INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Buck Gully Restoration Project

LEAD AGENCY:

City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92663
Contact: **Mr. Robert Stein**
949.644.3322

CONSULTANT:

RBF Consulting
14725 Alton Parkway
Irvine, California 92618

October 2010
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LIST OF EXHIBITS

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LIST OF ACRONYMS

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ANSI	American National Standards Institute
AQMP	Air Quality Management Plan
Basin	South Coast Air Basin
BMP	Best Management Practice
BSA	Biological Study Area
CAA	(Federal) Clean Air Act
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CCC	California Coastal Commission
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CDFG	California Department of Fish and Game
CDP	Coastal Development Permit
City	City of Newport Beach
CLUP	Coastal Land Use Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalency Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalent
County	County of Orange
CVC	California Vehicle Code
CWA	(Federal) Clean Water Act
DAMP	Drainage Area Management Plan
dB	Decibel(s)
DOF	(California) Department of Finance
EB	Eastbound
ECH	East Coast Highway
ECP	Erosion Control Plan
EPA	(U.S.) Environmental Protection Agency
ESA	Environmental Study Area
ESHA	Environmentally Sensitive Habitat Area
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
General Plan	City of Newport Beach General Plan
General Plan EIR	(General Plan) 2006 Update Final Environmental Impact Report
HCP	Habitat Conservation Plan
IA	Implementation Agreement
In	Inch(es)
IPCC	International Panel for Climate Change
km	Kilometer(s)
LOS	Level of service
m	Meter(s)
MBTA	Migratory Bird Treaty Act
MCAS	Marine Corps Air Station
MEA	Master Environmental Assessment
mi	Mile(s)
Minimal NES	Minimal Natural Environmental Study
MND	Mitigated Negative Declaration
msl	mean sea level

LIST OF ACRONYMS
(CONTINUED)

NAHC	Native American Heritage Commission
NB	Northbound
NCCP	Natural Community Conservation Plan
NOA	naturally occurring asbestos
NOI	Notice of Intent
NOx	Nitrogen oxides
NPDES	National Pollution Discharge Elimination System
NROC	Nature Reserve of Orange County
O_3	ozone
OCFA	Orange County Fire Authority
OCFCD	Orange County Flood Control District
OCTA	Orange County Transit Authority
Pb	lead
$PM_{2.5}$	Particulate matter up to 2.5 microns in diameter
PM_{10}	Particulate matter up to 10 microns in diameter
PS&E	Plans, Specifications, and Estimates
RCPG	(SCAG) Regional Comprehensive Plan and Guide
REC	Recognized Environmental Condition
RME	Regional Mobility Element
ROGs	Reactive organic gases
ROW	Right-of-way
RTIP	Regional Transportation Improvement Plan
RWQCB	Regional Water Quality Control Board
SB	Southbound
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCS	(U.S.) Soil Conservation Service
SoCAB	South Coast Air Basin
SO_X	sulfur oxides
SSF	Subsurface flow
SRA	Seismic response area
State	State of California
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCP	Traffic Control Plan
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service (Department of the Interior)
USGS	U.S. Geological Survey (Department of the Interior)
WB	Westbound
WPCA	(Federal) Water Pollution Control Act

1.0 INTRODUCTION

Buck Gully downstream of East Coast Highway in the City of Newport Beach is in active decline. Due to upstream development, there has been a loss of sediment entering the canyon. Since the 1990s, storm runoff has been stripping sediment from the canyon bottom, resulting in downcutting of the streambed up to fifteen feet in the upper reaches of the canyon. This streambed scour is now evident in the lower reaches of the canyon (there is currently a fifteen-foot waterfall that is headcutting up toward Coast Highway). This continuing dramatic loss of sediment in the lower canyon is causing several adverse conditions.

Without action, the soil substrate would be lost due to severe erosion, thereby increasing impacts to the native plant community.

With the loss of sediment, the defined limits of the streambed have been significantly altered, resulting in multiple flow paths across the canyon. One flow path has migrated to the toe of the slope on the west side of the canyon, where it is eroding the slope buttress.

The proposed project will protect the canyon bottom from a massive loss of sediment during a large storm event, which in turn will protect the buttress of the canyon slopes to forestall the potential for slope destabilization/failure.

The proposed Buck Gully Restoration project is a proactive project that the City of Newport Beach has elected to implement to protect the health of the canyon. The project would implement measures to restore the creek back to its normal water course and provide energy dissipation within the streambed in a non-intrusive manner that is necessary for maintaining a stable equilibrium within the canyon. The specific measures to be used include (1) bend-way weirs along the upper bend of lower Buck Gully to train the stream flows away from the toe of the slope, and (2) stepped-gabion grade control structures in the lower reach to safely convey flood flows through this reach of the canyon.

The proposed bend-way weirs are a series of upstream-angled low-profile stone sills designed to control and redirect currents and velocities throughout a bend of a river or stream. These underground, rock-type structures will protect the base of the canyon slopes from erosion and reduce the potential of slope destabilization/failure, which may result in damage to the existing residential structures situated at the top of these slopes. In addition, this installation would more uniformly distribute high flows, thereby reducing velocities and limiting the erosive nature of major flood events.

The proposed gabion grade control structures are the same type of structures used successfully in the 2004 Morning Canyon restoration project. Gabion structures are woven or welded wire mesh baskets filled with rocks that are used to structurally retain earth in a non-obtrusive manner. The gabion structures are backfilled with native soil and planted with willows or mule fat. These trees take root within the natural voids of the rocks contained within the gabion baskets.

Following preliminary review of the proposed Buck Gully Restoration project, the City of Newport Beach determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects associated with the Buck Gully Restoration project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City of Newport Beach, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration for that project. Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Section 21080(c), Public Resources Code).

The environmental documentation, which is ultimately selected by the City of Newport Beach in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document, and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

The environmental documentation and supporting analysis is subject to a public review period. During this review, public agency comments on the document relative to environmental issues should be addressed to the City of Newport Beach. Following review of any comments received, the City of Newport Beach will consider these comments as a part of the project's environmental review and include them with the Initial Study documentation for consideration by the City of Newport Beach.

1.2 PURPOSE

The purposes of the Initial Study are to: (1) identify environmental impacts; (2) provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration; (3) enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared; (4) facilitate environmental assessment early in the design of the project; (5) provide documentation of the factual basis for the finding in a Negative Declaration that a project would not have a significant environmental effect; (6) eliminate needless EIRs; (7) determine whether a previously prepared EIR could be used for the project; and (8) assist in the preparation of an EIR, if required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant.

Section 15063 of the CEQA Guidelines identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include: (1) a description of the project, including the location of the project; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly

explained to indicate that there is some evidence to support the entries; (4) a discussion of ways to mitigate significant effects identified, if any; (5) an examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and (6) the name of the person or persons who prepared or participated in the preparation of the Initial Study.

1.3 INCORPORATION BY REFERENCE

Pertinent documents relating to this Initial Study/Mitigated Negative Declaration have been cited and incorporated by reference, in accordance with Sections 15148 and 15150 of the *CEQA Guidelines*, to eliminate the need for inclusion of voluminous engineering and technical reports within the Initial Study. Of particular relevance are those documents that present information regarding descriptions of environmental settings, future development-related growth, and cumulative impacts. This Initial Study/Mitigated Negative Declaration has incorporated by reference the *City of Newport Beach General Plan (General Plan)*, the *City of Newport Beach General Plan 2006 Update Final Environmental Impact Report (General Plan EIR)*, the *City of Newport Beach Zoning Code*, and the *City of Newport Beach Local Coastal Program Coastal Land Use Plan*. These documents were utilized throughout this Initial Study/Environmental Checklist and are available for review at the City of Newport Beach.

City of Newport Beach General Plan

The *General Plan* is comprised of 10 elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. The *General Plan* was adopted on July 25, 2006, and approved by a vote of the populace on November 7, 2006. The *General Plan* is intended to be used as a guide for the City's future. Each element of the Plan addresses the City's philosophy and approach toward different components of City development and provides goals and policies for implementation.

The following policy from the Natural Resources Element provides policy direction for Buck Gully:

Policy NR 10.8, Standards for Buck Gully and Morning Canyon, states that the City shall *"prepare natural habitat protection regulations for Buck Gully and Morning Canyon for the purpose of providing standards to ensure both the protection of the natural habitats in these areas and of private property rights. Include standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures."*

City of Newport Beach, General Plan 2006 Update Final Environmental Impact Report SCH No. 2006011119

The *City of Newport Beach General Plan 2006 Update EIR* examined the potential effects of the proposed General Plan Update for the City. This EIR reviewed the existing conditions of the City of Newport Beach and the Planning Area, analyzed potential environmental impacts from implementation of the *General Plan Update*, identified policies from the proposed *General Plan Update* that serve to reduce and minimize impacts, and identified additional mitigation measures to reduce potentially significant impacts of the *General Plan Update*.

City of Newport Beach Zoning Code

The *City of Newport Beach Zoning Code*, adopted March 24, 1997 by Ordinance Number 97-09, identifies land uses permitted and prohibited according to the zoning category of particular parcels. The provisions and standards contained in this Code are cited throughout this Initial Study/Environmental Checklist.

City of Newport Beach Local Coastal Program Coastal Land Use Plan

The *City of Newport Beach Local Coastal Program Coastal Land Use Plan* (CLUP), approved by the California Coastal Commission on October 13, 2005 and adopted on December 13, 2005 by Resolution Number 2005-64, sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence, with the exception of Newport Coast and Banning Ranch. The provisions and standards contained in this Plan are cited throughout this Initial Study/Environmental Checklist.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed Buck Gully Restoration Project (project) is located within the City of Newport Beach (City), County of Orange (County), State of California (State); refer to Exhibit 1, REGIONAL VICINITY, and Exhibit 2, SITE VICINITY. The project site is located within Buck Gully, upstream of the Pacific Ocean and south of East Coast Highway (ECH) (refer to Exhibit 3, PROJECT SITE). The surrounding land consists of residential uses to the east and west, the Pacific Ocean to the south, and ECH to the north. The residential street to the west of the project site is Hazel Drive and to the east is Evening Canyon Road.

2.2 PROJECT OBJECTIVES

The proposed project is partially funded by Proposition 84. The objective of the Buck Gully Restoration project is to provide an engineered solution to stabilize the bed gradient of the lower Buck Gully, located downstream of ECH, and to reduce the potential of future gradual or catastrophic failure of the adjacent canyon slopes and subsequent adverse impacts to the existing occupied structures, which skirt the rim of this lower canyon.

2.3 ENVIRONMENTAL SETTING

2.3.1 Existing Land Uses

The project site is located within the coastal zone and is within a preserve area designated by the Coastal Subregion of Orange County's Natural Community Conservation Plan/Habitat Conservation Plan. Per the CLUP, Section 4.1.3, Buck Gully is designated as an Environmental Study Area (ESA). The CLUP defines ESAs as relatively large, undeveloped areas that contain natural habitats and may be capable of supporting sensitive biological resources. Portions of the ESAs are known to contain habitat that constitutes an Environmentally Sensitive Habitat Area (ESHA). Section 30107.5 of the Coastal Act defines an ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or disturbed or degraded by human activities and developments."

On-site elevations range from approximately 10 feet above mean sea level (msl) to 100 feet above msl. Buck Gully consists of a natural stream draining a watershed of approximately two square miles. The project site is surrounded by residential uses. Urbanized effects (i.e., encroachments, sediment loss, reduction in water quality and pervious areas, invasive plants, nuisance runoff, etc.) over the past 50 years have impacted the stream, particularly in the downstream reach from ECH to Little Corona Beach. Erosion and dynamic sediment processes have resulted in split flows, debris islands, and low-flow impingement along the toe of canyon slopes.

2.3.2 Surrounding Land Uses

The surrounding land uses consist of single-family residential uses to the east and west, the Pacific Ocean to the south, and ECH to the north. The residential street to the west of the project site is Hazel Drive and to the east is Evening Canyon Road.

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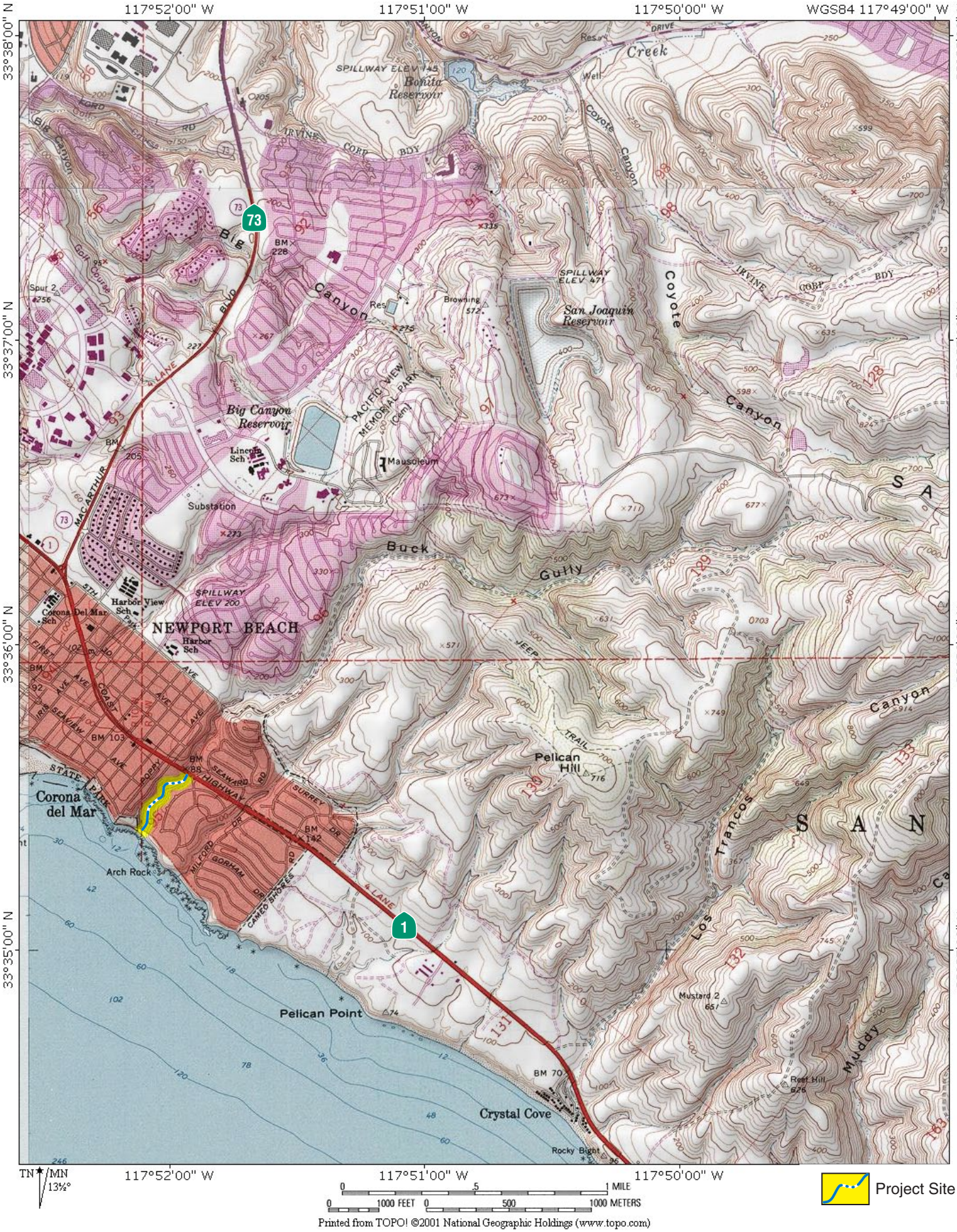
BUCK GULLY RESTORATION PROJECT • IS/MND

