

**DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**OCEAN INSTITUTE DOCK REPLACEMENT
DANA POINT, CALIFORNIA**

Prepared For: Tom Townsend

**County of Orange
Dana Point Harbor Department
24650 Dana Point Harbor Drive
Dana Point, California 92629
Tom Townsend, Project Manager**

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APPENDIX A: MERKEL & ASSOCIATES BIOLOGICAL RESOURCES ASSESSMENT

EXHIBITS

EXHIBIT 1: REGIONAL MAP	Follows Page 2
EXHIBIT 2: VICINITY MAP	Follows Page 2

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program



INITIAL STUDY No. IP 06-054

EXHIBIT 3: AERIAL PHOTO..... Follows Page 2
EXHIBIT 4: PROPOSED DOCK IMPROVEMENTS..... Follows Page 3
EXHIBIT 5: SITE PHOTOS Follows Page 3



**ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY NO. IP 06-054**

1. Project Title: Ocean Institute Dock Replacement Project
2. Lead Agency: County of Orange
3. Contact Person and Phone Number: Dan Wery (858) 614-5081
4. Decision Maker: George Carvalho, Director, Dana Point Harbor Department
5. Project Location: Dana Point Harbor, Dana Point, California
6. Project Applicant's Name and Address:
Ocean Institute, 24200 Dana Point Harbor Drive, Dana Point, California 92629
7. General Plan Designation: Community Facility
8. Zoning: Marine Studies Institute
9. Sources of Information: The following sources of information were used in preparation of this checklist and IS:
 - California Coastal Act, 1976
 - City of Dana Point General Plan, 1991
 - City of Dana Point LCP
 - County of Orange General Plan, April 2004
 - County of Orange LCP, South Coast Planning Unit, 1986
 - Orange County Storm Water Program
 - Drainage Area Management Plan (DAMP), 2003
 - Construction Runoff Guidance Manual, 2004
 - LSA Associates, Inc. Dana Point Harbor Boat Launch Ramp Renovation/MND 2005



- California Department of Fish and Game, Digital Atlas Web site: <http://atlas.resources.ca.gov/atlas/app.asp>.
- Merkel and Associates, Inc. *Biological Resources Assessment for Ocean Institute Dock Replacement and Extension Project in Dana Point Harbor*, January 2006
- California Clean Marine Toolkit, May 2004
- California Geological Survey, http://www.consrv.ca.gov/CGS/geologic_hazards/earthquakes/index.htm
- South Coast Air Basin, <http://www.arb.ca.gov/aqdas/bsn2sc.htm>
- CALTRANS, Bay Bridge East Span Biological Mitigation, <http://biomitigation.org>

10. Description of Project:

Ocean Institute is a non-profit educational facility offering immersion-style marine science, environmental education, and maritime history programs to kindergarten through 12th grade students and teachers including hands-on activities on three vessels permanently moored at the site: R/V Sea Explorer, the Spirit of Dana Point, and the Pilgrim. The Institute also regularly uses a fourth vessel, the Fury, to take students to Catalina Island. Exhibits 1 and 2 identify the regional location and vicinity of the site in Dana Point Harbor. Exhibit 3 shows the existing conditions.

Ocean Institute holds a lease from the County of Orange for approximately 4.6 acres of land and use of adjacent waters defined by a leasehold line. The project will remain within the existing leasehold boundaries. The lease was created with the purpose of developing and operating a non-profit marine educational facility within Dana Point Harbor. In July 1999, the Ocean Institute signed a new 35-year lease with the County of Orange the property in Dana Point Harbor. On March 28, 2001, the Institute broke ground for a \$16.5 million Ocean Education Center with the capacity to educate 135,000 students each year. This new facility has been open since mid-2002.

Ocean Institute has embarked on a program to improve and upgrade its aging dock facilities to better serve its mission to inspire all generations, through education, to become responsible stewards of our oceans and to provide an experience more in keeping with the newly improved landside facilities. The current R/V Sea Explorer and Spirit of Dana Point dock is too short and too low to appropriately accommodate and moor both vessels, too narrow to accommodate educational program activities and facilities, is not compliant with the Americans with Disabilities Act (ADA) requirements, is vulnerable to damage and loss of use with only 4 aging support piles, and is at the end of its useful life. The purpose of the project is to maintain the existing educational activities and mission with a larger, stronger dock to overcome the existing dimensional, operational, safety and regulatory deficiencies.



The project involves replacing the existing 10x145-foot dock with a 300-foot dock that is 27 feet wide in the middle and 12' wide at the ends. The new dock will be placed in the same location as the existing dock and will be secured by ten 20-inch diameter concrete piles. The total dock area will increase from 1,450 square feet to 5,500. A new 20x100-foot platform and 5x80-foot ramp will be built to expand the existing promenade area that will facilitate education programs and allow access to the dock that is compliant with ADA guidelines. The platform will be supported by 12 new 20-inch concrete piles. Exhibit 4 superimposes the proposed dock improvements over a recent aerial photograph representing the existing conditions. Exhibit 5 provides recent photographs of the Spirit of Dana Point & R/V Sea Explorer and Pilgrim docks.

During construction it will be vital to the Institute to maintain the current educational programming schedule. This will involve the shuffling of the three vessels, likely through the use of the adjacent Pilgrim dock, temporary outside mooring, and possibly long-term training and/or educational programs at sea. In order to accommodate the docking of multiple vessels and to improve the function and safety of the dock, the north edge of the Pilgrim dock will be expanded by approximately four feet along its entire 105-foot length, for an expansion of 420 square feet. There will be no pile installation for this widening.

A Biological Resources Assessment was conducted by Merkel & Associates, Inc. to analyze the existing conditions and proposed impacts of the project on marine lifeforms. The study documented that the project site does not contain eelgrass or other threatened or endangered species or habitats. The study concluded that due to the limited nature of the dock expansion, the lack of sensitive resources in the project area, the lack of limited or unique biota beneath the docks, and the anticipated recovery of resource values by reestablishment of similar or more productive communities around the expanded docks, the project as proposed would not be anticipated to result in significant adverse biological impacts.

There will be no dredging or grading as part of the project. There will be no earthen fill associated with the project. While not meeting the traditional definition of fill, the installation of the 22 new 20-inch diameter concrete piles will result in a gross coverage of 48.4 square feet of harbor bottom that will be covered by the new piles.

The dock replacement project would occur beyond the existing bulkhead. There will be no construction or land disturbance upland of the bulkhead. The project will not change the existing educational program or use of the dock or landside educational facilities.

The project is expected to be conducted in a single-phase consisting of the removal of the existing docks and piles, driving of the new piles, and assembly and installation of the new dock platforms over a two to three month period beginning in mid- to late September of 2006. The pile driving and the installation of the dock platforms will be conducted from a floating barge and/or from the adjacent promenade area. It is expected that the piles and dock sections will be constructed off-site and trucked to the site. The piles and dock sections will either be floated or craned into position.



11. Surrounding Land Uses and Setting:

The Ocean Institute sits at the base of the Dana Point Headlands at the western end of the Dana Point Harbor. Land uses surrounding the Ocean Institute Dock Replacement project include Baby Beach, the Dana Point Harbor Marina, and the Dana Point Yacht Club.

