State Route 1 Permanent Restoration Project

ORANGE COUNTY, CALIFORNIA
DISTRICT 12 – ORA– 1 (PM R18.38)

12-0N9100/1215000008

Initial Study with [Proposed Mitigated Negative Declaration]

Prepared by the
State of California Department of Transportation

JANUARY 2016

This page intentionally left blank

GENERAL INFORMATION PAGE

General Information about This Document

What's in this document:

The California Department of Transportation (Caltrans) has prepared this Initial Study (IS), which examines the potential environmental impacts of the alternatives being considered for the proposed project located in Orange County, California. Caltrans is the lead agency under the California Environmental Quality Act (CEQA). The document tells you why the project is being proposed, what alternatives we have considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures.

What you should do:

- Please read the document.

Additional copies of the document, as well as the technical studies we relied on to prepare it, are available for review at the district office and at the public library listed below:

Mariners Library
1300 Irvine Boulevard, Newport Beach, CA 92660
(949) 717-3800

Department of Transportation, Environmental Analysis
3347 Michelson Drive, Suite 100, Irvine, CA 92612-1692

AND ONLINE AT:
http://www.dot.ca.gov/dist12/DEA/NPBBB/index.php

We'd like to hear what you think. If you have any comments regarding the proposed project, please send your written comments to Caltrans by the deadline.

- Submit comments via postal mail to:

Department of Transportation, Division of Environmental Analysis
Attention: Gabriela Jauregui
3347 Michelson Dr, Suite 100
Irvine, CA 92612-1692

or

- Submit comments via email to: Edward.Dolan@dot.ca.gov

Be sure to submit comments by the deadline: February 22, 2016.

What happens next:

After comments are received from the public and reviewing agencies, Caltrans may: (1) give environmental approval to the proposed project, (2) do additional environmental studies, or (3) abandon the project. If the project is given environmental approval and funding is appropriated, Caltrans could design and construct all or part of the project.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Department of Transportation, Attn: Edward Dolan, Associate Environmental Planner, Environmental Planning, 3347 Michelson Drive, Suite 100, Irvine, CA 92612-1692; (949) 724-2128 Voice, or use the California Relay Service TTY number, 711, or 1-800-735-2922.

SCH # _____
12-ORA-1 PM 18.38
0N9100 (1215000008)

Repair failed slope paving and failed asphalt concrete bike path at the North Arm Newport Bay Bridge (PM 18.38) in the city of Newport Beach in Orange County

INITIAL STUDY with (Proposed) Mitigated Negative Declaration

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 USC 4332(2)(C) and 49 USC 303

THE STATE OF CALIFORNIA
Department of Transportation

1/14/16
Date of Approval

Ryan Chamberlain
District Director
California Department of Transportation
NEPA & CEQA Lead Agency

The following person may be contacted for additional information concerning this document:

Edward Dolan (949) 724-2128
3347 Michelson Drive, Suite 100, Irvine, CA. 92612

This page intentionally left blank

PROPOSED MITIGATED NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to permanently restore the collapsed concrete slope paving at the North Arm of the Newport Bay Bridge abutment, fill the scoured channel bed with rock to match the existing bed and repair the failed asphalt section of the bicycle and pedestrian path at the northwest corner of the Newport Bay Bridge (Bridge No. 55-0614) on State Route 1 (Pacific Coast Highway) in the city of Newport Beach.

Determination

This proposed Mitigated Negative Declaration (MND) is included to give notice to interested agencies and the public that it is Caltrans's intent to adopt an MND for this project. This does not mean that Caltrans's decision regarding the project is final. This MND is subject to modification based on comments received by interested agencies and the public.

Caltrans has prepared an Initial Study for this project; and pending public review, expects to determine from this study that the proposed project would not have a significant effect on the environment for the following reasons:

The proposed project would have **no impact** on:
Aesthetics, Cultural Resources, Agriculture and Forestry, Geology and Soils, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, and Utilities/Service Systems

In addition, the proposed project would have **less than significant impact** on:
Air Quality, Hazards and Hazardous Materials, Noise, Recreation and Traffic/Transportation

The Proposed project would have a **less than significant impact with mitigation on:** Biological Resources because the project will implement avoidance, minimization and mitigation measures as discussed in sections 2.4.2.