Regional Vicinity

Exhibit 1



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APPROXIMATE

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BUCK GULLY RESTORATION PROJECT • IS/MND

Site Vicinity

Exhibit 2

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not to scale

Project Site

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BUCK GULLY RESTORATION PROJECT • IS/MND

Project Site

Exhibit 3

2.4 EXISTING GENERAL PLAN DESIGNATION AND ZONING

The *General Plan*, adopted July 25, 2006, Land Use Element, designates the areas within the project site as Single-Unit Residential Detached (RS-D) and Open Space (OS), and, at the outfall to the Pacific Ocean, Parks and Recreation (PR). Pursuant to the City of Newport Beach Zoning Code, the proposed project is within areas designated Single-Family Residential (R-1) and Residential Combining District (R-1-B).

2.5 PROJECT CHARACTERISTICS

The canyon is in active decline. The proposed project will install stepped-gabion grade control structures in the lower reach and bend-way weirs along the upper bend of lower Buck Gully (south of East Coast Highway). Gabion structures are woven or welded wire mesh baskets filled with rocks that are used to structurally retain earth to assist in sediment and erosion control. Bend-way weirs are a series of upstream-angled low-elevation stone sills designed to control and redirect currents and velocities throughout a bend of a river or stream. These structures would limit bed erosion, particularly along the base of canyon slopes, and reduce the potential of slope destabilization/failure, which may result in damage to existing residential structures located at the top of these slopes. In addition, this installation would lower the grade and uniformly distribute high flows, thereby reducing velocities, and subsequently limiting the erosive nature of major flood events. Refer to Exhibit 4, PROPOSED IMPROVEMENTS.

Grading of the project site is designed for balanced cut and fill. Vegetation removed during construction would be transported off-site for disposal. Disturbed areas will be revegetated with a native seed mix and/or container plants and trees that would be approved by the California Department of Fish and Game, California Coastal Commission, and City of Newport Beach. Prior to construction, the revegetation and landscape plan would be submitted and approved by the agencies as part of the regulatory review process. It should be noted that areas currently containing non-native species within the project footprint would also be revegetated with a native plant palette.

Two subsurface flow wetlands would be constructed concurrently with the gabion structures and revegetation of native species effort. The subsurface flow wetlands would be located immediately upstream of the two downstream gabion structures. A constructed wetland is an engineered system that has been designed and constructed to use natural processes involving wetland vegetation, soils, and associated microbial activity to provide treatment of storm water and wastewater. Subsurface flow systems keep water below the soil surface and are sealed basins approximately two feet deep filled with a porous substrate of sand or gravel to support wetland macrophytes. Water moves horizontally through the pore spaces between the substrate and plant roots, and remains below the surface of the substrate. Subsurface flow systems remove constituents by reduction to insoluble forms that are deposited in sediments, accumulated in plant tissues, and volatilized to the atmosphere through biological processes facilitated by plants, plant/microbe associations, and microbes alone. It is a combination of physical, chemical, and biological processes through an interaction between water, substrate, plant roots, and micro-organisms that drives the remediation of constituents. Refer to Exhibit 5, SUBSURFACE FLOW WETLAND CROSS-SECTION.

It is anticipated that storm, surface, ground, and other waters would be encountered at various times and locations during construction. Such waters may interfere with the Contractor's operations and may cause damage to adjacent or downstream private and/or public property by flooding, lateral erosion, sedimentation, or pollution if not properly

controlled by the Contractor. The Contractor would conduct all operations in such a manner that storm, surface, ground, or other waters may proceed along the existing drainage course. Drainage of water from existing outlets would be maintained at all times. Diversion of water around the construction site would be required in order to protect construction in progress. The diversion would include the construction of a small cofferdam at the upstream limits of the work area (chosen by the Contractor), and the use of a plastic storm drain pipe to convey flows through the site. The diversion pipe would be sized to convey the anticipated daily flow through the site.

Surface runoff water, including all water used during operations, containing mud, silt or other deleterious material due to the construction of this project, would be treated by filtration or retention in settling basin(s) sufficient to prevent such material from migrating onto the beach or into the ocean. During the course of water control, the Contractor would conduct construction operations to protect waters from being polluted with fuels, oils, bitumens, or other harmful materials, and would be responsible for removing said materials in the event protective measures are not effective.

Construction staking would occur within the limits of the construction/temporary easement. Staging of equipment and materials would occur within the construction easement, which would be located throughout the canyon. Contractor access to the project site would be provided by the existing public beach access road (Glen Drive) at the corner of Ocean Boulevard and Poppy Avenue. Construction traffic would access the project site from Marguerite Avenue to Ocean Boulevard only; no other streets would be utilized. The existing access road would remain open for public use during construction.

Should the project not occur, the canyon would be in active decline and continue to undergo significant erosion during major flood events, which may result in some form of slope failure in the future.

2.6 EARLIER ANALYSES

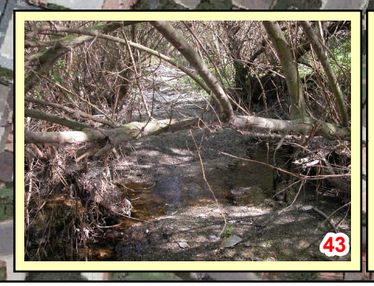
This Initial Study hereby incorporates by reference (in accordance with Section 15150 of CEQA) the *General Plan,* adopted July 25, 2006 and approved by populace November 7, 2006, the *EIR*, dated July 2006, and the *City of Newport Beach Local Coastal Program Coastal Land Use Plan,* approved by the California Coastal Commission on October 13, 2005, and adopted on December 13, 2005 (refer to Section 7.2, *Reference Documents*).

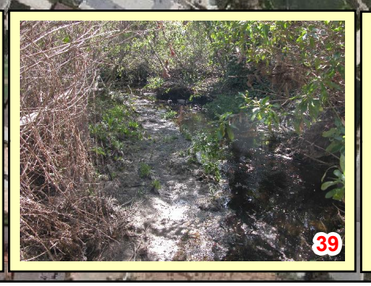
2.7 PROJECT PHASING

The construction of the project would occur over a four to six month window, beginning fall 2011.

2.8 PROJECT APPROVALS

Approval	Agency
Adoption of Mitigated Negative Declaration	City of Newport Beach
Section 404 Permit	United States Army Corps of Engineers
Section 401 Water Quality Certification	Regional Water Quality Control Board
1602 Streambed Alteration Agreement	California Department of Fish and Game
Coastal Development Permit	California Coastal Commission
Approval of Construction Bid Documents	City of Newport Beach
Standard Plan Check Procedures	City of Newport Beach
Issuance of Construction Permit	City of Newport Beach





East Coast Highway

Poppy Ave

Hazel Dr

Ocean Blvd

Evening Canyon Rd

Pacific Ocean

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- Soil Pits
- Picture Points
- Bend-Way Weir
- Project Improvements
- Drainage Easement
- Permanent Easment
- Temporary Easment
- Parcel Line and Number
- Stepped Gabion Grade Control Structure
- CCC Jurisdictional Wetland Impact
- Access Route
- Developed
- Corps/CDFG/CCC Jurisdictional Drainage Impact (Non-Wetland)
- CDFG Jurisdictional Vegetation Impact
- Corps/CDFG Jurisdictional Wetland Impact
- Ornamental Vegetation

Buck Gully Restoration Project

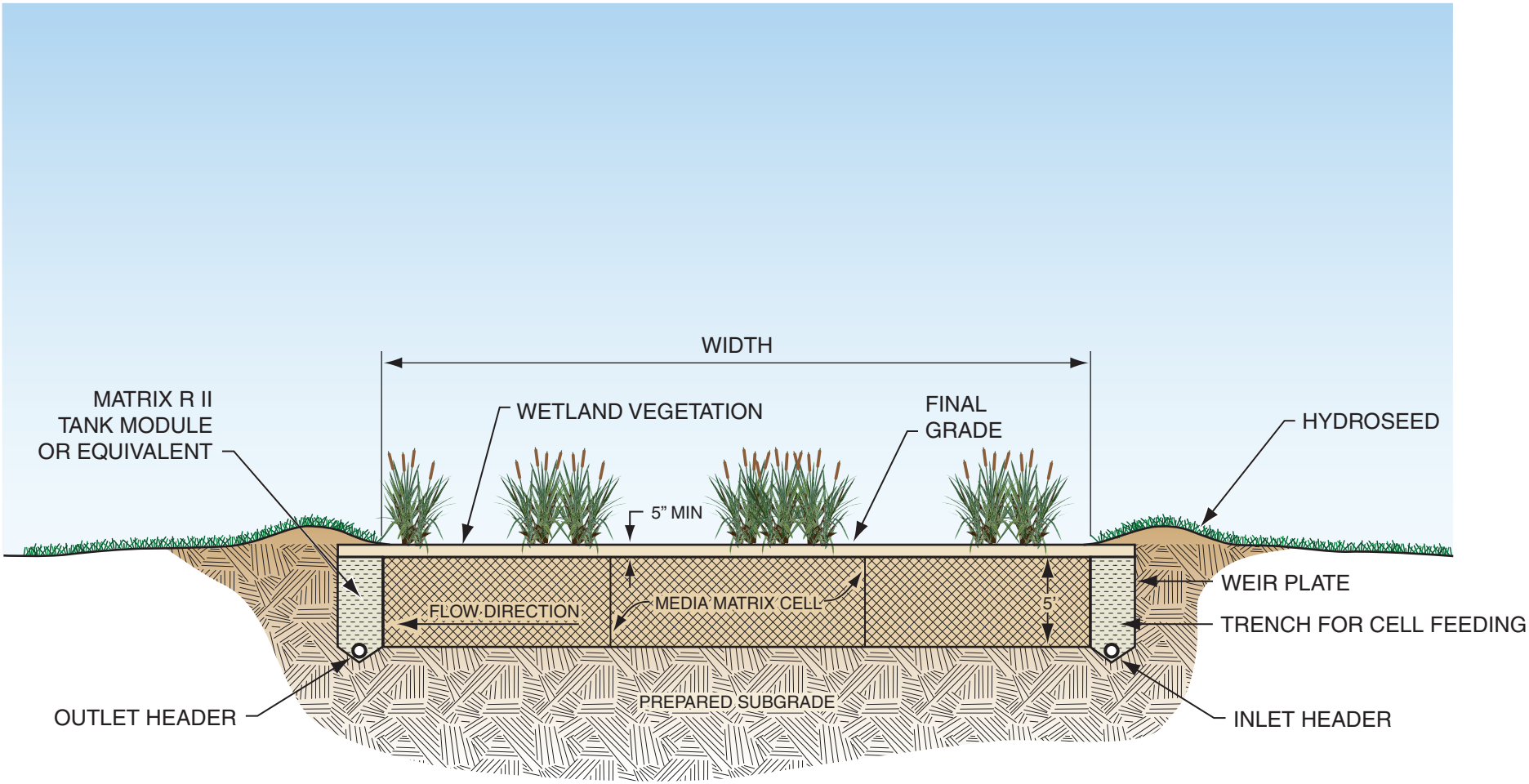
Proposed Improvements

Source: Eagle Aerial 2009

0 62.5 125 250 Feet

Exhibit 4

Back of 11 X 17 page.



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BUCK GULLY RESTORATION PROJECT • IS/MND

Subsurface Flow Wetland Cross-Section

Exhibit 5

3.0 INITIAL STUDY CHECKLIST

3.1 BACKGROUND

1.	**Project Title:** Buck Gully Restoration project
2.	**Lead Agency Name and Address:** City of Newport Beach 3300 Newport Boulevard Newport Beach, CA 92663
2.	**Contact Persons and Phone Number:** Mr. Robert Stein 949/644-3322 [phone]
4.	**Project Location:** The project site is located within Buck Gully, upstream of the Pacific Ocean and south of East Coast Highway.
5.	**Project Sponsor's Name and Address:** City of Newport Beach 3300 Newport Boulevard Newport Beach, CA 92663
6.	**General Plan Designation:** Single-Unit Residential Detached (RS-D) and Open Space (OS). The project site at the outfall to the Pacific Ocean is designated as Parks and Recreation (PR). The City of Newport Beach Local Coastal Program Coastal Land Use Plan identifies the project site as Estate Residential (RE) and Open Space (OS).
7.	**Zoning**: Single-Family Residential (R-1) and Residential Combining District (R-1-B)
8.	**Description of the Project:** (Describe the whole action involved, including but not limited to later phases of the project and any secondary support or off-site features necessary for its implementation.) Refer to Section 2.4, *Project Characteristics*.
9.	**Surrounding Land Uses and Setting:** The project site is located within the coastal zone and is within a preserve area designated by the Coastal Subregion of Orange County's Natural Community Conservation Plan/Habitat Conservation Plan (refer to Exhibit 3, PROJECT SITE). The project site is surrounded by single-family residential uses. On-site elevations range from approximately 10 feet above mean sea level (msl) to 100 feet above msl. Buck Gully consists of a natural stream draining a watershed of about two square miles. Urbanized effects (i.e., encroachments, sediment loss, reduction in pervious areas, invasive plants, nuisance runoff, etc.) over the past 50 years have impacted the stream, particularly in the downstream reach from ECH to Little Corona Beach. Erosion and dynamic sediment processes have resulted in split flows, debris islands, and low-flow impingement along the toe of canyon slopes.
10.	**Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement).** United States Army Corps of Engineers Regional Water Quality Control Board California Department of Fish and Game California Coastal Commission

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact With Mitigation Incorporated," as indicated by the checklist on the following pages.