12. Other public agencies whose approval is required:

California Coastal Commission (Coastal Development Permit approval)

California Water Resources Control Board Region 9 – San Diego

U.S. Army Corps of Engineers

County of Orange

Dana Point Harbor Review Board

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” as indicated by the checklist on the following pages.

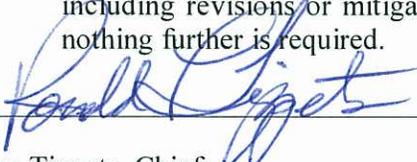
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |



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” or “potentially significant unless mitigated” impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the 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 have been (a) analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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.



Ron Tippets, Chief
Environmental Planning Services Division
Telephone: (714) 834-5394

2.15.06
Date



ENVIRONMENTAL ANALYSIS CHECKLIST
Initial Study Number IP 06-054
for the Ocean Institute Dock Replacement Project

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
1. LAND USE & PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. AGRICULTURE. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
3. POPULATION & HOUSING. Would the project:				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program



OCEAN INSTITUTE DOCK REPLACEMENT ENVIRONMENTAL ANALYSIS CHECKLIST

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
d) Be located on expansive soils, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal system where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. HYDROLOGY & WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
f) Have a significant adverse impact on groundwater quality or otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. TRANSPORTATION/CIRCULATION. Would the project:				
a) Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program



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ENVIRONMENTAL ANALYSIS CHECKLIST

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plan or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. NOISE. Would the project result in:				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program



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ENVIRONMENTAL ANALYSIS CHECKLIST

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a private or public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. BIOLOGICAL RESOURCES. Would the project:				
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 Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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ENVIRONMENTAL ANALYSIS CHECKLIST

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. AESTHETICS. Would the project:				
a) Have a substantial adverse effect a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
11. CULTURAL/SCIENTIFIC RESOURCES, Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. RECREATION. Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. MINERAL RESOURCES. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
14. HAZARDS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
h) Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. PUBLIC SERVICES. Would the project:				
a) 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:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. UTILITIES & SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MANDATORY FINDINGS				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program



OCEAN INSTITUTE DOCK REPLACEMENT
ENVIRONMENTAL ANALYSIS CHECKLIST

ISSUES & SUPPORTING DATA SOURCES:	Potential Significant Impact	Less than Significant w/ Mitigation	Less than Significant Impact	No Impact
b) Does the project have possible environmental effects, which are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

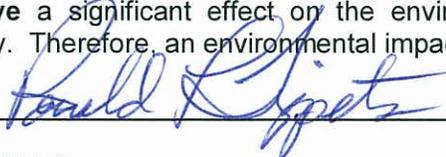
DETERMINATION:

Based upon the evidence in light of the whole record documented in the attached environmental checklist explanation, cited incorporations and attachments, I find that the proposed project:

COULD NOT have a significant effect on the environment, and a negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures have been added to the project. A negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

MAY have a significant effect on the environment, which has not been analyzed previously. Therefore, an environmental impact report (EIR) is required.

Signature: 

Ron Tippetts, Chief
Environmental Planning Services Division
Telephone: (714) 834-5894

NOTE: All referenced and/or incorporated documents may be reviewed by appointment only, at the County of Orange Resources & Development Management Department, 300 N. Flower Street, Santa Ana, California, unless otherwise specified. An appointment can be made by contacting the CEQA Contact Person identified above.

Revised February 10, 2006



RESPONSES TO ENVIRONMENTAL CHECKLIST QUESTIONS

1. LAND USE AND PLANNING

This section addresses the land use impacts of the proposed project based primarily on the project's consistency with the California Coastal Act and the County's General Plan. The Coastal Commission has asserted jurisdiction over the project because it is primarily located in the water and tidelands seaward of the mean high tide line. The City of Dana Point Local Coastal Program contemplates this area as marine activities but is not applicable to this project because the Coastal Commission has approval authority since the project only involves waterside and no landside improvements.

The project site is designated as Harbor Marine Land in the City's General Plan Land Use Element. Although the City's General Plan is not applicable to this project because the project only involves waterside and no landside improvements, and the Coastal Commission's direct review, consistency with that plan is discussed below for informational purposes. Land uses immediately adjacent to the Ocean Institute Dock Replacement project in Dana Point Harbor include marine service facilities and a parking area. The proposed project is analyzed below with respect to CEQA thresholds for land use.

Would the project:

a.) **Physically divide an established community?**

No Impact. The project site is an existing dock facility for the Ocean Institute within the Dana Point Harbor. The proposed project is the renovation of the existing dock facilities and does not change or modify the use of the site. Therefore, because the project will not change the character or use of the project site, it would not divide an established community or intrude into any land use established by the County's or the City's General Plans. No impacts related to this issue would occur, and no mitigation is 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 purpose of avoiding or mitigating an environmental effect?**

No Impact. The proposed project would not affect land use designations or zoning districts. Therefore, no conflict with applicable land use plans, policies, or regulation would occur with implementation of the proposed project.

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

No Impact: The proposed project is not located within any Habitat Conservation Plan area or in a Natural Community Conservation Plan area identified in the County or City's General Plans. Therefore, no conflicts exist with such areas. No impacts related to this issue would occur, and no mitigation is required.



2. AGRICULTURAL RESOURCES

Would the project:

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

The following response applies to Questions a, b, and c above.

No Impact. The project site is located within the Dana Point Harbor, in an urbanized area surrounded by the Ocean Institute. Based on the City's General Plan and the California Digital Conservation Atlas, no farmland, agricultural zoning, or Williamson Act contracts exist within or adjacent to the project site. No impact to farmland or agriculture will occur, and no mitigation is required.

3. POPULATION AND HOUSING

Would the project:

- 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 road or other infrastructure)?**

No Impact. The proposed renovation project is intended to renovate and expand the existing dock facility on the project site and does not propose the construction of new homes, businesses, or infrastructure. The proposed project would not directly or indirectly induce substantial population growth since no homes or businesses are proposed as part of the project. The presence of construction workers at the site would be temporary and short-term and would not lead to a permanent demand for housing, goods, or services in the area. It is anticipated that the proposed project would not directly produce new or increased vehicular traffic. The proposed project would not induce substantial population growth.

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

No Impact. There are no residences located on the project site. Therefore, the proposed project will not displace any existing homes or people, necessitating the construction of replacement housing elsewhere. No impacts are anticipated, and no mitigation is required.



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

No Impact. There are no residences located on the project site. Therefore, the proposed project will not displace any existing homes or people, necessitating the construction of replacement housing elsewhere. No impacts are anticipated, and no mitigation is required.

4. GEOLOGY AND SOILS

Would the project:

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

- (i) **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 evidences of known fault? Refer to Division of Mines and Geological Special Publication 42.**

Less Than Significant Impact. Dana Point, like the rest of Southern California, is located in a seismically active area. The nearest significant active fault to the project site is the Newport-Inglewood Zone, located approximately four miles to the southwest. Additional major active faults that could affect Dana Point include the Whittier-Elsinore Fault, the San Andreas Fault, the Palos Verdes Fault, the San Clemente Fault, and the Rose Canyon Fault. Ground shaking, liquefaction, landslides, and rockfalls along coastal bluffs within Dana Point are the most likely hazards that would result from seismic activity. No known active faults cross the City; therefore, there is a low potential for surface rupture. The State has not established any Alquist-Priolo Earthquake Fault Zones in the City and the project is not affected by, or in close proximity to, any Alquist-Priolo Zone. The proposed project is not anticipated to expose people or structures to rupture of a known earthquake fault, and no mitigation is required.