_____ _____

Ryan Chamberlain Date
District Director
California Department of Transportation, District 12

DRAFT

This page intentionally left blank

DRAFT

Table of Contents

Chapter 1 – Proposed Project 1
1.1 Introduction 1
1.2 Project Description 7
1.3 Permits and Approvals Needed 8

Chapter 2 – CEQA Checklist 9
2.1 Aesthetics 10
2.2 Agricultural Resources 11
2.3 Air Quality 12
2.4 Biological Resources 14
2.5 Cultural Resources 17
2.6 Geology and Soils 18
2.7 Greenhouse Gas Emissions 19
2.8 Hazards and Hazardous Materials 20
2.9 Hydrology and Water Quality 22
2.10 Land Use and Planning 26
2.11 Mineral Resoures 27
2.12 Noise 28
2.13 Population and Housing 29
2.14 Public Services 30
2.15 Recreation 31
2.16 Transportaton/Traffic 32
2.17 Utilities and Service Systems 34
2.18 Mandatory Findings of Significance 35

Chapter 3 – Comments and Coordination 37

Chapter 4 – Comments and Coordination 49

Chapter 5 – List of Preparers 51

Chapter 6 – Distribution List 53

Chapter 7 – References 55

Figures

Figure 1: Project Vicinity Map 3
Figure 2: Project Location 5
Figure 3.1: California Greenhouse Gas Forecast 41
Figure 3.2: Mobility Pyramid 42

Tables

Table 2.18-1: Current and Future Road Projects 36
Table 3.1: Climate Change/CO2 Reduction Strategies 43

Appendices

Appendix A Title VI Policy Statement
Appendix B Resources Evaluated Relative to the Requirements of Section 4(f)
Appendix C Environmental Commitment Record
Appendix D Categorical Exclusion (Draft)
Appendix E Regional Transportation Improvement Program/Federal Transportation Improvement Program (RTIP/FTIP)

Technical Studies/Memorandums Prepared (Bound Separately)

Natural Environment Study
Water Quality Technical Memorandum

Chapter 1 – Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) proposes to permanently restore the collapsed concrete slope paving at the North Arm of the Newport Bay Bridge (henceforth known as Newport Bay Bridge) abutment, fill the scoured channel bed with rock to match the existing bed and repair the failed asphalt section of the bicycle and pedestrian path. The project is located on State Route 1, also known as Pacific Coast Highway (PCH), at the northwest corner of the Newport Bay Bridge (Bridge No. 55-0614) in the city of Newport Beach, County of Orange. Caltrans is the Lead Agency under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). An Initial Study (IS) has been prepared pursuant to CEQA and a Categorical Exclusion (draft included/Appendix D) has been prepared pursuant to NEPA. Figures 1-1 and 1-2 show the project vicinity and project location maps.

This proposed project is included in the 2015 Regional Transportation Improvement Program (RTIP). It is also included in the Southern California Association of Governments (SCAG) 2015 Federal Transportation Improvement Program (FTIP). The project is funded through the State Highway Operation and Protection Program (SHOPP) under Program Code 20.10.201.131, for the 2016/2017 fiscal year.

The Newport Bay Bridge was built in 1981 over the north arm of Newport Bay. This location is a navigable channel under the jurisdiction of the United States Coast Guard. The waterway is used for recreational boating. There are marinas both upstream and downstream of the bridge which results in frequent boat traffic underneath the bridge.

Purpose and Need

At this segment of PCH (PM 18.38) a Class 1 bike path runs under the Newport Bay Bridge perpendicular to PCH. The bike path provides a completely separated right of way for the exclusive use of bicycles and pedestrians who need to cross PCH at Dover Drive. The project is needed because the slope paving at the bridge's abutment has collapsed due to tidal erosion exposing timber piles, soil, and rebar. A portion of the bike path has also collapsed into the bay. A scoured area on the west side of the bridge will be filled with rocks to prevent further damage to the bridge.

Purpose: The purpose of the project is to provide protective revetment for slope paving and bike path sections of failure to dissipate tidal wave force causing erosion and fill the scoured bay bed with rip rap rock to match the existing natural bay bed.