	Aesthetics		Land Use and Planning
	Agriculture and Forest Resources		Mineral Resources
✓	Air Quality	✓	Noise
✓	Biological Resources		Population and Housing
✓	Cultural Resources		Public Services
	Geology and Soils		Recreation
	Greenhouse Gas Emissions	✓	Transportation/Traffic
✓	Hazards & Hazardous Materials		Utilities & Service Systems
	Hydrology & Water Quality		
✓	Mandatory Findings of Significance		

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines* and used by the City of Newport Beach in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable impact on the environment.

- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.

- **Less Than Significant Impact With Mitigation Incorporated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.

- **Potentially Significant Impact**. The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study/Mitigated Negative Declaration. Explanations are provided for each item. Refer to Section 7.2, *Reference Documents*, for the documents cited as sources.

4.1 AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			✓	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓

a. *Have a substantial adverse effect on a scenic vista?*

Less than significant impact. According to the Natural Resources Element of the *General Plan*, the project site is not located within an area that is designated as a scenic resource. As such, construction activities associated with the proposed project would not create a short-term impact on a scenic vista. Project construction activities would alter views and obstruct views of the canyon for the surrounding residents. However, construction is temporary, and the canyon would be restored after the restoration measures are complete. Exposed surfaces, construction debris, and equipment and truck traffic would have short-term and temporary impacts that would cease upon project completion. Project construction would occur in one phase over approximately four to six months.

The canyon restoration would not result in a long-term impact on a scenic vista. Views from adjacent residences would not be obstructed. Furthermore, the proposed project would be compatible with surrounding uses. Since construction impacts are temporary and the nature of the project site is not proposed to change, no impacts on a scenic vista are anticipated.

Mitigation Measures: No mitigation measures are required.

b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No impact. According to the Natural Resources Element of the *General Plan*, there are no scenic vistas or scenic highways in Newport Beach officially designated by the State of California. Additionally, the proposed project would not result in alteration of a highway or roadway. Construction of the proposed project would occur entirely within the canyon;

therefore, only views from the surrounding residences would be temporarily impacted. Additionally, no rock outcroppings or historic buildings are present within the project site.

Mitigation Measures: No mitigation measures are required.

c. *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Less than significant impact. Refer to Impact Statements 4.1(a) and 4.1(b) above.

Mitigation Measures: No mitigation measures are required.

d. *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

No impact. No lighting would be installed with the project. In compliance with the City of Newport Beach Municipal Code, Section 10.28.040, restoration activities would be limited to weekdays from 7:00 a.m. to 6:30 p.m. and Saturday from 8:00 a.m. to 6:00 p.m., which would preclude the need for nighttime construction lighting.

Mitigation Measures: No mitigation measures are required.

4.2 AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	**Potentially Significant Impact**	**Less Than Significant Impact With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment which, due to their location in nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

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

No impact. Pursuant to the Farmland Mapping and Monitoring Program for the California Resources Agency, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be displaced by the proposed project. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No impact. No agricultural zones or Williamson Act contracts are located within the project impact area. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No impact. The proposed project consists of riparian/streambed restoration activities. No loss or conversion of forest land to non-forest land would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No impact. Refer to Impact Statement 4.2 (c) above.

Mitigation Measures: No mitigation measures are required.

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

No impact. Refer to Impact Statements 4.2 (a) and (c) above.

Mitigation Measures: No mitigation measures are required.

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant Impact With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓		
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

a. *Conflict with or obstruct implementation of the applicable air quality plan?*

Less than significant impact. The project site is located within the City of Newport Beach, which is part of the South Coast Air Basin (Basin) and under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD is one of 35 air quality management districts that have prepared an Air Quality Management Plan (AQMP) to accomplish a five-percent annual reduction in emissions. The most recent AQMP was adopted in 2007.

Both the State of California and the Federal government have established health-based Ambient Air Quality Standards (AAQS) for criteria air pollutants. These pollutants include carbon monoxide (CO), ozone (O_3), nitrogen oxides (NO_X), sulfur oxides (SO_X), particulate matter up to 10 microns and 2.5 microns in diameter (PM_{10} and $PM_{2.5}$, respectively), and lead (Pb). O_3 is formed by a photochemical reaction between NO_X and reactive organic gases (ROGs). Thus, impacts from O_3 are assessed by evaluating impacts from NO_X and ROGs.

The net increase in pollutant emissions determines the significance and impact on regional air quality as a result of the proposed project. The results also allow the local government to determine whether the proposed project would deter the region from achieving the goal of reducing pollutants in accordance with the air quality management plan in order to comply with Federal and State AAQS. Consistency with the *2007 Air Quality Management Plan for the South Coast Air Basin* (*2007 Air Quality Management Plan*) means that a project is consistent with the goals, objectives, and assumptions in the respective plan to achieve the Federal and State air quality standards. Per the SCAQMD *CEQA Air Quality Handbook*, there are two main indicators of a project's consistency with the applicable Air Quality Management Plan:

- Whether a project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the *2007 Air Quality Management Plan*; and

- Whether a project would exceed the *2007 Air Quality Management Plan's* assumptions for 2030 or yearly increments based on the year of project buildout and phasing.

As indicated in the analysis provided in Response 4.3(b) below, the proposed project would not exceed the SCAQMD's thresholds of significance. The proposed project would consist of the installation of stepped-gabion grade control structures in the lower reach and bend-way weirs along the upper bend of lower Buck Gully (south of East Coast Highway). This installation would lower the grade and uniformly distribute high flows, thereby reducing velocities, and subsequently limiting the erosive nature of major flood events. No permanent mechanical equipment would be required, and there would not be the need for regular vehicle access to the area. The proposed project consists of temporary construction activities. The proposed project would not have operational emissions and is not a trip-generating land use. Additionally, the proposed project would not induce substantial population growth either directly or indirectly. Therefore, the proposed project would not create emissions that would exceed those assumed in the AQMP and would therefore be consistent with the AQMP. Impacts related to air quality plan consistency would be less than significant.

Mitigation Measures: No mitigation measures are required.

b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

Less than significant impact with mitigation incorporated.

Short-Term Construction Emissions

Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. A listing of the construction equipment assumed in the air quality modeling is included in Appendix A.

Fugitive Dust Emissions. Fugitive dust (PM_{10} and $PM_{2.5}$) from grading and construction is expected to be short-term and would cease upon completion of the proposed improvements. Most of the fugitive dust from ground disturbance is composed of inert silicates, which are less harmful to health than the complex organic particulates released from combustion sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_X and SO_X combining with ammonia. The greatest amount of fugitive dust is expected to be generated during site excavation and grading. Dust generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular concern is the amount of PM_{10} generated as a part of fugitive dust emissions.

During construction, the contractors would be required to comply with regional rules, which assist in reducing short-term construction-related air pollutant emissions. Rule 403 requires that fugitive dust be controlled with the best available control measures, in order to reduce dust so that it does not remain visible in the atmosphere beyond the development area of the proposed improvements. Rule 403 also requires that all active operations utilize the applicable best available control measures included in Table 1 of Rule 403. Table 1 of Rule 403 is intended to minimize fugitive dust emissions from each fugitive dust source type within the active operation. The applicable control measures target various construction operations such as backfilling, clearing and grubbing, crushing, cut and fill, demolition, earth-moving activities, bulk material import and export, construction staging, stockpiles/bulk material handling, trenching, and loading. The applicable measures from Table 1 of Rule 403 suggest methods such as covering stockpiles with tarps and the application of water to stabilize materials.

Earthwork in various quantities would be necessary for canyon restoration. There would be no project demolition, only the temporary clearing of vegetation for creek restoration. The URBEMIS 2007 computer model calculates PM_{10} and $PM_{2.5}$ fugitive dust as part of the site earthwork calculations; refer to Table 1, *Construction Air Emissions*.

Table 1
Construction Air Emissions

Emissions Source	Pollutant (pounds/day)[1]					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Unmitigated Emissions	2.43	19.65	11.64	0.00	45.32	10.19
Mitigated Emissions[2]	2.43	19.65	11.64	0.00	4.11	1.59
SCAQMD Threshold	*75*	*100*	*550*	*150*	*150*	*55*
Is Threshold Exceeded After Mitigation?	***No***	***No***	***No***	***No***	***No***	***No***

Notes:
1. Emissions were calculated using the URBEMIS 2007 version 9.2.4 Computer Model, as recommended by the SCAQMD.
2. The reduction/credits for construction emission mitigations are based on mitigation included in the URBEMIS 2007 version 9.2.4 computer model and as typically required by the SCAQMD through Rule 403. The mitigation includes the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces twice daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour.
3. Refer to Appendix A, *Air Modeling Data*, for assumptions used in this analysis, including quantified emissions reduction by mitigation measures.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the improvement site, and emissions produced on-site as the equipment is used. Implementation of Mitigation Measures AQ1 and AQ2 would ensure proper compliance with SCAQMD's Rule 403, as well as limiting the amount of ozone precursors (ROG and NO_X) emitted by the construction equipment. As presented in Table 1, construction equipment and worker vehicle exhaust emissions for all construction phases would be below the established SCAQMD thresholds. Therefore, air quality impacts from equipment and vehicle exhaust emission would be less than significant.

Naturally Occurring Asbestos. Pursuant to guidance issued by the Governor's Office of Planning and Research, State Clearinghouse, lead agencies are encouraged to analyze

potential impacts related to naturally occurring asbestos (NOA). Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies, and was identified as a toxic air contaminant by the CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos-bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed.

Serpentinite and/or ultramafic rock are known to be present in 44 of California's 58 counties. These rocks are particularly abundant in the counties of the Sierra Nevada foothills, the Klamath Mountains, and Coast Ranges. According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report* (dated August 2000), the proposed project is not located in an area where NOA is likely to be present. Therefore, impacts would be considered less than significant.

Long-Term Operational Emissions

Long-term air quality impacts generally involve mobile source emissions generated from project-related traffic and stationary source emissions. As the project consists of canyon restoration with no stationary source or trip-generating land uses, no long-term emissions would occur.

Mitigation Measures:

AQ1 During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures, as specified in SCAQMD Rule 403:

- Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- Water or securely cover material transported on-site or off-site sufficiently to prevent generating excessive amounts of dust.
- Indicate these control techniques in project specifications. Compliance with the measure will be subject to periodic site inspections by the City.
- Prevent visible dust from the project from emanating beyond the property line, to the maximum extent feasible.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered, or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.

AQ2. Project grading plans shall show the duration of construction. Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Compliance with this measure shall be subject to periodic inspections of construction equipment vehicles by the City.

c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Less than significant impact with mitigation incorporated.

Cumulative Short-Term Emissions

With respect to the proposed project's construction-period air quality emissions and cumulative Basin-wide conditions, the SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the *2007 Air Quality Management Plan* pursuant to Federal Clean Air Act mandates. As such, the proposed project would comply with SCAQMD Rule 403 requirements, and implement all feasible mitigation measures. Rule 403 requires that fugitive dust be controlled with the best available control measures, in order to reduce dust so that it does not remain visible in the atmosphere beyond the disturbance area of the proposed infrastructure improvement. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted Air Quality Management Plan emissions control measures) would also be imposed on construction projects throughout the Basin, which would include cumulatively related projects.

Compliance with SCAQMD rules and regulations would reduce the project's construction-related impacts to a less than significant level. Thus, it can be reasonably inferred that the project-related construction emissions, in combination with those from other projects in the area, would not substantially deteriorate the local air quality. Thus, a less than significant cumulative impact would occur in this regard.

Cumulative Long-Term Emissions

The SCAQMD does not recommend quantified analysis of cumulative operational emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative operational impacts. However, if individual development projects generate operational emissions that exceed the SCAQMD recommended daily thresholds, project-specific impacts would also cause a cumulative considerable increase in emissions for those pollutants for which the Basin is in non-attainment.

As previously stated, the proposed project would not exceed the SCAQMD's thresholds of significance for regional criteria pollutants. As a result, the proposed project would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant. Therefore, cumulative impacts associated with project operations would be less than significant.

Mitigation Measures: Refer to Mitigation Measures AQ1 and AQ2.

d. *Expose sensitive receptors to substantial pollutant concentrations?*

Less than significant impact. The CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. They have defined "sensitive receptors" as facilities or land uses that would involve these groups. Examples of sensitive receptors are residences, schools, hospitals, and daycare centers.

The sensitive receptors near the proposed site are the nearest occupied residential uses. To identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds for construction and operational impacts, as well as a carbon monoxide hot-spots analysis.

Localized Significance Thresholds

The estimated daily grading activities would be less than 1 acre per day. Therefore, a Localized Significance Thresholds analysis was performed. Due to their proximity, the surrounding sensitive land uses (i.e., residential uses) may be potentially affected by air pollutant emissions generated during construction activities. Since the nearest sensitive receptor would be located within 35 meters, the localized significance thresholds were interpolated between the 25 meter and 50 meter thresholds.

Localized Construction Emissions

Table 2, *Summary of Localized Significance of Construction Emissions*, shows the construction-related emissions for NO_X, CO, PM_{10}, and $PM_{2.5}$ compared to the localized significance thresholds for Source Receptor Area 18, North Coastal Orange County. As shown in *Table 2*, mitigated construction emissions would not exceed the localized significance thresholds. Therefore, localized significance construction impacts would be less than significant.