- (ii) **Strong seismic ground shaking?**

Less Than Significant Impact. The project site is located within Southern California, a seismically active region. The City's Safety Element of the General Plan identifies six geologic hazard zones, or subunits, located within the Coastal Zone. Dana Point Harbor is included as one of the subunits and has been identified for potential geologic hazards associated with ground shaking and liquefaction.

Although the project site is not located within a designated Alquist-Priolo Zone, the region has experienced earthquake activity in the past. A major earthquake associated with any of the faults in the region could result in moderate to severe ground shaking. Damage to buildings and infrastructure could be expected as a result of ground shaking during a strong seismic event in the region.

All structures must comply with the seismic requirements of the Uniform Building Code and the recommended engineering design measures. Compliance with these



standards is anticipated to limit hazards from seismic ground shaking to less than significant levels. Therefore, no mitigation is required.

(iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Damage from earthquakes may result from liquefaction. Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. Liquefaction occurs primarily in areas of recently deposited sands and silts and in areas of high groundwater levels. The project site is located in a State-defined liquefaction hazard zone (Seismic Hazard Zones, 2001).

All structures must comply with the seismic requirements of the Uniform Building Code and the recommended engineering design measures. Compliance with these standards is anticipated to limit hazards from seismic ground failure, including liquefaction, to less than significant levels. Therefore, no mitigation is required.

(iv) Landslides?

Less Than Significant Impact. The project site is not adjacent to or in the immediate vicinity of any significant ground slopes. Therefore, impacts from slope instability and/or landslides are not expected, and are considered less than significant. No mitigation is required.

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

Less Than Significant Impact. Construction of the project would only disturb accumulated silts below water. The project would not disturb or expose topsoil to erosion. Soils disturbed during construction would be saturated with water and would not pose significant erosion concerns. The use of standard erosion control measures such as the installation of turbidity screens around the pile driving area during construction would contain and minimize turbidity and would reduce any potential impacts to a less than significant level. Therefore, no mitigation is required.

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 landslides, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. The Ocean Institute Dock would be reconstructed in its present location. Currently the location of the dock is not located on soil that is unstable. New support piles will be driven to sufficient depths into stable soils. With implementation of the engineering design recommendations and compliance with the Uniform Building Code, the proposed project is feasible. Therefore, impacts related to unstable soils are considered less than significant, and no mitigation is required.

d) 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. All structures must comply with the seismic requirements of the Uniform Building Code and engineering design recommendations. Compliance with these



standards is anticipated to limit any hazards from potentially expansive soils to less than significant levels, and no mitigation is 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 proposed project does not propose to use septic tanks or alternate wastewater disposal systems. Therefore, no impacts related to this issue are anticipated, and no mitigation is required.

5. HYDROLOGY AND WATER QUALITY

Would the project:

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

Less Than Significant Impact with Mitigation. The proposed project is located within the Dana Point Coastal Streams Watershed. It is subject to the requirements of the State General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit issued by the State Water Resources Control Board (SWRCB), San Diego Region 9, as well as the Orange County Municipal Stormwater Permit.

The renovations include replacing the existing dock the existing 10x145-foot dock with a 300-foot dock that is 27 feet wide at the middle and 12 feet wide at its ends. The dock will be placed in the same location as the existing dock and will be secured by ten 20-inch diameter concrete piles. The total area of the dock will increase from the existing 1,450 square feet to 5,550 square feet. A new 20x100-foot platform and 5x80-foot ramp will be built to expand the existing promenade area that will facilitate educational programs and allow access to the dock that is compliant with ADA guidelines. The pier will be supported by 12 concrete foundation piles. During construction it will be vital to the Institute to maintain the current educational programming schedule. In order to accommodate the docking of multiple vessels, the north edge of the *Pilgrim* dock will be expanded by approximately four feet along its entire 105-foot length, for an expansion of 420 square feet. There will be no pile installation for this widening.

Small amounts of sediments within the construction area may be disturbed during the dock removal and construction. A total of 22 new 20-inch concrete piles would be installed. Each pile covers approximately 2.2 square feet, totaling 48.4 square feet. The use of best management practices (BMPs) and stringent source control measures will ensure that potential impacts during construction are less than significant.

The project will require submittal of a Notice of Intent (NOI) to the SWRCB, preparation of a Storm Water Pollution Prevention Plan (SWPPP), and implement BMPs detailed in the SWPPP during construction activities. Typical BMPs relevant to the project include: storm drain inlet protection for the construction staging area and adherence to construction housekeeping practices to control and manage construction wastes and materials.

The applicant must also, and in accordance with the municipal NPDES permit, prepare a Water Quality Management Plan (WQMP) that includes site design and source control



BMPs. The County's Drainage Area Management Plan (DAMP) is the planning document used to implement the requirements of the municipal NPDES permit. Post-construction BMPs outlined in the DAMP are required by the municipal permit and implemented via the County's Municipal Code.

The following mitigation measures will ensure that potential impacts to water quality impacts are reduced to less than significant levels by incorporating the following BMPs in the required SWPPP and WQMP:

Mitigation Measures:

- i. During construction of the new dock facilities, a containment zone will be established with the approval of DPH Director or Designee. Turbidity levels will be monitored to ensure that turbid waters remain within the containment area. If the thresholds for turbidity are exceeded, then the contractor will install a turbidity screen around the pile-driving area to reduce the impacts from the increase of turbidity in the water and to ensure that turbidity is not widespread.*
 - ii. The implementation of construction housekeeping practices will ensure the removal of construction debris in a timely fashion. The removal of construction debris will reduce impacts from construction by decreasing the amount of waste that could potentially reach the ocean.*
 - iii. Covered waste receptacles will be used to eliminate lost debris.*
 - iv. The contractor will remove any debris that may enter the water by the end of the day.*
 - v. There will be no maintenance of the vessels in their slips that would result in a release of toxic materials to the water.*
 - vi. Vessel wash down will be conducted with biodegradable materials designed for the task.*
 - vii. Private pump-out facilities exist at each dock and will be provided for exclusive use of the Ocean Institute vessels. There will be no discharge from the vessels.*
- 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 level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?**

No Impact. The project site is located within the San Juan Creek Groundwater Basin. However, the project would not interfere with groundwater recharge or reduce the volume in the groundwater basin because the project does not increase the impervious area over land and does not create a new demand for water resources. Therefore, there would be no impacts to groundwater, and no mitigation is required.



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

Less Than Significant Impact. There are no streams or rivers located on site. The project does not involve any disturbance or changes to land or soils. The drainage pattern on the site would remain unchanged from the existing condition. The additional impervious area is limited to the tops of the dock and platforms, and would not cause an increase in storm water flows over land on the site. Potential drainage impacts as they relate to erosion or siltation are therefore considered less than significant, and no mitigation is required.

