitat quality of San Diego Creek for all wildlife movement".

These paragraphs describe the proposed action, but do not explain why this action is being considered as

necessary. Please clarify in the context that removal of CSS habitat by previous projects has had a significant negative impact on the biological and scenic value of the Creek.

**3.5 Aesthetics**

Page 3.5-7 shows views of the project area (Viewpoint 4) at Backbay and Eastbluff Drives. Will be the impact of the work up stream from the entry point to the Back Bay (i.e. just under the Jamboree Bridge) be visible from this Viewpoint? If so, this negative aesthetic factor should be addressed in Mitigation measures.

**3.6 Cultural Resources**

The area involved in this project, within both cities of Irvine and Newport Beach, has a prehistoric background dating to at least 12,000 years ago, and is rich in artifacts from the people of this period of occupation. The proposal will require a removal of large quantities of sediment along the creek channel, with a likely result of unearthing and/or removal of the artifacts as well.

The mitigation measures planned within the DEIR (ie stopping work when a cultural resource is unearthed (MM 3.6-2), compliance with state laws regarding discovery of human remains (MM 3.6-3) and, finally, halting work until a qualified paleontologist identifies the remains (MM 3.6-4)) are adequate assurances to accomplish the protection of this legacy The conclusion that impacts would be less than significant after mitigation is reasonable.

**Summary**

EQAC thanks you for this opportunity to comment on this project of major importance to the City of Newport Beach. We appreciate your diligence in developing a well-balanced project that will meet the long-term flood control necessities of the area while protecting the integrity of Upper Newport Bay and the watershed and upper reaches of the San Diego Creek Channel.

Finally, our compliments to your EIR contractor, ICF Jones and Stokes, for their complete, well-researched and clearly organized presentation of the required CEQA data.

TASK FORCE ON GREEN DEVELOPMENT, July 1, 2008

Attending: Committee Members Brion Jeannette, Michael Toerge, Arlene Greer, Nancy Gardner with Bruce Asper excused; Fern Nueno, staff; Dolores Otting.

The meeting was called to order at 3:30 p.m.

Reports and discussion of assignments from last meeting:
Nancy provided fliers from The Gas Company regarding energy efficiency. Also provided were a list of green websites and a list of some green City procedures.
Brion had sample green building ordinances from other cities. He gave a recap of the Greening the Orange seminar that he attended.
The group discussed incentives such as permit fee waivers; shortened plan check time; and public recognition of green buildings at City Council meetings, advertised in newspapers, and plaques/certificates.
Arlene discussed the options for informational kiosks and the need for a website. She also had suggestions for education and outreach including special meetings with community associations, schools, and speakers bureaus. The City can also have green awards given out to students and also to green projects.

Review of task force goals:
At the next meeting proposals should be made on how we should implement our goals including a comparison to other cities, incentives, and education & outreach.
Other discussions

- How can we promote golf carts around the City?
- Round table on NBTV, Speak Up Newport or other programs. We can discuss our options with Marilee.
- E-waste, oil disposal, etc. Are there any grants available?

The next meeting will be in about four weeks. The exact date and time will be announced at a later time. Assignments for the next meeting:

Bruce Asper–marketing green building/energy conservation (continuation of previous assignment)
Arlene Greer– Talk to Steve Rosansky about the youth council.
Brion Jeanette– Survey of some existing programs (continuation of previous assignment). Review ordinances of other cities.
Kevin Kelly– Ideas for presentations and workshops; life time costs and impacts of green building (continuation of previous assignment)
Todd Schooler– Some green products and their costs (continuation of previous assignment)
Nancy Gardner– Talk to General Services about kiosks. Talk to IT about a website.

Public comments:
This task force meeting should be announced at the City Council meetings.
There should be a kiosk in the Council Chambers as well.

The meeting was adjourned at 4:30 p.m.