Table 2
Summary of Localized Significance of Construction Emissions

Construction Phase	Pollutant (pounds/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Total Emissions	19.65	11.64	4.11	1.59
Localized Significance Threshold	163.3	473	10.3	4.4
Thresholds Exceeded?	***No***	***No***	***No***	***No***

Note:
1. The Localized Significance Threshold was determined using Appendix C of the SCAQMD Final Localized Significant Threshold Methodology guidance document for pollutants NO_X, CO, PM_{10}, and $PM_{2.5}$. The Localized Significance Threshold was based on the anticipated daily acreage disturbance (approximately 1 acre) and the source receptor area (SRA 18).

Mitigation Measures: No mitigation measures are required.

e. *Create objectionable odors affecting a substantial number of people?*

Less than significant impact. According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from equipment exhaust. Construction-related odors would be short-term in nature and cease upon project completion. Any impacts to existing adjacent land uses would be short-term, as previously noted, and are considered less than significant.

4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. 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 or U.S. Fish and Wildlife Service?		✓		
b. 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
c. Have a substantial adverse effect on 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?		✓		
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓	

a. *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 U.S. Fish and Wildlife Service (USFWS)?*

Less than significant impact with mitigation incorporated. BonTerra Consulting (BonTerra) conducted a *Biological Constraints Assessment*, dated February 14, 2008, for the project site. According to the *Biological Constraints Assessment*, several special status plant and wildlife species are known to occur or historically occurred in the project vicinity. Focused surveys pursuant to state and federal protocols were conducted by BonTerra in spring/summer 2009. The results of the surveys identified no special status plant or wildlife species within the boundaries of the project site; a summary of each focused survey is discussed below. Complete copies of each survey are included in Appendix C.

Plant species with the potential to occur within the project site include aphanisma (*Aphanisma blitoides*), Coulter's saltbush (*Atriplex coulteri*), South Coast saltscale (*Atriplex*

pacifica), Davidson's saltscale (*Atriplex serenana* var. *devidsonii*), southern tarplant (*Centromadia parryi* ssp. *australis*), Laguna Beach dudleya (*Dudleya stolonifera*), and estuary seablite (*Suaeda esteroa*). These species are California Native Plant Society (CNPS) List 1B species (considered Rare, Threatened, or Endangered in California). Although these species are not formally listed by the resource agencies (i.e., USFWS and CDFG), they are considered to meet the definition of Endangered, and are treated as such per Section 15380 of CEQA. Focused surveys for these species were conducted by BonTerra on April 14, 2009 to determine the presence or absence of these species within the boundaries of the project site. Three plant species were observed during the surveys, the Santa Catalina Island desert-thorn, California box-thorn, and woolly seablite, which all occur in the coastal bluff scrub in the survey area but outside of the project boundaries. The coastal bluff scrub would not be impacted by the proposed project; therefore, no impacts to special status plants would occur under the proposed project.

The proposed project would impact 1.65 acres of southern arroyo willow forest, which provides potential habitat for the federally and state–listed Endangered least Bell's vireo (*Vireo bellii pusillus*). Focused surveys to determine the presence or absence of the least Bell's vireo within the boundaries of the project site were conducted by BonTerra on April 10, 20, and 30; May 11 and 21; June1, 11, 22, and 29; and July 9, 2009. No least Bell's vireo were observed in the survey area/project site during the surveys.

The proposed project would impact 1.65 acres of southern arroyo willow forest and associated perennial stream, which provides potential habitat for the southwestern pond turtle (*Actinemys marmorata pallida*), a California Species of Special Concern. Impacts would be considered significant under Section 15380 of CEQA if it is present on the project site. Focused surveys were conducted in May 2009. No southwestern pond turtles were observed in the survey area/project site during the surveys.

Chenopod scrub and coastal bluff scrub provide potential habitat for the coastal California gnatcatcher (*Polioptila californica californica*), a federally threatened species and a California Species of Special Concern. BonTerra conducted focused surveys for the coastal California gnatcatcher in April 2009 within the boundaries of the project site. BonTerra documented the results of the surveys in a report (*Results of Coastal California Gnatcatcher Survey*) dated June 11, 2009. According to the report, no coastal California gnatcatchers were observed.

The City is a participant in the Orange County Central and Coastal Natural Communities Conservation Plan / Habitat Conservation Plan (NCCP/HCP); thus, impacts on Identified Species (if present) that are considered "Covered" receive full regulatory coverage. Impacts on "Conditionally Covered" species are considered covered only in accordance with "conditions of coverage" set forth in Section 8.3.2 of the NCCP/HCP IA. Since no special status species were found during the 2009 focused surveys, no additional NCCP/HCP conditions are warranted.

Although no special status species are present, Raptor species (i.e., birds of prey) have potential to nest in the southern arroyo willow forest on or adjacent to the project sites. The loss of an active nest of any raptor species, including common raptor species, would be considered a violation of the California *Fish and Game Code*, §3503, 3503.5, and 3513. Therefore, the loss of any active raptor nest would be considered significant. Impacts on active raptor nests would be reduced to less than significant with the implementation of Mitigation Measure BIO1 by restricting vegetation clearing to outside the peak nesting raptor

season or restricting construction in the vicinity of any observed active raptor nest if vegetation clearing occurs within the peak season.

Mitigation Measures:

BIO1. Vegetation clearing shall be restricted to outside the peak nesting raptor season (February 1 – June 30). If vegetation clearing occurs between February 1 and June 30, a Biological Monitor shall conduct a pre-construction nesting raptor survey to identify any active nesting locations. Restrictions may be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active as determined by a qualified biologist.

b. *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 California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than significant impact with mitigation incorporated. According to the *Delineation of State and Federal Jurisdictional Waters*, prepared by RBF Consulting, dated February 11, 2008, updated May 3, 2010, Buck Gully is a perennial, blue line stream flowing northeast to southwest and is tributary to the Pacific Ocean. The *Delineation* identifies that state and federal jurisdictional wetlands and waters are present within the project site. Table 3, *Jurisdictional Impact Summary*, provides a summary of the jurisdictional impacts. Permanent impacts are associated with the gabion structures, while temporary impacts include vegetation removal, remedial grading, and landscaping activities. The gabion structures are a permanent, yet positive erosion control device, without which the soil substrate needed to support riparian and upland native vegetation would erode. Once constructed, the gabion structures would be covered with native soil and revegetated with native plants.

Table 3
Jurisdictional Impact Summary

Agency	Permanent Impacts* (Acres)	Temporary Impacts (Acres)	Total Jurisdictional Impacts (Acres)
US Army Corps of Engineers	0.06	0.46	0.52
California Department of Fish and Game	0.32	1.52	1.84
California Coastal Commission	0.32	1.99	2.31

Source: *Buck Gully Canyon Restoration Project, City of Newport Beach, California, Delineation of State and Federal Jurisdictional Waters*, prepared by RBF Consulting, February 11, 2008.
*Permanent impact is associated with fill material; however, impacts to habitat are temporary since the gabions will be covered and vegetated.

Riparian vegetation is present within the project site and includes arroyo willow (*Salix lasiolepis*), California mugwort (*Artemisia douglasiana*), cattail (*Typha domingensis*), bulrush (*Scirpus microcarpus*), and creeping woodsorrel (*Oxalis corniculata*). Upland vegetation noted on-site includes poison oak (*Toxicodendron diversilobum*), lemonade berry (*Rhus integrifolia*), and California sagebrush (*Artemisia californica*). Impacts on riparian habitat and areas under the jurisdiction of the United States Army Corps of Engineers (USACE), CDFG, and Regional Water Quality Control Board (RWQCB) would be considered significant. Implementation of BIO2 would reduce this impact to a less than significant level.

Section 30107.5 of the Coastal Act defines "environmentally sensitive area" as "any area in which plant or animal life or their habitats are either rare, disturbed, or degraded by human activities and developments." Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values. Although ESHA is defined/confirmed during the Coastal permitting process, the proposed restoration activities are a permitted use within ESA per the Coastal Act. Restoration projects are identified as one of the permitted uses for temporary impacts to ESHA and wetlands to occur (Coastal Act Section 30233). Revegetation of the project site would include a native plant palette that would be approved by the CDFG, California Coastal Commission, and City of Newport Beach. A revegetation and landscape plan shall be submitted and approved by the agencies prior to construction as part of the regulatory process. As noted in Impact Statement 4.4(a), no special status species are present on-site; therefore, the NCCP/HCP is not applicable.

Mitigation Measures:

BIO2. The City of Newport Beach shall obtain all appropriate permits for impacts to project areas containing USACE and CDFG jurisdictional resources, including a Coastal Development Permit (CDP) from the California Coastal Commission (CCC). Restoration activities would mitigate project impacts; therefore, mitigation would be at no less than a 1:1 ratio.

Prior to the initiation of any construction-related activities, the City shall submit a detailed restoration program and restoration site plans for USACE, CDFG, and CCC approval. The Restoration Program shall contain the following items:

- ***Responsibilities and qualifications of the personnel to implement and supervise the plan.*** The responsibilities of the City, Specialists, and Maintenance Personnel that would supervise and implement the plan shall be specified.

- ***Site preparation and planting implementation.*** Site preparation shall include: (1) protection of existing native species; (2) trash and weed removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) temporary irrigation installation (if required); (6) erosion-control measures (i.e., rice or willow wattles); (7) seed mix application; and (8) container species planting.

- ***Schedule.*** A schedule shall be developed which includes planting in late fall and early winter, between October 1 and January 30.

- ***Maintenance plan/guidelines.*** The Maintenance Plan shall include: (1) weed control; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance (if required); (5) maintenance training; and (6) replacement planting.

- ***Monitoring Plan.*** The Monitoring Plan shall include: (1) qualitative monitoring (i.e., photographs and general observations); (2) quantitative monitoring (i.e., randomly placed transects); (3) performance criteria, as approved by the above-listed resource agencies; (4) monthly reports for the first year and reports every other month thereafter; and (5) annual reports,

which shall be submitted to the resource agencies on a yearly basis, for five years. The City shall monitor and maintain the project site for five years to ensure successful establishment of riparian habitat within the restored and created areas.

- ***Long-term preservation.*** Long-term preservation of the site shall also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development.

c. *Have a substantial adverse effect on federally protected wetlands as identified 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?*

Less than significant impact with mitigation incorporated. As mentioned in Impact Statement 4.4(b), a Delineation of State and Federal Jurisdictional Waters was conducted on the project site in 2008 and updated in 2010. According to the Delineation, 0.19 acres of USACE wetlands and 2.31 acres of CCC wetlands are located on-site. CCC wetlands also include USACE wetlands; therefore, a total of 2.31 acres of wetlands are located within the project limits. Although permanent fill is involved, the proposed implementation measures (gabion drop structures and bend-way weirs) would not create any permanent loss of wetland habitat. The temporary impact would be reduced to less than significant with the implementation of Mitigation Measure BIO2 by restoring impacted areas with a native plant palette typical of wetland areas. Without the project, the existing substrate would be eroded by larger storm events and existing native vegetation would be disturbed or destroyed, providing an opportunity for invasive plants to take root.

Mitigation Measures: Refer to Mitigation Measure BIO2.

d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Less than significant impact. Buck Gully provides habitat for wildlife (e.g., bobcat and coyote) movement within Buck Gully and connectivity to the adjacent canyon in Newport Coast. Wildlife movement would be temporarily modified during construction, with most of the disruption occurring near the mouth of Buck Gully in the vicinity of the proposed gabion structures. There will be unaltered areas in the vicinity of the structures along the east side of the canyon allowing for wildlife movement. There would be only minor disruption in the vicinity of the bend-way weir in the upper reaches, as most of the width of the canyon would be unaltered. Construction of the bend-way weirs would be constructed first and then the contractor would withdraw from this area.

The project site provides habitat that could be expected to be used by nesting birds. The Migratory Bird Treaty Act (MBTA) prohibits activities that result in the direct take (defined as killing or possession) of a migratory bird. This includes the nests of all native bird species, including common species. In following construction minimization measures required by BIO1, vegetation clearing activities would take place outside the spring nesting season. Therefore, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Less than significant impact. The *General Plan's* Natural Resources Element and Section 4.1 of the CLUP set forth goals and policies which are designed to protect sensitive and rare terrestrial and marine resources from urban development. This project conforms with the policies of the *General Plan's* Natural Resources Element, specifically Policy NR 10.1, to "cooperate with the State and federal resource protection agencies and private organization to protect terrestrial and marine resources". This project explicitly fulfills CLUP Section 4.1.1-4 to protect ESHAs against any significant disruption of habitat values. Without this project, the canyon would continue to be in active decline due to accelerated erosion. This project also fulfills Section 4.1.1-12 to eliminate invasive plants and replace with native plants, and associated Section 4.1.1-16 to monitor restoration measures until restoration objectives are met.

Mitigation Measures: No mitigation measures are required.

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

Less than significant impact. No special status species are present on-site; refer to Impact Statement 4.4(a). Therefore, no provisions of the NCCP/HCP or other approved local, regional, or state HCP would be violated. No conflicts with an adopted HCP, NCCP, or other conservation plan would occur. See also Section 4.9, *Land Use and Planning*, for additional discussion regarding local, regional, or state HCPs.

Mitigation Measures: No mitigation measures are required.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		✓		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d. Disturb any human remains, including those interred outside of formal cemeteries?			✓	

a. *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

No impact. According to Figure HR1, *HISTORICAL/ARCHAEOLOGICAL LANDMARKS*, in the *General Plan*, the project site is not identified as a historically significant site or landform site, nor was there a formerly existing historical/archaeological landmark site identified within the project area or vicinity. Therefore, project implementation would have no impact on the significance of a historical resource or known cultural resources.

Mitigation Measures: No mitigation measures are required.

b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less than significant impact with mitigation incorporated. Over 50 archeological sites have been documented within the City. According to the *EIR,* at least two distinct cultural groups inhabited the City of Newport Beach, and later period sites indicate that the City was heavily populated at the time of European contact. Thus, the potential exists for buried archaeological resources to be disturbed or destroyed during project activities and grading. In the event that resources are uncovered, compliance with Mitigation Measures CR1 and CR2 would reduce these potential impacts to less than significant levels.