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

Less Than Significant Impact. The project is located over water. As a result, the drainage pattern on site would not be altered and the project would not increase storm water flows over land or have any impact on the potential for flooding. Therefore, potential drainage impacts as they relate to on-site or off-site flooding are considered less than significant, and no mitigation is required.

- e) **Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant Impact. Storm water runoff is rainfall that washes over the surface of the land picking up pollutants as it travels. The project is located over water and is not connected to a stormwater drainage system and will have no impact upon existing or planned stormwater drainage systems. The proposed expansion of the existing boat dock would slightly increase the total area of impervious surface. Similar to the existing dock, the impervious area of the renovated dock would not be subject to or exposed to contaminants such as petro-chemicals and hazardous materials that accumulate on landside impervious surfaces such as roadways and parking lots. Although a minimal increase in stormwater runoff is anticipated from the slight expansion of the renovated dock, the drainage patterns will not change. As such, no stormwater drainage facilities would be necessary to manage stormwater runoff. Therefore, impacts related to the construction of the new storm water drainage facilities are considered less than significant, and no mitigation is required. Construction of the proposed project would comply with all construction and operational BMPs stipulated in the NPDES construction permit and WQMP. Therefore, water quality impacts related to the capacity of storm water systems and polluted runoff are considered less than significant and no mitigation is required.

- f) **Have a significant adverse impact on groundwater quality or otherwise substantially degrade water quality?**

Less Than Significant Impact with Mitigation. The project is not anticipated to have any impact on or interaction with groundwater quality as a result of the installation of the new concrete support piles. The removal of the existing piles and the driving of the new piles could result in localized increased turbidity from disturbance of bottom silts adjacent to the piles for a short period of time. The WQMP required as part of the project would evaluate



and implement BMPs, as described 5(a) above, to minimize and contain turbidity and to reduce pollution to the maximum extent practicable. In addition, as described above, construction BMPs would be incorporated into the SWPPP as required by the State permit. Therefore, impacts related to groundwater or degradation of water quality is considered less than significant.

- 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 project site is adjacent to Dana Point Harbor and is within the 100-year floodplain, as indicated in the Public Safety Element of the City's General Plan. However, no housing is proposed as part of the project; therefore, no impact would occur, and no mitigation is required.

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

No Impact. As stated above, the project site is within the 100-year floodplain, as indicated in the Public Safety Element of the City's General Plan. However, the project does not include any structures that would impede or redirect flood flows. Therefore, no impact related to impediment or redirection of flood flows would occur, and no mitigation is 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 proposed project renovations do not include housing or structures that would be affected by flooding or the failure of a levee or dam. Therefore, there are no impacts related to this issue, and no mitigation is required.

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

Less Than Significant Impact. The project site is not located in the vicinity of an upstream body of water that could inundate the site during a storm or seismic event; therefore, inundation by seiche is considered less than significant. Because the site is not located in a hilly area, it is not considered to be at a high risk for inundation by mudflow. The project site is located in the harbor adjacent to the Pacific Ocean and could potentially be affected by a storm surge associated with a tsunami. However, as stated above, the proposed project renovations do not include housing or habitable structures that would be affected by a tsunami. Due to the water-oriented nature and purpose of the project, the proposed improvements are constructed to withstand inundation. Therefore, there is no impact related to potential inundation of the facility and no mitigation is required.

6. TRANSPORTATION/CIRCULATION

Would the project:

- a) **Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the**



number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

- b) **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

This response applies to Questions a and b above.

Less Than Significant Impact. The proposed project is a replacement and upgrade of the existing docks facilities to more safely and securely accommodate the same ships that are permanently moored at the docks. The proposed project would not change the existing programs offered or operations provided by the Ocean Institute. Other than the temporary increase in traffic from construction activities the proposed project is not expected to cause an increase in traffic. Therefore, impacts related to traffic are considered less than significant, and no mitigation is 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. The proposed dock renovations are limited to water-based recreational activities, which would not affect air traffic patterns or create substantial safety risks. Therefore, there are no impacts related to this issue, and no mitigation is 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 would not alter the existing parking lot circulation, or access on the project site. There are no design features or incompatible uses that would increase hazards, and the project would not affect emergency access to the site or adjacent area. The proposed renovations are intended to update the facilities to increase accommodations of both the *R/V Sea Explorer* and *Spirit of Dana Point* vessels, improve the accommodations of educational program activities, and ensure compliance with the American Disabilities Act (ADA). Therefore, there are no impacts related to design feature hazards or emergency access, and no mitigation is required.

- e) **Result in inadequate emergency access?**

No Impact. The proposed project would not alter the existing parking lot configuration, circulation, or access on the project site. There are no design features or incompatible uses that would increase hazards, and the project would not affect emergency access to the site or adjacent area. The proposed replacement dock would make the facilities ADA compliant and will add a secondary emergency access to and from the dock. Therefore, there are no adverse impacts related to design feature hazards or emergency access, and no mitigation is required.

- f) **Result in inadequate parking capacity?**

No Impact. The proposed project does not include any change to the capacity of the adjacent parking lots. The existing parking for the Ocean Institute is not at full capacity. The construction vehicles would park in the excess parking spots and therefore would not create a demand that would result in inadequate parking. In addition, because the project is a



replacement of an existing use and does not include the expansion of existing programs or existing operations, the proposed project would not result in inadequate parking supply. Therefore, there are no impacts related to this issue, and no mitigation is required.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The proposed project would not alter the existing conditions of the project site or surrounding facilities related to alternative transportation. Therefore, the proposed renovations would not affect the policies, plans, or programs supporting alternative transportation; therefore, there are no impacts related to this issue, and no mitigation is required.

7. AIR QUALITY

Would the project?

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

No Impact. The project site is located in the South Coast Air Basin and is subject to the Air Quality Management Plan (AQMP), which describes air pollution control strategies to be taken by cities/counties in the air basin. The main purpose of the AQMP is to bring the region (air basin) into compliance with the requirements of federal and State air quality standards. For a project to be consistent with the AQMP, the pollutants emitted from the project may not exceed the SCAQMD daily threshold or cause a significant impact on air quality. The AQMP uses the assumptions and projections of local planning agencies to determine control strategies for regional compliance status. Since the AQMP is based on local General Plans, projects that are deemed consistent with the General Plan are usually found to be consistent with the AQMP.

The proposed project is the renovation of the Ocean Institute Dock facility located in the Dana Point Harbor. The proposed project does not involve an increase in population or a change in land use and is therefore consistent with the City's General Plan projections and the adopted AQMP. Therefore, it would not conflict with or obstruct implementation of any local or regional air quality plans, since the growth indicated is within the parameters identified for the City and is part of the growth anticipated for the region. No impacts related to air quality plans are anticipated, and no mitigation is required.

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

Less Than Significant Impact.

Long-Term (Operational) Emissions. Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by the proposed project. Although the renovation of the Ocean Institute dock would not produce stationary source emissions, mobile source emissions would result from traffic trips associated with the project construction. However, because the project is a replacement of an existing facility and does not create additional capacity or increased or changed use, it would not increase or change the existing number of trips associated with the facility. Therefore, the proposed



renovations would not result in or contribute to an increase of mobile source emissions as compared to existing conditions, and impacts are considered less than significant. No mitigation is required.