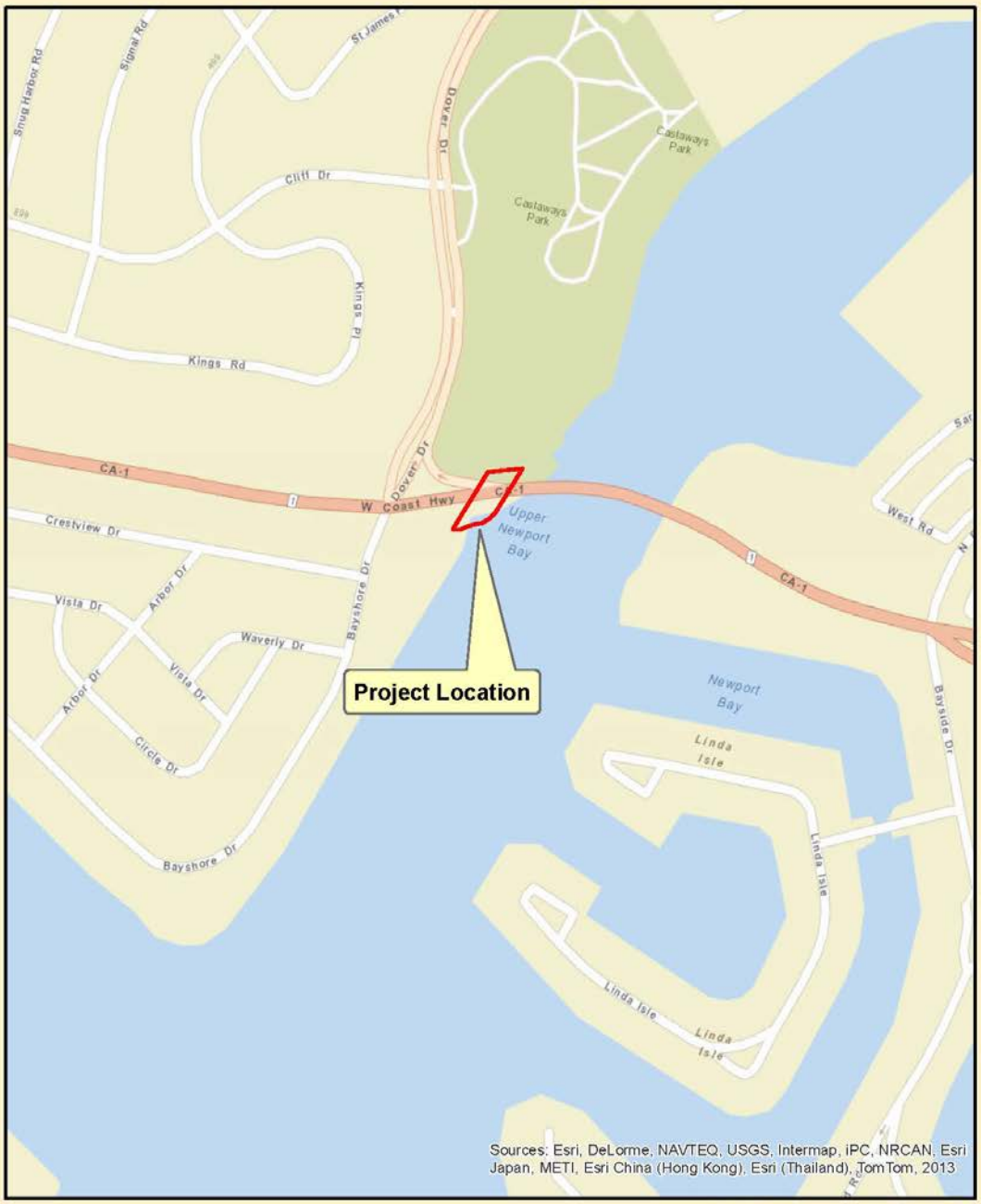
Need: The slope paving at the west side of the bridge's abutment 1 has collapsed into the bay due to tidal erosion, exposing timber piles, soil and reinforced bars. Part of the nearby bike path pavement underneath the bridge has also collapsed. There is a sinkhole on the bike path near the bank at the junction of the asphalt concrete path and the south abutment of the North Arm Newport Bay Bike Bridge (No. 55-0621M).