Mitigation Measures:

CR1. If during ground disturbance, potentially significant archaeological evidence (i.e., stone artifacts, dark ashy soils, burned rocks, old glass, metal, ceramic artifacts) becomes apparent, work in that location shall be stopped; if not present, a qualified archaeologist (approved by the City) shall be notified immediately to evaluate the find. According to CEQA criteria, the importance of the resource shall be determined through evaluation. Should evaluation conclude that important cultural resources exist and will be negatively impacted by project

construction, recommendations shall present further mitigation measures necessary to lessen those impacts to less than significant.

CR2. If human remains are discovered, the County Coroner's office shall be notified immediately under state law (California Health and Safety Code § 7050.5), and all activities in the immediate area of the find shall cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC). The NAHC shall designate a Most Likely Descendent who shall make recommendations concerning the disposition of the remains in consultation with the lead agency and project archaeologist.

c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than significant impact with mitigation incorporated. Project implementation has the potential to directly and/or indirectly destroy a unique paleontological resource. According to the *General Plan EIR*, the project site is located within an area that has sandstone deposits from the Pliocene Epoch (Ice Age) that contain a variety of marine mammals, sea birds, and mollusks. Additionally, fossils from the Pliocene Epoch have also been identified within the City. Therefore, the possibility that paleontological resources would be encountered during construction is considered likely, since the improvements would primarily occur within a natural water channel. In the event that paleontological resources are encountered during construction, compliance with Mitigation Measure CR3 would reduce potential impacts to less than significant levels.

Mitigation Measures:

CR3. If, during ground disturbance, potentially significant paleontological evidence becomes apparent, work in that location shall be stopped; if not present, a qualified paleontologist (approved by the City) shall be notified immediately to evaluate the find. According to CEQA criteria, the importance of the resource shall be determined through evaluation. Should evaluation conclude that important cultural resources exist and would be negatively impacted by project construction, recommendations shall present further mitigation measures necessary to lessen those impacts to less than significant.

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

Less than significant impact. No on-site conditions exist that suggest human remains are likely to be found on the project site. It is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. If human remains were found, they would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by state law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant."

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overly adjacent remains, until the County Coroner has been called out, the remains have been investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with state regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

4.6 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?				✓
4) Landslides?				✓
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?			✓	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				✓

a. *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

1. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less than significant impact. Damage due to surface rupturing is limited to the actual location of a fault-line break, unlike damage from ground-shaking which can occur at large distances from the fault. The project area is located in southern California, which is a region considered to be one of the most seismically active in the United States. The project area is affected by both local and regional active faults, including the Newport-Inglewood Fault (the nearest regional active fault), the Whittier Fault, the San Joaquin Hills fault, and the Elysian Peak fault. These faults have the potential to cause moderate to large earthquakes that would result in

ground shaking in Newport Beach. No active faults are known to traverse the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone (formerly referred to as "Special Studies Zones").[1]

2. *Strong seismic ground shaking?*

Less than significant impact. The *General Plan EIR* indicates that the City is subject to ground shaking. No habitable structures are proposed within the project site. Therefore, impacts would be less than significant.

3. *Seismic-related ground failure, including liquefaction?*

No impact. Liquefaction can occur in loose soils in response to severe ground shaking. Liquefaction susceptibility is based on both geologic and geotechnical data. According to the *General Plan*, the project site is located in an area with the potential for liquefaction. Although the project does not include habitable structures, residential uses surround the project site. Liquefaction occurring along the creek invert would not impact surrounding residential structures. The project would not be affected by liquefaction as the rock gabions can be placed in liquefaction areas (i.e., muddy/wet areas).

4. *Landslides?*

No impact. Earthquake-induced landslides of steep slopes occur in either bedrock or soils and can result in undermining of buildings, severe foundation damage, and collapse. Hillside areas could pose a potential hazard from earthquake-induced landslides. According to the *General Plan*, the slopes of the canyon are subject to landslides. Although the project does not include habitable structures, residential uses surround the project site. Therefore, the project shall comply with the City's Excavation and Grading Code to reduce hazards related to landslide.

b. *Result in substantial soil erosion or the loss of topsoil?*

Less than significant impact. Without this project, there will likely be a massive and permanent loss of sediment in this reach of the canyon. The proposed project will install environmentally friendly measures to protect the existing sediment from massive erosion during a large storm event.

During construction, there will be grading activities that will loosen the soil and make it more prone to erosion. Standard erosion control practices will be implemented to prevent the soil from being mobilized and transported off-site. A formal erosion control plan will be prepared per the requirements of the General Construction Activity Storm Water Permit, adopted by the State Water Resources Control Board. The General Construction Permit would include Best Management Practices that would limit the amount of material eroded from the project site during construction. The implementation of the General Construction Permit during construction and completion of the proposed project would reduce impacts to less than significant.

Mitigation Measures: No mitigation measures are required.

[1] *General Plan EIR*, April 2006, Page 4.5-13.

c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Less than significant impact. As noted above, the project site occurs in an area of the City subject to liquefaction and landslide. According to the *General Plan EIR*, soil stability can be achieved through incorporation of soil treatment programs, as identified in the Building Code. Additionally, the City requires completion of a report of soil conditions as part of the construction permitting process. This report would identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. Adherence to the City's codes and policies of the *General Plan* would ensure protection against unstable soil conditions. With implementation of the City's codes and policies, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

d. *To be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less than significant impact. According to the Orange County and Western Part of Riverside County, California Soil Survey, dated 1978, the project site is situated on the Myford association. The Myford association consists of moderately well-drained soils on marine terraces. One (1) soil series is reported within the boundaries of the project site, and consists of the following:

> **Myford sandy loam, 9 to 30 percent slopes, eroded (177):** This strongly sloping to moderately steep soil generally occurs on side slopes of terraces. The profile is similar to the one described as typical of the series, but is very shallow because of erosion. On as much as 50 percent of the acreage, the subsoil is exposed or deep gullies have formed that prevent tillage. The Myford series consists of moderately well-drained soils formed in sandy sediments. In a typical profile, the surface layer is pale brown (10YR 4/3 moist) and pinkish gray (7.5YR 4/2 moist), medium acid sandy loam, about 4 inches thick. The upper 6 inches of the subsoil is brown (7.5YR 3/2 moist), medium acid sandy clay. The soil is very slowly permeable. If the soil is bare, runoff is rapid and the erosion hazard is high. Available water capacity is 1.5 to 3.5 inches. Present land use is range, watershed, wildlife, and urban development. Subgroup: *Typic Palexeralfs*.

The proposed project does not include the construction of structures. Therefore, adherence to City Code requirements and standard engineering practices would reduce potential impacts to less than significant levels.

Mitigation Measures: No mitigation measures are required.

e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No impact. The project does not require wastewater facilities. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

4.7 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than significant impact. Greenhouse gases (GHGs) are gases in the atmosphere that absorb and emit radiation. The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHGs in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This "trapping" of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

Regulatory Environment

In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. Additionally, the California legislature enacted AB 32 (AB 32, Nuñez) in 2006 to further the goals of Executive Order S-3-05. AB 32 represents the first enforceable statewide program to limit GHG emissions from all major industries, with penalties for noncompliance.

CARB adopted the *AB 32 Climate Change Scoping Plan* (Scoping Plan) in December 2008 to achieve reductions in GHG emissions in California pursuant to the requirements of AB 32. The Scoping Plan contains the main strategies California will use to reduce GHG emissions. AB 32 requires California to reduce its GHG emissions by approximately 28 to 33 percent below business as usual. CARB has identified reduction measures to achieve this goal as set forth in the Scoping Plan.

Table 4, *Estimated Greenhouse Gas Emissions*, estimates the greenhouse gas emissions for the proposed project. These estimates are based on construction-related activities. Greenhouse gas emissions resulting from long-term operation of the project have not been estimated as the proposed project is not a trip generating land use, and is not a direct source of long-term vehicle emissions.

Table 4
Estimated Greenhouse Gas Emission Projections

Source	CO_2	N_2O		CH_4	
	tons/year	tons/year	Tons of CO_2EQ^2	tons/year	Tons of CO_2EQ^2
Total Construction Emissions	20.33	0.0005	0.17	0.003	0.05

Notes:
1. Emissions calculated using CARB's Construction Equipment Emissions Table and the URBEMIS 2007 computer model output.
2. CO_2 Equivalent values calculated using the U.S. Environmental Protection Agency Website, *Greenhouse Gas Equivalencies Calculator*, http://www.epa.gov/cleanenergy/energy-resources/calculator.html, accessed September 2008.

Until more guidance is provided from the expert agencies (CARB and/or SCAQMD), the City intends to consider emissions of 1,600 metric tons of $C0_2e$ or less per year and per project to be a less than significant contribution to GHGs, thereby not requiring further analysis. For projects exceeding the screening threshold of 1,600 metric tons of $C0_2e$ emissions per year, the City will consider projects to have significant impacts if they (1) are not substantially consistent with policies and standards set out in federal, state, and local plans designed to reduce GHGs, or (2) would emit more than 6,000 metric tons of $C0_2e$ per year. Projects that do not meet these thresholds would be considered to have significant impacts, and thus could be expected to impede the State's mandatory requirement under AB 32 to reduce statewide GHG emissions to 1990 levels by 2020. As the proposed project's greenhouse gas emissions are below the City's thresholds, less than significant impacts would result.

Mitigation Measures: No mitigation measures are required.

b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less than significant impact. The City does not currently have an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. GHG emissions resulting from long-term operation of the project are not expected, as the proposed project is not a trip generating land use and will not result in long-term vehicle emissions. Additionally, once the project is completed, no energy consumption will be required. No long-term GHG emissions are expected to be generated; therefore, the project would not hinder the State's GHG reduction goals established by AB 32. Thus, a less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

4.8 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?				✓
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓		
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?			✓	
e. For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓		
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	

a. *Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?*

No impact. The proposed project involves stream restoration. The project does not have the capacity to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less than significant impact with mitigation incorporated. Construction equipment that would be used to build the proposed project has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding land uses. However, the consequences of construction-related spills are generally reduced in comparison to other accidental spills and releases because the amount of hazardous material released during a construction-related spill is small as the volume in any single piece of construction equipment is generally less than 50 gallons. Construction-related spills of hazardous materials are not uncommon, but the enforcement of construction and demolition standards, including BMPs by appropriate local and state agencies, would minimize the potential for an accidental release of petroleum products and/or hazardous materials or explosions during construction. Federal, state, and local controls have been enacted to reduce the effects of potential hazardous materials spills.

City regulations include Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Chapter 9.04 of the City's Municipal Code, and implementation of the California Accidental Release Prevention Program (City of Newport Beach 2006b). Elements of these programs include spill mitigation and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, helping to ensure public safety.

The project site consists of a natural canyon and perennial stream. It is not anticipated that recognized environmental conditions (RECs) or hazardous materials exist within the canyon. Environmental Data Resources, Inc. (EDR) conducted a records search of regulatory databases for the project site and properties within a quarter-mile radius to determine whether regulatory sites or hazardous wastes had been reported within or near the project site (refer to Table 5, *Identified Sites Within a One-Mile Radius of the Project Site*). The EDR records search included a search of federal, state, and local agency environmental records, and a search for information about the physical setting of the project site and its surroundings. During construction, storage and use of hazardous materials would be located outside of the Buck Gully drainage in a specified area, defined by the contractor.

Table 5
Identified Sites Within a One-Mile Radius of the Project Site

EDR Map ID#	Site Name/Address	Direction from Project Site	Regulatory Database	Site Status	Potential for an REC on the Project Site
A1	Bank of America 220 Evening Canyon Road	0.01-mile south of the project site	HAZNET	Reported asbestos-containing waste. **Disposal Method: Disposal, Land Fill.**	Low (No contamination reported)
2	Ozone Technology 2239 Poppy Avenue	0.03-mile west of the project site	SSTS	Reported operation of an ozone generator.	Low (No contamination reported)
A3	Shorecliff Road/Evening Canyon Road Corona del Mar	0.01-mile south of the project site	CHMIRS	Latex paint was discharged into tide pools from drain pipe. Discharge was recovered and cleaned up.	Low (Refer to site status)

Table 5 (continued)
Identified Sites Within a One-Mile Radius of the Project Site

EDR Map ID#	Site Name/Address	Direction from Project Site	Regulatory Database	Site Status	Potential for an REC on the Project Site
B4 B5 B6	Station #4898 3928 E. Pacific Coast Highway	0.01-mile northeast of the project site	HIST UST SWEEPS UST LUST Cortese	Site is reported with historical underground storage tanks used to store waste, waste oil, premium gasoline, unleaded gasoline, and petroleum. Site has a reported release of gasoline to soil only. Case number 91UT157. **Case closed July 28, 1994.**	Low (Refer to site status)
C7	Arco #1030 3636 E. Pacific Coast Highway	0.16-mile north of the project site	HAZNET LUST Cortese	Site is reported as generating unspecific solvent mixture waste. Disposal method not reported. Site has a reported release of gasoline to soil only. Case number 87UT040. **Case closed on February 12, 1991.**	Low (Refer to site status)
C10	Shell Oil Co. 3600 E. Pacific Coast Highway	0.16-mile north of the project site	RCRA-SQG LUST HAZNET SWEEPS UST	Site is reported as a small quantity generator of ignitable hazardous wastes and benzene. Site is reported with a release of gasoline to other ground water. Case number is 03UT002. Preliminary site assessment is underway. Site is reported to have waste of empty containers of less than 30 gallons. **Disposal Method: Disposal,** other, and aqueous solution with less than 10% total organic residues. **Disposal Method: Recycler.** Site is reported to have USTs used to store leaded, regular unleaded fuel, and petroleum. Site is reported with a second release of gasoline to other groundwater. Case number 86UT030. **Case closed April 24, 2001.**	Low (Refer to site status)
D14	Ritz Cleaners 3536 E. Pacific Coast Highway	0.27-mile southeast of the project site	RCRA-SQG HAZNET DRYCLEANERS EMI	Small Quantity Generator. No additional information provided. Site is reported to generate liquids with halogenated organic compounds. **Disposal Method: Transfer Station.** Site is reported to generate liquids with halogenated organic compounds. **Disposal Method: Transfer Station.** Site is listed within the Drycleaners database.	Low (No contamination reported)

Note: Map ID numbers match the site numbers indicated on the map of sites within one-mile radius contained within Appendix B, *EDR Search*.