Short-Term (Construction) Emissions. Construction activities would generate combustion emissions from utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting the construction crew. Exhaust emissions during the construction activities would vary daily as construction activity levels change and would result in localized exhaust emissions. However, since the reconstruction is contained within the boundaries of the existing developed area, and since there are no sensitive receptors nearby, construction emissions are considered short-term and less than significant. No mitigation is required.

Fugitive dust emissions are generally associated with demolition, land clearing, exposure, and cut and fill operations. The dock renovations are not expected to create any fugitive dust because there will be no land disturbance as the project is located entirely within the wet conditions of the harbor waters. In addition, as stated above, there are no sensitive receptors nearby and construction is short-term. Therefore, impacts associated with fugitive dust are considered less than significant, and no mitigation is required.

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

No Impact. Cumulative emissions are part of the emission inventory included in the AQMP for the project area. Because the project is consistent with the City's General Plan projections and the adopted AQMP, there would be no cumulatively considerable net increase of the criteria pollutants that are in nonattainment status in the Basin, and no mitigation is required.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

No Impact. There are no sensitive receptors (residents, school children, the elderly, hospital patients, etc.) in the immediate or surrounding project area. In addition, the construction contractor would implement measures to reduce or eliminate emissions by following standard construction practices and complying with the SCAQMD rules. Therefore, the project would not result in substantial air pollutant emissions and would not expose any sensitive receptors to substantial pollutant concentrations. No impacts are anticipated, and no mitigation is necessary.

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

Less Than Significant Impact. Some objectionable odors may emanate from the operation of diesel powered construction equipment during the construction of the project. These odors, however, would be limited to the short-term construction period of the project. Due to the limited scope of the project and minimal activity expected during placement of the new dock, there will be a minimal amount of diesel emissions. Potential impacts, therefore, would be considered less than significant. No mitigation is required.



8. NOISE

Would the project result in:

- 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?**

Less Than Significant Impact with Mitigation. Short-term noise impacts would be associated with demolition and reconstruction of the docks and platform facilities. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area today but would no longer occur once construction of the project is completed. In addition, there are no sensitive receptors (e.g., residents, school children, the elderly, hospital patients) in the immediate or surrounding project area. Construction activities would be required to comply with the construction hours specified in the County's municipal code.

Long-term noise levels would not be impacted because the renovations would not increase capacity or the nature of the existing operations. Therefore, no additional noise producing traffic or operations would occur, and no mitigation is required.

The following mitigation measures are proposed to ensure that noise associated with construction activities will be reduced to less than significant levels.

Mitigation Measures:

- i. Prior to the issuance of any grading permit, the project applicant shall provide evidence that all construction vehicles or equipment, fixed or mobile, operating within 1,000 feet of a dwelling shall be equipped with properly operating and maintain mufflers.*
- ii. All operations will comply with Orange County Codified Ordinance Division 6 (Noise Control).*
- iii. The operators of the pile driving equipment shall use commonly available methods, such as sound curtains around the hammer and the pile, pile hammer pad or shoes and/or air bubble curtains, where possible and appropriate, to reduce impact noise.*

Long-term noise levels are not anticipated to be changed as the project will not result in a change in the use of the site or facilities. Therefore, no additional noise producing traffic or dock operations would occur, and no mitigation is required.

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

Less Than Significant Impact. Groundborne noise is vibration transmitted through rock or other ground media, similar to noise transmitted via the atmosphere. Existing and post construction project operations would not generate substantial groundborne vibrations or noise levels.



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

Less Than Significant Impact. The proposed project is the renovation of existing facilities and does not introduce a new land use or an increase of operational capacity. Post construction noise levels and traffic would be unchanged from the existing noise associated with the dock. No substantial permanent increase in ambient noise levels is anticipated, and impacts related to this issue are considered less than significant.

- 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. As discussed in item 8.a above, construction related noise impacts from the proposed project would be higher than existing ambient noise levels in the project area but would no longer occur once construction of the project is completed. However, the project proposes several best management practices to ensure that temporary ambient noise during construction is avoided and minimized to a less than significant level. Implementation of these measures will reduce potential impacts from an increase in ambient noise levels during construction of the project to less than significant levels.

- 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 proposed project is not located within an airport land use plan or within two miles of a public airport. Therefore, there are no impacts related to this issue, and no mitigation is 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. The proposed project is not located within the vicinity of a private airstrip. Therefore, there are no impacts related to this issue, and no mitigation is required.

9. BIOLOGICAL RESOURCES

The following responses are based on the Biological Resources Assessment conducted for the proposed project by Merkel and Associates (January 2006) and contained in Appendix A.

Would the project:

- 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?**

Less Than Significant Impact. The proposed project would be expected to result in a number of construction period impacts to local biota found in the vicinity of the project area. With the exception of the expansion of the *Sea Explorer* dock footprint from 1,450 square feet to 5,550 square feet and the expansion of the *Pilgrim* dock by 420 square feet, impacts



are anticipated to be of a short-term, temporary nature. Given the limited nature of the dock expansion, the lack of sensitive resources in the project area, the lack of limited or unique biota beneath the docks, and the anticipated recovery of resource values by reestablishment of similar or more productive communities around the expanded docks, the project as proposed would not be anticipated to result in significant adverse biological impacts.

Sensitive Species

Sensitive bird species that could potentially occur in the project site are the California Brown Pelican, Double-crested Cormorant, and California Least Tern. California least tern is one of a very few species that is not actually a year-round resident but migrate northward to Southern California in spring for breeding. However, due to the temporary nature of construction activities, this potential impact is considered less than significant. Other listed species are seldom found in the harbor or do not depend on the harbor for habitat, and therefore would not be impacted by the boat dock renovations.

The Brown Pelican is commonly observed loafing on the nearby jetty that forms the outer portion of Dana Point Harbor. It has not been observed by Institute staff loafing or roosting on docks within the project site but is occasionally observed foraging in the waters near the Institute (personal communication A. Himelson). Permanent loss of open water and temporarily increased turbidity associated with project elements could potentially reduce the forage efficacy of this species. However the available large expanses of open water habitat near the Institute at the west end of Dana Point Harbor would provide ample alternative foraging opportunities. Noise associated with pile driving could potentially result in a short-term impact to pelicans foraging immediately adjacent to the site, however if disturbed they would likely relocate to available loafing and foraging areas available outside the project area. Brown Pelicans do not breed on the mainland California coast; therefore the project would not have an impact on nesting activities.

Marine Mammals

Harbor seals and California sea lions are rarely observed near the Ocean Institute, and staff have never seen them loafing on the existing Ocean Institute docks. They may occasionally forage in the area. Project related impacts would be limited to a small potential that turbidity resulting from project activities could impede the foraging activities of the seals. However, due to the temporary nature of construction activities, this potential impact is considered less than significant.

Marine Vegetation

Eelgrass (*Zostera marina*) beds are environmentally sensitive habitats protected by federal and State of California law. The subtidal areas of the renovated dock and project site were surveyed for the presence of eelgrass. No eelgrass was found in any portion of the survey area. Therefore, the proposed renovations would have no impacts on eelgrass beds.

Caulerpa is the genus for a group of algae that forms entangling mats on the bottom substrate of the ocean floor. It has been found in two lagoons in Southern California and is considered an invasive species of concern due to its ability to potentially smother existing ecosystems. A survey for the invasive seaweed *Caulerpa taxifolia*, would be required and completed by a certified *Caulerpa* surveyor not more than 90 days prior to the initiation of construction. If



found, an eradication program would be required to be developed and implemented prior to the start of construction activities in the affected area.

Intertidal/ Shallow Subtidal Riprap

Project impacts to the intertidal and subtidal riprap community would be related to the installation of the platform that extends the promenade and allows ADA compliant access to the renovated dock. Impacts would result from the installation of twelve concrete piles in the existing intertidal and subtidal riprap that shields the existing bulkhead. All other construction elements of the promenade extension would be conducted from shore on the existing promenade.

Driving the piles would have minor impacts on the habitat and associated organisms in the footprint and area immediately around the piles. The installation of the platform piles could result in 1) the loss of the organisms occurring on adjacent rock as a result of impact damage as new piles are positioned, 2) temporary small-scale increases in turbidity in the area around each driven pile, 3) short-term temporary displacement of some of the riprap fish community due to underwater pressure waves associated with pile driving, and 4) some limited permanent footprint losses associated with the placement of new piles. The loss of horizontal riprap surface would be made up by a greater abundance of vertical pile surfaces.

Following construction, an encrusting algal and invertebrate pile community would be anticipated to rapidly colonize the new piles and adjacent riprap with a return to the present density predicted in 6 to 12 months and recovery to the same diversity predicted within approximately 2-3 years.

Temporary impacts to the riprap fish community would not be considered significant given the continued wide availability of comparable intertidal and subtidal riprap habitat both up and downshore of the project site that would serve as a temporary refuge and the expected return to habitats present on site following the work. Some fish would temporarily avoid the work area and move to adjacent riprap during platform pile installation due to turbidity and underwater pressure waves associated with the pile driving, while other species may be expected to form local feeding aggregations where encrusting communities are damaged by the work. More opportunistic fish species are expected to temporarily move just outside of the effective range of the pile-driving impact, then immediately return to forage on the released or damaged biota.

There is no evidence based on numerous comparable projects that would suggest that the equipment and energy necessary to drive the piles of this project would result in the mortality of fish. A permanent loss of riprap substrate due to pile installation would be approximately 2.2 square feet per pile, and could total up to 26.4 square feet for twelve piles. Fish abundance and diversity would be expected to remain the same or increase following the completion of platform construction, due to the increased habitat complexity and vertical structure created by the piles and with the development of the pile algal and invertebrate community spanning across wider gradients of light, wave energy, and depth.

The installation of the promenade extension could cause some shading of the riprap underneath it. The impact of this shading on the intertidal and subtidal riprap would be minimal. All remaining impacts to riprap fish, algal, and invertebrate species due to project



construction are considered to be short-term and would cease at, or shortly after project construction completion.

Benthic Communities

The benthic infauna is composed of a community of macroscopic animals that live in the top layers of sediment of the ocean floor. Infaunal organisms serve as food for larger invertebrates (such as epibenthic crabs) and demersal fish (such as white croaker, queenfish, black perch, white surfperch, tonguefish, sanddab, and horny-head turbot). Infaunal communities are strongly influenced by the characteristics of the sediments in which they live. Benthic surveys in Dana Point Harbor found that the infauna community is dominated by small polychaete annelid and arthropod species, with fewer numbers of clams and nemerteans. The infaunal community in Dana Point Harbor is similar to communities found in other Southern California bays.

Replacement of the *R/V Explorer* dock will involve the removal of the existing four wooden piles and placement of ten new 20-inch diameter concrete piles. This would result in a permanent impact to the soft bottom and associated organisms, with a loss of approximately 2.2 square feet per pile, totaling up to 22 square feet for ten piles. This would be offset by the creation of soft bottom habitat through the removal of the four existing piles with a further habitat loss off-set being derived by the greater pile surface area and an increase in complexity and secondary productivity of the bottom community around the dock fringes that results in association with organic debris rain from encrusting communities suspended above the bottom on the new piles and dock structures. Of the above potential adverse impacts, only one is considered to be long-term. Installation of the *R/V Explorer* dock would result in additional shading of the soft bottom, thus impacting primary productivity at the site. However, given that dock facilities are planned for deeper, turbid waters that currently do not support eelgrass, the reduction is only in regards to planktonic and scattered benthic algal communities.

Plankton

Plankton are small, free-floating organisms in the marine environment. Zooplankton are invertebrate adult or larval stages that generally prey on phytoplankton and other organic material. Ichthyoplankton refers to the planktonic egg and larval stages of bony fish.

Construction activities will result in a short-term loss of habitat. Turbid water can interfere with phytoplankton photosynthesis and feeding of zooplankton and ichthyoplankton. However, implementation of BMPs will ensure that potential impacts to the plankton are less than significant. Planktonic organisms are prolific, have relatively short life spans, and will immediately start to repopulate the habitat at the completion of construction. No long-term impacts to the plankton due to construction activities are expected, and no mitigation is required.

Pinnipeds

The likelihood that marine mammals would be in the harbor area is very low and the project has been designed to minimize potential noise impacts resulting from the construction process. The renovations to the docks include 22 guide piles to support the dock, ramps and pier. As described above, a sound curtain will be constructed around the hammer and the pile



to contain and reduce impact noise travel by air and water. Hammer impact shoes, and underwater air bubble rings may also be used, if necessary to further reduce the transmission of noise. It is estimated that hammering activities would occur for 1.5 to 2 hours per pile and 2-3 piles per day for a total of approximately 30-40 hours over 7-10 days for all 22 piles. Therefore, due to the relatively short time period of potential noise impacts, and because the marine mammals noted are not likely to be in the area, are not listed as endangered or as species of concern, potential noise impacts to these mammals are considered to be short term and less than significant. An Incidental Harassment Authorization from NOAA's National Marine Fisheries Service will not be necessary since the project's construction methods are designed to avoid potential pile driving impacts.

- 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?**

No Impact. No riparian habitat exists on the project site. Therefore, no impacts to riparian habitat are anticipated.

- 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?**

No Impact. There are no federally protected wetlands located on the project site. Therefore, there are no impacts related to this issue, and no mitigation is required.

- 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?**

No Impact. There are no wildlife corridors or nursery sites on or within the vicinity of the project site, and the proposed renovations would not interfere with the movement of any native resident or migratory fish or wildlife species. Therefore, there are no impacts related to this issue, and no mitigation is required.

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

No Impact. The proposed project would be constructed within an existing marina that contains ornamental landscaping and nonnative vegetation. There are no local policies or ordinances protecting biological resources found on site. Therefore, there are no impacts related to this issue, and no mitigation is required.

- 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?**

No Impact. There are no HCPs, NCCPs, or other habitat conservation plans that apply to the project site. Therefore, there are no impacts related to this issue, and no mitigation is required.



10. AESTHETICS

Would the project:

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

Less Than Significant Impact. The project site is located within Dana Point Harbor, which contains several vantage points for scenic views of the harbor and ocean. These vantage points from the coastal terrace and from other high points along the coastline are identified as significant public view resources in the City's General Plan. In addition, Dana Point Harbor Drive, located adjacent to the harbor facilities, is designated as a Scenic Highway in the City's General Plan.