POTENTIAL FOR ENVIRONMENTAL CONDITION KEY:

Low Potential = Potential to create environmental conditions on project site is considered to be low for one or several factors including, but not limited to, the following:

direction of groundwater flow is away from the project site (down gradient); remedial action is underway or completed at off-site location; distance from project site is considered great enough to not allow the creation of a potential environmental condition; only soil was affected by the occurrence; and/or reporting agency has determined no further action is necessary.

Moderate Potential = Potential to create environmental condition on project site is considered to be moderate and further investigation may be necessary due to one or several factors including, but not limited to, the following:

occurrence reported but remedial status unknown; unable to confirm remedial action completed; proximity to project site; groundwater flow is towards the project site (up gradient).

High Potential = Potential to create environmental condition on project site is considered to be high and further investigation necessary due to one or several factors including the following:

occurrence noted on-site and status if remedial action unknown; occurrence affected groundwater and is located up gradient from project site.

Given the existing condition of the site and the potential for RECs from the surrounding properties, hazardous materials are not anticipated to be encountered. In the unlikely event that hazardous materials are present on site, Mitigation Measure HAZ1 shall be implemented to reduce impacts to a less than significant level.

Mitigation Measures:

HAZ1. During construction, if the contractor discovers unknown wastes or suspect materials that he/she believes may be hazardous, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Project Engineer of the implementing agency;
- Secure the areas as directed by the Project Engineer; and
- Notify the implementing agency's hazardous and waste/materials coordinator.

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

No impact. No schools are located within one-quarter mile of the project site. The closest school is located 0.75 miles north of the project site. Additionally, the proposed project does not have the capacity to emit hazardous emissions and does not involve handling hazardous materials. No impact would occur in this regard resulting from implementation of the proposed project.

Mitigation Measures: No mitigation measures are required.

d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Less than significant impact. Available public records indicate that no listed regulatory sites had been reported within the boundaries of the project site. However, these records list seven regulatory sites within a quarter-mile radius of the project site. Refer to Impact Statement 4.7b above.

Mitigation Measures: No mitigation measures are required.

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

No impact. The proposed project site is not located within an airport land use plan. The closest operating airport is John Wayne Airport, which is located approximately 5.25 miles to the northeast.[2] The project site is not situated within an accident potential zone.[3]

Mitigation Measures: No mitigation measures are required.

[2] Thomas Brothers Guide, Los Angeles and Orange County, 2007.
[3] *City of Newport Beach General Plan*, Figure S5, July 25, 2006.

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

No impact. The proposed project site is not located within the vicinity of a private airstrip; therefore, no safety hazards within the project area would be present. No impact would occur in this regard. Also, refer to Impact Statement 4.7(e) above.

Mitigation Measures: No mitigation measures are required.

g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less than significant impact with mitigation incorporated. The proposed project would not interfere with an adopted emergency response or evacuation plan. Construction equipment would be located in an area that would not obstruct roadways available to the surrounding residential uses. Additionally, a Traffic Management Plan (TMP) would be implemented to ensure that construction would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Mitigation Measures:

HAZ2. Refer to Mitigation Measure TRF1.

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

Less than significant impact. According to Figure S4, Wildfire Hazards, of the *General Plan*, the project site is located in an area with moderate wildfire hazards. The project proposes the removal of non-native and ornamental vegetation within the canyon. The canyon will be replanted with a native seed mix that will be approved by the California Department of Fish and Game, California Coastal Commission, and City of Newport Beach Fire Department. Project implementation would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The proposed project consists of restoration of a highly eroded canyon, which would not pose a significant fire hazard. As such, less than significant impacts are anticipated in this regard.

Mitigation Measures: No mitigation measures are required.

4.9 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			✓	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f. Otherwise substantially degrade water quality?			✓	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			✓	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j. Inundation by seiche, tsunami, or mudflow?				✓

a. *Violate any water quality standards or waste discharge requirements?*

Less than significant impact. In response to the 1987 Amendments to the Clean Water Act (CWA), the United States Environmental Protection Agency (U.S. EPA) developed the National Pollution Discharge Elimination System (NPDES) Phase I Storm Water Program in 1990. The Phase I program requires municipalities serving more than 100,000 persons to obtain a NPDES storm water permit for any construction project larger than five acres of land. In 1999, the Phase II Final Rule extended coverage of the NPDES Storm Water program to certain "small" regulated municipal and construction activities that disturb one

or more acres of soil.[4] Construction activities disturbing less than one acre are still subject to this permit if the activity is part of a large common plan of development or if significant water quality impairment would result from the activity. The project would comply with the requirements of the Statewide General Construction Permit. A construction activity includes clearing, grading, stockpiling, or excavation.

The proposed project would result in soil disturbance due to excavation and earth moving activities. The completed project, as proposed, will prevent sudden and massive erosion of sediment that is likely to occur during a major storm. The proposed project would not result in any increase in impervious area.

The City is a co-sponsor of the Orange County Drainage Area Management Plan (DAMP). The DAMP provides the standardized guidelines and best management practices to control point and non-point pollution. Construction of this project will comply with the requirements of the DAMP through the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Post-construction water quality problems associated with excessive discharge of sediment will be eliminated.

The proposed project incorporates implementation of a constructed wetland that will provide removal capability of constituents of concern, including metals and bacteria.

The proposed project conforms with the City *General Plan's* Natural Resources Element to enhance and protect the water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands (NR 3). The project implements the policies listed in Section 4.3 of the Coastal Land Use Plan specifically preserving and restoring natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states (4.3.1-1).

Mitigation Measures: No mitigation measures are required.

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

No impact. Consistent with these policies, construction of the project will not deplete groundwater supplies or interfere with groundwater recharge. No dewatering activities are expected with the proposed project. No impacts to groundwater supplies or groundwater recharge would occur.

Mitigation Measures: No mitigation measures are required.

c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

No impact. The proposed project will not alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site. The

[4] Note: Small municipalities are defined as any municipality that is not either a medium or large municipality covered by Phase I of the NPDES Storm Water Program.

proposed project will prevent a massive loss of sediment in the canyon bottom from a large storm event. This will be accomplished by restoring the natural drainage pattern within Buck Gully through the use of environmentally friendly materials to train streamflows back toward the center of the canyon and to provide energy dissipation needed to prevent erosion due to high flow velocities generated by large storms.

The construction documents implement Policy 4.3.1-7 of the CLUP that requires that the proposed project take measures during construction to limit land disturbance activities during clearing and grading activities. The policy requires construction to minimize disturbance of natural vegetation including: significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation. Construction is designed to provide balance between cut-and-fill quantities, and to limit clearing and grading activities to the maximum extent feasible. Also refer to response 4.8(b) above for discussion on erosion and sedimentation.

The construction documents also implement Policy 4.3.2-7 of the CLUP which requires development (and restoration activities) to protect the natural drainage systems that exist on the site, to the maximum extent practicable. The construction documents provide for utilizing existing drainage patterns and systems, conveying drainage from the developed (restored) areas of the site in a non-erosive manner, and restoring disturbed or degraded natural drainage systems.

Mitigation Measures: No mitigation measures are required.

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

No impact. The project would not alter the existing drainage pattern of the site or area in a manner which would result in flooding on- or off-site. Flood velocities and depth of flows will be unchanged outside the boundaries of the project.

Mitigation Measures: No mitigation measures are required.

e. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

No impact. The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems, nor would the project provide substantial additional sources of water.

Mitigation Measures: No mitigation measures are required.

f. *Otherwise substantially degrade water quality?*

Less than significant impact. The proposed project will have a beneficial impact with regard to water quality, as it would reduce the amount of sediment and other pollutant flowing through the site and into the ocean and associated sensitive marine life areas.

Mitigation Measures: No mitigation measures are required.

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

No impact. The proposed project does not involve the development of housing; therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

h. *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Less than significant impact. The proposed gabion drop structures and weirs would be placed within the streambed (i.e., within the 100-year flood hazard area). The structures are designed to prevent the rapid loss of sediment in the canyon bottom and the subsequent loss of native habitat in and along the streambed and on the canyon slopes. The structures will re-establish the natural streambed flowpath. While there will be temporary impacts during construction, there are no permanent negative impacts.

Mitigation Measures: No mitigation measures are required.

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

No impact. The project site is not located within a dam inundation area; therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

j. *Inundation by seiche, tsunami, or mudflow?*

No impact. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. Mudflows result from the down-slope movement of soil and/or rock under the influence of gravity.

The project site is located adjacent to the Pacific Ocean. According to the *General Plan*, seismically induced seiches are not considered a potential hazard within the City.

The beach area can be impacted by a tsunami. The proposed project does not include new habitable structures, nor would it alter any existing structures in the project vicinity. The project would therefore not increase the likelihood of damage by a tsunami; therefore, there is no impact.

Without the project, it is more likely over time there will be undermining of the channel slopes and potential failures. Failed slopes will disrupt the vegetation stabilizing the surface of the slope and potentially lead to mud slides in a storm event. The proposed project will essentially eliminate this threat.

Mitigation Measures: No mitigation measures are required.

4.10 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

a. *Physically divide an established community?*

No impact. As a canyon, Buck Gully physically divides residential uses within the immediately vicinity. The proposed restoration will not physically divide the established community and no residential uses would be negatively impacted.

Mitigation Measures: No mitigation measures are required.

b. *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposes of avoiding or mitigating an environmental effect?*

No Impact. The proposed project is identified in the *General Plan*, under Policy NR 10.8 (*Standards for Buck Gully and Morning Canyon*). Per Policy NR 10.8, the standard is to prepare natural habitat protection regulations for Buck Gully and Morning Canyon to provide for the protection of the natural habitats in these areas and private property rights. Also, the regulations include standards for placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures.

The project would remove exotic and invasive plant species, and replace them with native plant species approved by the CDFG and the City of Newport Beach Fire Department; therefore, the proposed project conforms with regulatory and City policies. With regard to applicable City zoning ordinances and standards, the proposed project is in compliance with the CLUP for the City of Newport Beach. The City will obtain a Coastal Development Permit prior to commencement of any construction activities and, therefore, must be consistent with Chapter 3 of the Coastal Act.

Policy 2.8.7-1 of the CLUP directs the City to conduct hydrological studies of Big Canyon, Buck Gully, and Morning Canyon to develop methods to control water quality, sedimentation, erosion, and slope failure, and to protect downstream areas from debris flows. Hydrological studies have been conducted for the proposed project which shows a significant need for slope stabilization measures, which is the basis for the proposed project.

Section 30107.5 of the Coastal Act defines "environmentally sensitive area" as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values. Only uses dependent on those resources are allowed within ESHAs, and 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. Coastal sage scrub and riparian habitat occupy portions of the project site, which may be considered ESHA since it serves as potential habitat for the California gnatcatcher. However, the proposed project seeks to enhance the native vegetation by installing slope stabilization measures, which would ultimately improve on-site conditions. The proposed project is resource dependent.

Policy 4.1.1-2 of the CLUP states that the City requires a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for a CDP application where development would occur within or adjacent to areas identified as a potential ESHA. ESHA may or may not be present on site given the lack of special status species. A biological analysis has been prepared by BonTerra Consulting and will be included in the CDP application. The determination of ESHA is made by CCC staff after review of biological technical studies and a formally submitted CDP application. Policy 4.1.1-4 protects ESHAs against any significant disruption of habitat values. Policy 4.1.1-6 requires development in areas adjacent to an ESHA to be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat areas. Policy 4.1.1-7 limits uses within ESHAs to only those uses that are dependent on such resources. The proposed project seeks to enhance the area by installing slope stabilization measures, which would ultimately improve the on-site ESHA (if present). The proposed project is entirely dependent on the resource due to the presence of a creek and riparian area.

Policy 4.1.1-12 requires the use of native vegetation and prohibits invasive plant species within ESHAs and ESHA buffer areas. Policy 4.1.1-14 requires mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. The proposed project seeks to enhance and restore ESHA; therefore, no additional mitigation is required. Temporary impacts to vegetation will occur; however, vegetation shall be replanted once gabion structures are installed. Non-native vegetation would be replaced with a native seed mix approved by the CDFG and the City.

Policy 4.1.1-16 requires monitoring of mitigation measures for allowable impacts to ESHA and other sensitive resources for a period of sufficient time to determine if mitigation objectives and performance standards are being met. The City would be required to perform at least 5 years of monitoring and mitigation measures to ensure that native planting is successful. Completion of the monitoring would occur after 5 years, or before, if the site is deemed successful by the regulatory agencies.

Implementation of BIO2 would ensure compliance with the specific mitigation measures outlined in the CLUP water quality policies 4.1.3-1 for Buck Gully (b, c, d, e, f, g, and n). Policies 4.1.3-2, -3, and -4 are applicable to the proposed project.

In addition, Policy 4.2.1-2 is to protect, maintain, and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes. The proposed project is a restoration project which would serve to increase and restore the biological productivity and quality of a coastal wetland through the project's stabilization and revegetation activities. As stated in Section 4.8, the proposed project is consistent with the hydrology and water quality related land use policies of the CLUP. Refer to Section 4.8, *Hydrology and Water Quality*.

The proposed canyon protection project to address flood control and restoration issues conforms to the provisions of the Coastal Act. The rapid erosion of this reach of the canyon has disrupted the historically stable creek bed and created secondary flow paths that in turn have accelerated erosion in the canyon bottom. This erosion threatens the slope buttress along the west side of the canyon. Failure of the canyon slope would threaten houses on the canyon ridge. The streambed floor remains potentially unstable for wetland and riparian habitat, which has encouraged invasive plants, resulting in the degradation of native plant communities.

Using environmentally-friendly gabion drop-structures, the proposed project conforms with Section 30236 of the Coast Act as these gabion structures are the best mitigation measure for reestablishing the streambed near the center of the canyon to safely convey flood flows through this reach of the canyon, and forestalling failure of the canyon slopes which in turn would threaten houses at the top of the slope.