The existing dock is located within the viewshed of a number of vantage points within the Harbor area. The proposed renovations to the dock would result in facilities that would be designed to match and compliment the existing dock facility. Since the project would be constructed in the same location as the existing dock, these improvements would not substantially alter the existing views from the vantage points within the Harbor area. Therefore, impacts are considered less than significant, and 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. There are no scenic resources such as trees, rock outcroppings, or historic buildings in the immediate project area. There are no State scenic highways in the project vicinity.

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

Less Than Significant Impact. The existing dock is located within the viewshed of a number of vantage points within the Harbor area. The proposed renovations to the dock would result in facilities that would be designed to match and compliment the existing dock facility. Since the project would be constructed in the same location as the existing dock, these improvements would not substantially alter the existing views from the vantage points within the Harbor area. Therefore, impacts are considered less than significant, and 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?**

Less Than Significant Impact. The only new source of lighting included in the proposed renovation project would be low-level bollard-style lights around the dock to match the existing lights on Pilgrim dock. The lights would be operated in the same manner as the existing lights.

The proposed project would not substantially increase the amount of light and glare on the project site and would not increase the intensity of light to sensitive viewers in the surrounding area. In addition, the proposed lighting as indicated on the construction plans



would be required to be consistent with the County's lighting requirements. Therefore, potential impacts related to light and glare are considered less than significant, and no mitigation is required.

11. CULTURAL/SCIENTIFIC RESOURCES

Would the project:

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

No Impact. There are no buildings located on the project site that will be impacted by the proposed project, and no historic resources would be impacted by the reconstruction of the dock. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. No impacts are anticipated, and no mitigation is required.

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

Less Than Significant Impact. The presence of prehistoric cultural material is unlikely due to (1) the original low elevation of the project site, which would have been subject to periodic inundation; (2) the site consisting of constructed fill; and (3) the site being subject to periodic dredging of accumulated silts. Therefore, no further archaeological investigations are recommended. Impacts to archaeological resources are therefore considered less than significant, and no mitigation is required.

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

Less Than Significant Impact. The project site does not contain any unique geologic features. The project does not involve excavation. Impacts to paleontological resources are therefore considered less than significant, and no mitigation is required.

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

Less Than Significant Impact. Human remains are unlikely to be located in the project area, due to the same reasons stated in 'b', above. Further, the project does not involve excavation which would uncover or expose human remains. Therefore, impacts related to disturbance of human remains are considered less than significant, and no mitigation is required.

12. RECREATION

Would the project:



- a) **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) **Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

This response applies to Questions a and b above.

No Impact. The proposed project would not increase the capacity or operation of the existing the facility. The proposed project does not create an increase of demand for recreational facilities including neighborhood or regional parks. However, it may be necessary to temporarily create a fenced diversion around a short section of the public esplanade pathway directly adjacent to the dock facilities during construction to protect pedestrians from entering the construction area. Access to the public pathway would be maintained throughout the construction process through use nearby sidewalks and parking areas. The impact would be temporary, and would be removed at the completion of construction. Therefore impacts related to recreation are less than significant and no mitigation is required.

13. MINERAL RESOURCES

Would the project:

- 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?**

This response applies to Questions 'a' and 'b' above.

No Impact. Based on the City's General Plan, Open Space and Conservation Element, there are no known mineral resources within the City of Dana Point. The project does not involve the extraction of minerals and would not impact any known mineral resource recovery sites. Therefore, no impacts are anticipated, and no mitigation measures are required.

14. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Less Than Significant Impact. Development and operation of the proposed project would not involve the routine use of substantial quantities of chemical agents, solvents, paints, and other hazardous materials. The use of some hazardous materials, such as solvents and paints, may be associated with construction activities. However, the amount of chemical agents typically used during construction would be limited and temporary. Therefore, impacts



related to the routine transport, use, or disposal of hazardous materials are considered less than significant, and no mitigation is necessary.

- 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. The operation of the project is not anticipated to involve the routine use of substantial quantities of chemical agents, solvents, paints, and other hazardous materials. Accidental release of hazardous materials is expected to be similar to the existing risks and conditions associated with the existing dock. Hazards to the public or the environment through upset or accident conditions involving the release of hazardous materials from the site or the proposed project are not anticipated to change from existing conditions, and no mitigation is required.

- 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. Please refer to items 'a' and 'b' above. The proposed project is the renovation of existing facilities and is not anticipated to involve the routine use of substantial quantities of chemical agents, solvents, paints, and other hazardous materials. There are no existing or proposed schools within one-quarter mile of the proposed project. Therefore, no impacts related to this issue are anticipated, and no mitigation is required.

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

No Impact. The project site is not identified or listed as a hazardous materials site, and no significant hazards to the public or environment are anticipated due to the location of the project. Therefore, no impacts related to this issue are anticipated, and no mitigation is required.

- 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 result in a safety hazard for people residing or working in the project area?**

No Impact. The proposed project is not located within two miles of an airport, or within an airport land use plan. The proposed project site is located approximately 20 miles from John Wayne Airport in Santa Ana. Therefore, no impacts are anticipated, and no mitigation is required.

- 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 is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated, and no mitigation is required.



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

No Impact. The proposed project renovates existing facilities and would not interfere with the implementation of any adopted emergency response or evacuation plan. Therefore, no impacts are anticipated, and no mitigation is required.

- 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 residents are intermixed with wildlands?**

No Impact. Based on the City's General Plan Public Safety Element, there are no major fire hazard zones within the City, and the site is not located within a high fire hazard area. The project site is located within a harbor area, largely surrounded by an urbanized environment, and is not adjacent to any wildlands. Therefore, no impacts related to wildland fires are anticipated, and no mitigation is required.

- i) **Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?**

No Impact. The dock renovations do not include a new or retrofitted stormwater treatment control. Therefore, no impacts are anticipated, and no mitigation is required.

15. PUBLIC SERVICES

Would the Project:

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

Fire protection?

No Impact. Fire prevention, fire protection, and emergency medical services in the project area are provided by the Orange County Fire Authority, which operates two fire stations within the City limits. The project would not alter the existing access driveways on the project site, and therefore emergency access would not be impacted. Implementation of the project would not change response times and would not require new or physically altered governmental facilities because the proposed renovations do not increase the facility's capacity and do not change the existing conditions related to fire services. Therefore, no impacts are anticipated, and no mitigation is required.

Police protection?

No Impact. Law enforcement services within the City are provided by the Dana Point Police Department. The harbors and coast line of Orange County are patrolled by the Orange County Sheriff's Department. The Harbor Patrol provides round-the-clock law enforcement, marine



fire fighting, and search/rescue services within the Dana Point Harbor. Renovation of the existing boat dock facilities would not create a need for the expansion of existing police or harbor patrol facilities or the addition of staff because the proposed renovations do not increase the facility's capacity, and do not change the existing conditions related to police services. In addition, implementation of the project would not change response times. Therefore, no impacts to police or harbor patrol services are anticipated, and no mitigation is required.

Schools?

No Impact. The project proposes improvements to the existing deteriorated boat dock facilities that are for the direct benefit of the Ocean Institute, which is a non-profit educational facility, offering marine science, environmental education, and maritime history programs to kindergarten through 12 grade students and teachers. The Ocean Institute would be renovating the existing dock which provides the school-age population with educational opportunities. Therefore there would be no impact on schools and no mitigation is required.