Installation of the gabion structures will prevent hundreds of thousands of cubic yards of sediment from being washed out of the canyon. Such a washout would permanently disrupt the canyon habitat areas, as there is no significant upstream source to resupply the sediment. With the canyon bottom stabilized, in conformance with the Coastal Act Section 30233, the success of restoration measures would be enhanced due to the long-term stability of the substratum. As a consequence, the functional capacity of riparian and wetland habitats would also be enhanced. The canyon restoration project will provide maintenance crews access into the canyon to remove invasive plants. Morning Canyon (the canyon immediately downcoast of Buck Gully) is a good case study where the same environmentally-friendly structural measures were used to stabilize the streambed, resulting in an upsurge in native riparian and wetlands vegetation.

As gabion structures are an effective means to stabilize streambeds with no adverse effects, the proposed project grading for canyon restoration conforms with Coast Act Section 30233 that permits filling of wetlands where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

Since the proposed project is consistent with the applicable land use plans, policies, and regulations that pertain to the proposed project, impacts associated with construction would be less than significant and no additional mitigation measures are required.

Mitigation Measures: No additional mitigation measures are required.

c. *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. The City, through execution of the NCCP/HCP Implementation Agreement (IA) and the issuance of an Endangered Species Section 10(a) Permit from the USFWS, is a participating land use jurisdiction in the Central-Coastal Subregional NCCP/HCP program. As a participating land use jurisdiction, the City receives specific regulatory authorizations pursuant to the provisions of the IA and the 10(a) Permit, including full regulatory coverage for 32 species and 3 habitat types, and conditional regulatory coverage for 7 species. Specifically, program participation requires that focused coastal California gnatcatcher surveys be conducted by a federally permitted biologist to determine the presence or absence of this species prior to development of the project site. No California gnatcatchers are located within the survey area based on focused studies conducted by BonTerrra within the project site. Refer to Impact Statement 4.4(a) for additional information regarding focused surveys.

Mitigation Measures: No mitigation measures are required.

4.11 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

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

No impact. According to the *General Plan*, oil production became the primary mineral extraction activity in and around the City. Two separate production and reserve areas exist within the City's Sphere of Influence: Newport Oil Field in west Newport and West Newport Oil Field in the Banning Ranch area. Other than oil and gas resources, there is no active mining within the Newport Beach area. Since no significant mineral resource deposits are known to exist within the project area, implementation of the proposed project would not result in the loss of availability of a known mineral resource. No impacts are anticipated to occur.

Mitigation Measures: No mitigation measures are required.

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

No impact. As noted in 4.11(a) above, project implementation would not result in the loss of availability of a locally important mineral resource recovery site. No sites designated as an area with significant mineral deposits are located within the project limits; therefore, implementation of the proposed project would result in no impacts.

Mitigation Measures: No mitigation measures are required.

4.12 NOISE

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity.

Sound is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3.0 and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (Leq), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level (Ldn). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10 PM and 7 AM. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical Ldn noise levels for light and medium-density residential areas range from 55 to 65 dBA.

Two of the primary factors that reduce levels of environmental sounds are increasing the distance between the sound sources to the receiver, and having intervening obstacles such as walls, buildings, or terrain features between the sound source and the receiver. Factors that act to increase the loudness of environmental sounds include: moving the sound source closer to the receiver, sound enhancements caused by reflections, and focusing caused by various meteorological conditions.

Existing Noise Environment

The project site is located within Buck Gully, upstream of the Pacific Ocean and south of East Coast Highway (ECH). The surrounding land uses consist of residential uses to the east and west, the Pacific Ocean to the south, and ECH to the north. The residential street to the west of the project site is Hazel Drive and to the east is Evening Canyon Road.

a. *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Short-Term (Construction) Noise Impacts

Less than significant impact with mitigation incorporated. Construction activities are temporary and generally have a short duration, lasting from a few days to a period of a few months (no noise would result from the project upon post-construction). The primary construction activity would include fine grading. The project would include a total of 10,000 cubic yards of cut and fill.

Groundborne noise and other types of construction-related noise impacts would typically occur during the site grading, which can create the highest levels of noise. Activities that occur during the grading phase include earth moving and soils compaction. High groundborne noise levels and other miscellaneous noise levels can be created during this phase by the operation of a dozer and backhoe (refer to Impact Statement 4.11(b) below).

In addition to construction noise from the canyon site, increased noise would occur along the access route to the site due to movement of equipment and workers. The primary heavy construction equipment and vehicles are expected to be moved on-site during the construction period and would have a less than significant short-term noise impact effect on nearby roadways and residential uses. Table 6, *Typical Construction Equipment Noise Levels*, indicates the anticipated equipment noise levels of the construction equipment that would be utilized. The noise levels presented in Table 6 are based on quantity, type, and Acoustical Use Factor for each type of equipment that would be used.

Table 6
Typical Construction Equipment Noise Levels

Type of Equipment	Acoustical Use Factor[1] (Percent)	L_{max} at 50 Feet (dBA)
Dozer	40	82
Backhoe	40	84

Note:
1. Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006; refer to Appendix D.

Table 7, *Construction Average Leq Noise Levels by Distance and Construction Stage*, provides a description of construction noise levels during fine grading. Grading would include mostly site preparation activities and vegetation clearance. Construction equipment utilized would include a dozer and backhoe. The noise levels presented in Table 7 are based on the equipment noise profiles presented in Table 6.

Noise receptors consist of residential uses that are located to the north, south, east, and west of the proposed restoration area. These residential uses are approximately 140 feet to the north, 132 feet to the south, 145 feet to the east, and 80 feet to the west.

Speech Interference Criteria

A Speech Interference Level was designed as a simplified substitute for the Articulation Index.[5] The Speech Interference Level is considered to provide a better estimate of the masking ability of a noise. Since the Speech Interference Level does not take into account the actual speech level, the associated masking effect depends upon vocal effort and speaker-to-listener distance. Speech spoken with slightly more vocal effort can be understood well when the noise level is 65 dBA. A typical building can reduce noise levels by 20 dBA with the windows closed.[6] In some cases this noise reduction could be maintained only on a temporary basis, since it assumes windows would remain closed at all times. Therefore, in the absence of an adopted specific construction noise related threshold by the City of Newport Beach, this analysis utilizes an interior level of 65 dBA as a criterion level for determining significance for construction-related activities.

Short-term construction-related noise impacts would be anticipated during construction. Construction activities would expose adjacent receptors to exterior noise levels of 75.5 dBA to 80.7 dBA during fine grading.

As indicated in Table 7, the worst-case exterior noise levels would exceed 65 dBA at these uses. Speech Interference Criteria will not be exceeded as interior noise levels are below 65 dBA. According to City of Newport Beach Municipal Code 10.28.04 *Construction Activity-Noise Regulations*, loud noise caused by construction activities is permitted during the hours

[5] Articulation index takes into account that some frequencies are more effective in masking speech than others. The frequency range from 250 to 7000 Hz is divided into 20 bands. The difference between file average speech peak level in each of these bands is calculated and the resulting numbers combined to give a single index.
[6] United States Department of Housing and Urban Development, *The Noise Guidebook*, undated, page 14.

of 7:00 A.M. to 6:30 P.M. on weekdays and 8:00 A.M. to 6:00 P.M. on Saturdays. Loud noise resulting from construction activities is not permitted on any Sunday or federal holiday.

These impacts are considered short-term and would cease upon completion of construction activities. Implementation of Mitigation Measures N1 and N2 and compliance with the Newport Beach *Municipal Code* Noise Ordinance would serve to minimize the length of time residents are exposed to significant noise levels.

Table 7
Construction Average Leq Noise Levels by Distance and Construction Stage

Description	Receptor Locations		Estimated Exterior Construction Noise Level[3,4]	Estimated Interior Construction Noise Level[3,4]	Speech Interference Criteria	Exceed Criteria?
	Direction[1]	Distance[2]				
Phase 1						
Fine Grading	North	140 feet	75.8	55.8	65	***No***
	South	132 feet	76.3	56.3	65	***No***
	East	145 feet	75.5	55.5	65	***No***
	West	80 feet	80.7	60.7	65	***No***

Notes:
1. To the north, south, east, and west are residential units which are considered sensitive receptors.
2. Distance is from the nearest sensitive receptor to the center of the project site, which approximates the acoustical dispersal characteristics of an active construction zone.
3. Derived from the Federal Highway Administration, Roadway Construction Noise Model (FHWA-HEP-05-054), January 2006; refer to Appendix D for equipment mixes used during construction.
4. A typical building can reduce noise levels by 20 dBA with the windows closed.[7] This assumes all windows and doors are closed, thereby attenuating the exterior noise levels by 20 dBA.

Long Term Noise Impacts

The project proposes the installation of stepped-gabion grade control structures in the lower reach and bend-way weirs along the upper bend of lower Buck Gully (south of East Coast Highway). This installation will lower the grade and uniformly distribute high flows, thereby reducing velocities, and subsequently limiting the erosive nature of major flood events. No mechanical equipment would be required, and there would not be the need for regular vehicle access to the area. Therefore, the proposed project would not result in mobile noise impacts.

Mitigation Measures:

N1. Construction activities, including equipment startup, shall be limited to 7:00 A.M. to 6:30 P.M. Monday through Friday and 8:00 A.M. to 6:00 P.M. on Saturday; no construction will occur on any Sunday or federal holiday.

N2. Prior to grading operations, the project shall demonstrate, to the satisfaction of the City of Newport Beach Planning Department, that the project complies with the following:

[7] United States Department of Housing and Urban Development, *The Noise Guidebook*, undated, page 14.

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.

- Construction noise reduction methods such as shutting off idling equipment and maximizing the distance between construction equipment staging areas and occupied residential areas/sensitive biological habitat shall be implemented.

- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.

- A project sign shall be clearly posted at the primary construction entrance, as an information resource for surrounding property owners and residents. The sign shall include the following minimum project information: project name, general contractor, normal construction hours, normal workdays, and local telephone number of the Job Superintendent. If the City or the Job Superintendent receives a complaint, the Superintendent shall investigate, take appropriate corrective action, and report the action taken to the City.

b. *Exposure of persons to or generation of excessive groundborne vibration of groundborne noise levels?*

Less than significant impact. Project construction can generate varying degrees of ground-borne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.20 inch/second) appears to be conservative.

The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Typical vibration produced by construction equipment is illustrated in Table 8, *Typical Vibration Levels for Construction Equipment*.

Ground-borne vibration decreases rapidly with distance. As indicated in Table 8, based on the FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.210 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. At 75 feet from the source of

activity, vibration velocities range from 0.001 to 0.040 inch-per-second PPV. With regard to the proposed project, ground-borne vibration would be generated primarily during site clearing and grading activities. Additionally, a vibratory roller may be used for compaction activities.

The PPV from bulldozer and heavy truck operations is shown to be 0.089 inch-per-second PPV and 0.076 inch-per-second PPV, respectively, at a distance of 25 feet. The closest occupied structures (residences) with a daytime use are approximately 80 feet (25 meters) away from potential heavy construction activity zones. At 80 feet, these pieces of construction equipment would result in 0.016 and 0.013 inch-per-second PPV and would be below the 0.20 inch-per-second PPV significance threshold.

As stated above, the construction activities associated with the proposed project may also include vibratory rolling. The closest occupied structures (residences) with a daytime use are approximately 80 feet (25 meters) away from proposed vibratory rolling activities. The vibratory roller would result in a 0.037 inch-per-second PPV at the closest occupied structures. Therefore, as each of the calculated values is below the 0.20 inch-per-second PPV significance threshold, vibration impacts associated with construction would be less than significant, and no mitigation measures are required.

Table 8
Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second)	Approximate peak particle velocity at 75 feet (inches/second)
Large bulldozer	0.089	0.017
Loaded trucks	0.076	0.015
Small bulldozer	0.003	0.001
Auger/drill rigs	0.089	0.017
Jackhammer	0.035	0.007
Vibratory hammer	0.035	0.007
Vibratory roller	0.210	0.040

Notes:
1. Peak particle ground velocity measured at 25 feet unless noted otherwise.
2. Root mean square amplitude ground velocity in decibels (VdB) referenced to 1 micro-inch/second.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Guidelines*, May 2006.

Mitigation Measures: No mitigation measures are required.

c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

No impact. Implementation of the proposed project would not result in a substantial permanent increase in ambient noise levels since noise increases would only be generated during construction.

Mitigation Measures: Refer to Mitigation Measures N1 and N2.

d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than significant impact with mitigation incorporated. Refer to Impact Statement 4.11(a) above.

Mitigation Measures: Refer to Mitigation Measures N1 and N2 above.

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

No impact. The project site is not located within an area subject to the requirements of an airport land use plan, as it is located approximately 5 miles from John Wayne Airport (SNA). The project consists solely of construction-related activities; thus, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

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

No impact. Refer to Impact Statement 4.11(e) above.

Mitigation Measures: No mitigation measures are required.

4.13 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

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

No impact. The proposed project would serve to restore Buck Gully. No development is proposed as part of the project. The proposed project is not growth-inducing by nature. Therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

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

No impact. The project site currently consists of a vegetated canyon with a perennial stream. No residential dwelling units exist on the project site. Therefore, development of the proposed project would not displace any housing and no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No impact. Due to the nature of the proposed project, project implementation does not have the potential to displace people; therefore, no impact would occur.

Mitigation Measures: No mitigation measures are required.

4.14 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?		✓		
2) Police protection?		✓		
3) Schools?				✓
4) Other public facilities?			✓	

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

1. *Fire protection?*

Less than significant impact with mitigation incorporated. Fire protection services in the project area are provided by the Newport Beach Fire Department (NBFD). Due to the nature of the proposed restoration, the project would not result in the need for additional fire protection facilities. Short-term construction-related congestion would be mitigated with implementation of a Traffic Management Plan, as required by the City. The TMP would serve to facilitate emergency vehicle movement in the project area during construction.

Mitigation Measures:

PS1. Refer to Mitigation Measure TRF1.

2. *Police protection?*

Less than significant impact with mitigation incorporated. The Newport Beach Police Department provides police protection for the project area. Since population growth and new buildings are not proposed, the proposed project would not result in the need for new or physically altered police protection facilities. Short-term construction-related congestion impacts would be mitigated with implementation of a TMP.