Parks?

No Impact. The project would not increase the demand for additional parks and recreation services and would have no impacts on parks in the project vicinity. Therefore, no impacts related to park facilities are anticipated, and no mitigation is required.

Other Public Facilities?

No Impact. The proposed project is designed to update and renovate an existing dock and is not anticipated to impact any other public facilities. No mitigation is required.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

No Impact. No residential, commercial, industrial, or other sewage-generating uses are proposed as part of the project. The implementation of the proposed project would not interrupt sewer service. Therefore, no additional demand for wastewater disposal and treatment would be created by the proposed project.

- 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. No residential, commercial, industrial, or other land uses, which may generate a demand for water or sewage disposal services are proposed by the project. The proposed project is not expected to require or result in the construction of new water or wastewater treatment facilities.



- 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 proposed expansion of the existing boat dock would slightly increase the total area of impervious surface. Similar to the existing dock, the impervious area of the renovated dock would not be subject to or exposed to contaminants such as petro-chemicals and hazardous materials that accumulate on landside impervious surfaces such as roadways and parking lots. Although a minimal increase in stormwater runoff is anticipated from the slight expansion of the renovated dock, the drainage patterns will not change. As such, no stormwater drainage facilities would be necessary to manage stormwater runoff. Therefore, impacts related to the construction of the new storm water drainage facilities are considered less than significant, and no mitigation is required.

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

No Impact. The proposed project would not generate a new use requiring potable water. Since the project would not cause an increase in population or employment, no impacts are anticipated, and no mitigation is 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: The proposed project would not generate any domestic sewage. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

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

No Impact: Implementation of the proposed project may generate a minimal amount of debris during construction and renovation of the existing boat dock that would need to be disposed of; however, no long-term need for solid waste disposal generated by the project is anticipated following the proposed installation activities. No significant impact on existing landfill capacity is expected.

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

No Impact. The proposed renovated would comply with current federal, State, and local statutes and regulations related to solid waste. No impacts are anticipated, and no mitigation is necessary.

MANDATORY FINDINGS OF SIGNIFICANCE

- 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. As documented in this Initial Study, short-term construction has the potential to impact water quality and to cause noise impacts. However, implementation of Mitigation Measures 5.a.i through 5.a.vii and 8.a.i through 8.a.iii will reduce all potential impacts from the proposed project to less than significant levels.

- 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 proposed project, in combination with past, present, and reasonably foreseeable projects, is not anticipated to contribute to cumulative environmental effects because it involves the renovation of existing facilities and does not introduce a new land use or increase capacity. In addition, the renovation project would not result in significant unavoidable environmental impacts. Therefore, cumulative impacts are considered less than significant.

- c) **Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact. The proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, since it would comply with all applicable local and state regulations and design features have been incorporated into the project that would reduce potential impacts on human beings to a less than significant level.

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http://www.consrv.ca.gov/CGS/geologic_hazards/earthquakes/index.htm

State of California, *Seismic Hazard Zones, Dana Point Quadrangle*, released December 21, 2001

South Coast Air Basin, <http://www.arb.ca.gov/aqdas/bsn2sc.htm>

CALTRANS, Bay Bridge East Span Biological Mitigation, <http://biomitigation.org>

MITIGATION MONITORING PROGRAM: Ocean Institute Dock Replacement Project (IP 06-054)

On January 1, 1989, California State Assembly Bill 3180 (AB 3180) became affective. AB 3180 requires state and local agencies to adopt programs for monitoring and reporting of implementation of mitigation measures addressing significant adverse environmental impacts of projects agencies approve subject to CEQA. Consistent with the requirements of AB 3180 and the CEQA Guidelines, this Mitigation Monitoring Program (MMP) was developed by the County of Orange for use in monitoring the implementation of the proposed Ocean Institute Dock Replacement project.

The County of Orange has the authority to require and enforce the provisions of AB 3180 and the CEQA Guidelines consistent with its existing police powers. As lead agency for the environmental documentation for the proposed project, the County is also responsible for approving the MMP. In general, the County of Orange Public Facilities and Resources Department, A/E Construction Division would be responsible for incorporating the mitigation measures into the construction plans to ensure their implementation. The following matrix is provided for clarification of the implementation process of the mitigation measures.

**MITIGATION MONITORING PROGRAM
Implementation of Mitigation Measures for the Ocean Institute Dock Replacement project**

Mitigation Measures	Timing of Implementation	Implementing Action	Responsible Party
WATER QUALITY			
<p>Mitigation Measure No. 1 During construction of the new dock facilities, a containment zone will be established with the approval of DPH Director or Designee. Turbidity levels will be monitored to ensure that turbid waters remain within the containment area. If the thresholds for turbidity are exceeded, then the contractor will install a turbidity screen around the pile-driving area to reduce the impacts from the increase of turbidity in the water and to ensure that turbidity is not widespread.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program

Mitigation Measures	Timing of Implementation	Implementing Action	Responsible Party
<p>Mitigation Measure No. 2 The implementation of construction housekeeping practices will ensure the removal of construction debris in a timely fashion. The removal of construction debris will reduce impacts from construction by decreasing the amount of waste that could potentially reach the ocean.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>
<p>Mitigation Measure No. 3 Covered waste receptacles will be used to eliminate lost debris.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>
<p>Mitigation Measure No. 4 The contractor will remove any debris that may enter the water by the end of the day.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager</p>
<p>Mitigation Measure No. 5 There will be no maintenance of the vessels in their slips that would result in a release of toxic materials to the water.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>
<p>Mitigation Measure No. 6 Vessel wash down will be conducted with biodegradable materials designed for the task.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>
<p>Mitigation Measure No. 7 Private pump-out facilities exist at each dock and will be provided for exclusive use of the Ocean Institute vessels. There will be no discharge from the vessels.</p>	<p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager.</p>

Exhibit 3: Mitigated Negative Declaration, including Mitigation and Monitoring Program

Mitigation Measures	Timing of Implementation	Implementing Action	Responsible Party
NOISE			
<p>Mitigation Measure No. 8 Prior to the issuance of any grading permit, the project applicant shall provide evidence that all construction vehicles or equipment, fixed or mobile, operating within 1,000 feet of a dwelling shall be equipped with properly operating and maintain mufflers.</p> <p>Mitigation Measure No. 9 All operations will comply with Orange County Codified Ordinance Division 6 (Noise Control).</p> <p>Mitigation Measure No. 10 The operators of the pile driving equipment shall use commonly available methods, such as sound curtains around the hammer and the pile, pile hammer pad or shoes and/or air bubble curtains, where possible and appropriate, to reduce impact noise.</p>	<p>Prior to final construction plan approval.</p> <p>Prior to final construction plan approval.</p> <p>Prior to final construction plan approval.</p>	<p>Incorporation into construction plan notes.</p> <p>Incorporation into construction plan notes.</p> <p>Incorporation into construction plan notes.</p>	<p>PFRD, A/E Construction Manager</p> <p>PFRD, A/E Construction Manager</p> <p>PFRD, A/E Construction Manager</p>

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