Mitigation Measures:

PS2. Refer to Mitigation Measure TRF1.

3. *Schools?*

No impact. The project would not generate students or include the construction of buildings, and, therefore, would not result in impacts to school services.

Mitigation Measures: No mitigation measures are required.

4. *Other public facilities?*

Less than significant impact. Landscaping is proposed as part of the proposed project; therefore, long-term maintenance would be required. The City Public Works Department would be responsible for vegetation maintenance. No impacts to other public facilities are anticipated; therefore, less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

4.15 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b. Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? opportunities?				✓

a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No impact. Due to the nature of the project, it does not have the capacity to increase the demand on existing neighborhood or regional recreational facilities. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b. *Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment? opportunities?*

No impact. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities; therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

4.16 TRANSPORTATION AND TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
b. Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e. Result in inadequate emergency access?		✓		
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?				✓

a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

No impact. As the project consists of restoration activities, the project would not have any affect on the circulation system. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No impact. Refer to Impact Statement 4.15(a) above.

Mitigation Measures: No mitigation measures are required.

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

No impact. Project implementation would not have the capacity to change air traffic patterns.

Mitigation Measures: No mitigation measures are required.

d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No impact. The proposed project design does not include any sharp curves or traffic intersection crossings. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

e. *Result in inadequate emergency access?*

Less than significant impact with mitigation incorporated. Construction staging would occur within the limits of the construction/temporary easement, located throughout the canyon. Contractor access to the project site would be provided by the existing public beach access road at the corner of Ocean Boulevard and Poppy Avenue (Glen Drive). Construction traffic would access the project site from Marguerite Avenue to Ocean Boulevard only; no other streets would be utilized. Since contractor access would occur on Glen Drive, impacts to emergency access could be temporarily impaired. However, with implementation of Mitigation Measure TRF1, impacts would be reduced to less than significant by requiring a Traffic Management Plan (TMP) to be established by the City prior to construction activities.

Mitigation Measures:

TRF1. Short-term mitigation to roadway use shall be mitigated by a Traffic Management Plan (TMP) to be established by the City prior to construction of any improvements. This TMP shall consist of prior notices, adequate sign-posting, detours, phased construction, and temporary driveways where necessary. The TMP shall specify implementation timing of each plan element (prior notices, sign-posting, detours, etc.) as determined appropriate by the City Engineer. Prior detours and warning signs shall be established to ensure public safety. The TMP shall be devised so that construction shall not interfere with any emergency response or evacuation plans. Construction activities shall proceed in a timely manner to reduce impacts.

f. *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?*

Less than significant impact. The Little Corona tide pools, which can be accessed by the existing public beach access road at the corner of Ocean Boulevard and Poppy Avenue (Glen Drive), receive many visitors throughout the year. Although construction traffic shall access the project site utilizing Glen Drive, the road is steep (grades exceed 15%), narrow (less than 15 feet wide), and shall remain open for public use during construction.

Mitigation Measures: No mitigation measures are required.

4.17 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

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

No impact. The proposed project does not have the capacity to generate wastewater or exceed wastewater treatment requirements.

Mitigation Measures: No mitigation measures are required.

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

No impact. Due to the relatively limited nature and scope of the proposed physical improvements, the proposed project would not require or result in the construction of new water or wastewater treatment facilities.

Mitigation Measures: No mitigation measures are required.

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

Less than significant impact. The project consists of restoration of a canyon and drainage. Storm water facilities would not be required for the project; as such, less than significant impacts would result.

Mitigation Measures: No mitigation measures are required.

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

No impact. Due to the temporary nature of the proposed project, no long-term use of water or new post-construction water demands are anticipated. Water would be utilized during construction for air quality measures only. Refer to Section 4.3, *Air Quality*.

Mitigation Measures: No mitigation measures are required.

e. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

No impact. Refer to Impact Statements 4.8(a) and 4.8(b) above.

Mitigation Measures: No mitigation measures are required.

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

No impact. The proposed project would not have the capacity to generate solid waste, and therefore, would not impact landfill capacity. As such, no impacts would result in this regard.

Mitigation Measures: No mitigation measures are required.

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

Less than significant impact. Although vegetation clearing would be initiated during construction, the proposed project does not involve a solid waste generating land use, and therefore would not be subject to federal, state, or local statutes and regulations related to solid waste. Vegetation would be removed off-site with other construction debris and sent to an approved landfill.

Mitigation Measures: No mitigation measures are required.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Less than significant impact with mitigation incorporated. The proposed project includes the temporary removal of vegetation including: southern coastal bluff scrub, chenopod scrub, coastal freshwater marsh, southern arroyo willow forest, and ornamental species. Several special status plant and wildlife species are known to occur within the project area. With implementation of project activities, it is anticipated that habitat will be temporarily removed. However, the site will be replanted with a native seed mix that will be approved by the California Department of Fish and Game, California Coastal Commission, and City of Newport Beach. Therefore, project implementation would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Additionally, with implementation of Mitigation Measures BIO1 and BIO2, impacts would be reduced to less than significant.

Mitigation Measures: No additional mitigation measures are required.

b. *Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less than significant impact. The project consists of restoration of a canyon. Due to the relatively limited nature and scope of the proposed physical improvements, the proposed project would not involve significant cumulative impacts. Many other effects are isolated to the project area, and have been determined to be less than significant. Although the project may incrementally affect other resources that were determined to be less than significant, the project's contribution to these effects is not considered "cumulatively considerable," in consideration of the relatively nominal impacts of the project.

As previously noted, the project is proposed to limit erosion, particularly along the base of the canyon slopes and to reduce the potential of slope destabilization/failure which may result in damage to the existing residential structures situated at the top of these slopes. Cumulative construction-related impacts are mitigated on a case-by-case basis by providing adequate control of dust, noise, and related impacts.

Mitigation Measures: No additional mitigation measures are required.

c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than significant impact. Because of the relatively limited scope of the proposed modifications, project implementation would not have environmental effects that would cause substantial adverse effects on human beings. Construction-related activities are anticipated to have some minor, temporary impacts (traffic congestion, PM_{10}, emissions and noise). The proposed project is not anticipated to have long-term impacts.

Mitigation Measures: No mitigation measures are required.

5.0 LIST OF MITIGATION MEASURES

5.1 AIR QUALITY

AQ1 During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures, as specified in SCAQMD Rule 403:

- Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- Water or securely cover material transported on-site or off-site sufficiently to prevent generating excessive amounts of dust.
- Indicate these control techniques in project specifications. Compliance with the measure will be subject to periodic site inspections by the City.
- Prevent visible dust from the project from emanating beyond the property line, to the maximum extent feasible.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered, or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.

AQ2. Project grading plans shall show the duration of construction. Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Compliance with this measure shall be subject to periodic inspections of construction equipment vehicles by the City.

5.2 BIOLOGICAL RESOURCES

BIO1. Vegetation clearing shall be restricted to outside the peak nesting raptor season (February 1 – June 30). If vegetation clearing occurs between February 1 and June 30, a Biological Monitor shall conduct a pre-construction nesting raptor survey to identify any active nesting locations. Restrictions may be placed on construction activities in the vicinity of any active nest observed until the nest is no longer active as determined by a qualified biologist.

BIO2. The City of Newport Beach shall obtain all appropriate permits for impacts to project areas containing USACE and CDFG jurisdictional resources, including a Coastal Development Permit (CDP) from the California Coastal Commission (CCC). Restoration activities would mitigate project impacts; therefore, mitigation would be at no less than a 1:1 ratio.

Prior to the initiation of any construction-related activities, the City shall submit a detailed restoration program and restoration site plans for USACE, CDFG, and CCC approval. The Restoration Program shall contain the following items:

- ***Responsibilities and qualifications of the personnel to implement and supervise the plan.*** The responsibilities of the City, Specialists, and Maintenance Personnel that would supervise and implement the plan shall be specified.

- ***Site preparation and planting implementation.*** Site preparation shall include: (1) protection of existing native species; (2) trash and weed removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) temporary irrigation installation (if required); (6) erosion-control measures (i.e., rice or willow wattles); (7) seed mix application; and (8) container species planting.

- ***Schedule.*** A schedule shall be developed which includes planting in late fall and early winter, between October 1 and January 30.

- ***Maintenance plan/guidelines.*** The Maintenance Plan shall include: (1) weed control; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance (if required); (5) maintenance training; and (6) replacement planting.

- ***Monitoring Plan.*** The Monitoring Plan shall include: (1) qualitative monitoring (i.e., photographs and general observations); (2) quantitative monitoring (i.e., randomly placed transects); (3) performance criteria, as approved by the above-listed resource agencies; (4) monthly reports for the first year and reports every other month thereafter; and (5) annual reports, which shall be submitted to the resource agencies on a yearly basis, for five years. The City shall monitor and maintain the project site for five years to ensure successful establishment of riparian habitat within the restored and created areas.

- ***Long-term preservation.*** Long-term preservation of the site shall also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development.

5.3 CULTURAL RESOURCES

CR1. If during ground disturbance, potentially significant archaeological evidence (i.e., stone artifacts, dark ashy soils, burned rocks, old glass, metal, ceramic artifacts) becomes apparent, work in that location shall be stopped; if not present, a qualified archaeologist (approved by the City) shall be notified immediately to evaluate the find. According to CEQA criteria, the importance of the resource shall be determined through evaluation. Should evaluation conclude that important cultural resources exist and will be negatively impacted by project construction, recommendations shall present further mitigation measures necessary to lessen those impacts to less than significant.

CR2. If human remains are discovered, the County Coroner's office shall be notified immediately under state law (California Health and Safety Code § 7050.5), and all activities in the immediate area of the find shall cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC). The NAHC shall designate a Most Likely Descendent who shall make recommendations concerning the disposition of the remains in consultation with the lead agency and project archaeologist.

CR3. If, during ground disturbance, potentially significant paleontological evidence becomes apparent, work in that location shall be stopped; if not present, a qualified paleontologist (approved by the City) shall be notified immediately to evaluate the find. According to CEQA criteria, the importance of the resource shall be determined through evaluation. Should evaluation conclude that important cultural resources exist and would be negatively impacted by project construction, recommendations shall present further mitigation measures necessary to lessen those impacts to less than significant.

5.4 HAZARDS AND HAZARDOUS MATERIALS

HAZ1. During construction, if the contractor discovers unknown wastes or suspect materials that he/she believes may be hazardous, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Project Engineer of the implementing agency;
- Secure the areas as directed by the Project Engineer; and
- Notify the implementing agency's hazardous and waste/materials coordinator.

5.5 NOISE

N1. Construction activities, including equipment startup, shall be limited to 7:00 A.M. to 6:30 P.M. Monday through Friday and 8:00 A.M. to 6:00 P.M. on Saturday; no construction will occur on any Sunday or federal holiday.

N2. Prior to grading operations, the project shall demonstrate, to the satisfaction of the City of Newport Beach Planning Department, that the project complies with the following:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
- Construction noise reduction methods such as shutting off idling equipment and maximizing the distance between construction equipment staging areas and occupied residential areas/sensitive biological habitat shall be implemented.

- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.

- A project sign shall be clearly posted at the primary construction entrance, as an information resource for surrounding property owners and residents. The sign shall include the following minimum project information: project name, general contractor, normal construction hours, normal workdays, and local telephone number of the Job Superintendent. If the City or the Job Superintendent receives a complaint, the Superintendent shall investigate, take appropriate corrective action, and report the action taken to the City.

5.6 TRANSPORTATION/TRAFFIC

TRF1. Short-term mitigation to roadway use shall be mitigated by a Traffic Management Plan (TMP) to be established by the City prior to construction of any improvements. This TMP shall consist of prior notices, adequate sign-posting, detours, phased construction, and temporary driveways where necessary. The TMP shall specify implementation timing of each plan element (prior notices, sign-posting, detours, etc.) as determined appropriate by the City Engineer. Prior detours and warning signs shall be established to ensure public safety. The TMP shall be devised so that construction shall not interfere with any emergency response or evacuation plans. Construction activities shall proceed in a timely manner to reduce impacts.

6.0 DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mr. Robert Stein

10-7-10
Date

Assistant City Engineer
Title

7.0 REFERENCES

7.1 ENVIRONMENTAL EVALUATION PERSONNEL

Lead Agency:

CITY OF NEWPORT BEACH
3300 Newport Boulevard
Newport Beach, CA 92663
Contact: Mr. Robert Stein
949/644-3322

Consultants:

RBF Consulting
14725 Alton Parkway
Irvine, CA 92618

Mr. Richard Beck, CEP, REA, CPESC. *Environmental Project Manager*	949/855-3687
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7.2 REFERENCE DOCUMENTS

BonTerra Consulting, *Biological Constraints Assessment for the Buck Gully Project Site*, February 14, 2008.

BonTerra Consulting, *Special Status Plant Survey for the Buck Gully Project Site*, December 8, 2009.

BonTerra Consulting, *Southwestern Pond Turtle Survey for the Buck Gully Project Site*, December 12, 2009.

BonTerra Consulting, *Least Bell's Vireo and South Western Willow Flycatcher Survey for the Buck Gully Project Site*, September 10, 2009.

BonTerra Consulting, *Results of Coastal California Gnatcatcher Survey for the Buck Gully Project Site*, June 11, 2009.

City of Newport Beach, *General Plan*, adopted on July 25, 2006, approved by the populace on November 7, 2006.

City of Newport Beach, *General Plan 2006 Update Final Environmental Impact Report*, SCH No. 2006011119.

City of Newport Beach*, Local Coastal Program Coastal Land Use Plan*, approved by the California Coastal Commission on October 13, 2005, adopted by the City of Newport Beach on December 13, 2005 per Resolution Number 2005-64.

City of Newport Beach, *Municipal Code,* updated through March 2005.

City of Newport Beach, *Zoning Code*, adopted March 24, 1997 by Ordinance Number 97-09

Environmental Data Resources Inc. (EDR), *EDR Radius Map Report with GeoCheck, Buck Gully Canyon,* July 31, 2008.

RBF Consulting, *Delineation of State and Federal Jurisdictional Waters*, February 11, 2008.

SCAQMD, *CEQA: Air Quality Handbook*, November 1977.

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