This page intentionally left blank

Project Vicinity: Figure 1

Legend	PCH and Dover Drive Bike Path Repair Project EA 0N910/EFIS 1215000008 PM R18.38	0 0.5 1 2 3 4 Miles
Project Area		

This page intentionally left blank



Project Location: Figure 2

Legend	PCH and Dover Drive Bike Path Repair Project EA 0N910/EFIS 1215000008 PM R18.38	0 0.02 0.04 0.08 0.12 0.16 Miles
Project Area		

This page intentionally left blank

1.2 Project Description

This section describes the proposed action and the project alternatives that were developed to meet the identified purpose and need of the project, while avoiding or minimizing environmental impacts. There is one Build alternative and one No Build alternative.

The project proposes to permanently restore the collapsed concrete slope paving at the Newport Bay Bridge abutment, fill the scoured bay bed with rip rap rock to match the existing natural bay bed and repair the failed asphalt section of the bicycle and pedestrian path.

Alternatives

This section describes the proposed action and design alternatives that were developed to meet the identified need by accomplishing the defined purposes while avoiding or minimizing environmental impacts. The alternatives considered are the "No-Build Alternative" and "Build Alternative".

<u>Build Alternative- Replacement in-Kind</u>

This Alternative proposes to replace in-kind:

(1) the failed concrete slope paving at the west side of abutment 1 with concrete slope paving with a deeper slope paving key and geo-textile material to stop tidal wave erosion. 'Sheet Pile' is proposed at the concrete slope paving key to minimize environmental disturbance. The proposed rip rap rock in front of the sheet pile is to support the sheet pile from tilting and to minimize potential erosion. The proposed sheet pile in front of the foundation of the retaining wall (wing wall of the abutment) is to protect any future bay bed scouring from extending into the retaining wall foundation. The existing scoured bay bed is being filled with rip rap rock to match the existing bay bed.

(2) the failed asphalt concrete bike path by replacing a PCC approach slab and providing a concrete slope paving with a deeper slope paving key and geo-textile material to stop tidal wave erosion. 'Sheet Pile' is proposed at the concrete slope paving key to minimize environmental disturbance and to construct within State right-of-way.

No-Build Alternative

The No-Build Alternative proposes no action. The purpose and need would not be met.

Build Alternatives- Considered but Rejected

(1) Rock Slope Protection – the Rock Slope Protection alternative is rejected because of the extensive size causing greater environmental disturbance, aesthetic considerations and R/W limitation at bike path location will require a permanent easement from County of Orange.

(2). Soldier Pile Lagging Walls - Soldier Pile Lagging Walls have been considered at the both failed locations. This alternative is dropped from further consideration because of limited accessibility of the construction equipment, limited vertical clearance for the construction equipment, increased cost compared to replacement in-kind as it requires construction of Earth Retaining Structures and requires corrosion protection.

1.3 Permits and Approvals Needed

The following permits, reviews, and approvals would be required for project construction:

Agency	Permit/Approval	Status
Regional Water Quality Control Board	Section 401 Water Quality Certification	Coordination will occur in PS&E phase
U.S. Army Corps of Engineers	Section 404 Nationwide Permit Section 10 of the Rivers and Harbors Act	Coordination will occur in PS&E phase
California Coastal Commission	Coastal Development Permit	Coordination will occur in PS&E phase

Chapter 2 – CEQA Checklist

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

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

DETERMINATION:

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature: Smita Deshpande	**Date:** Jan 13, 2016
Printed Name: SMITA DESHPANDE	**For:**

CEQA Environmental Checklist

12-ORA-1	18.38	0N910/1215000008
Dist.-Co.-Rte.	P.M/P.M.	E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

2.1 Aesthetics

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

The California Environmental Quality Act (CEQA) establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of *aesthetic*, natural, scenic and historic environmental qualities." (CA Public Resources Code Section 21001[b])

A Scenic Evaluation and Visual Impact Assessment memo was completed for the project by a District Landscape Architect on March 19, 2015.

2.1.1 Discussion of Environmental Evaluation Questions

a) No Impact. The work is not visible from the road/bridge above. The base of the bridge is visible to pedestrians/bicyclists and/or boaters from the water. Rock slope repair will be visible during low tide conditions. Viewers would see more rock slope protection rather than slope paving.

b) No Impact. Concrete slope paving will be replaced with boulders (Rock Slope Protection) which has added natural visual character than concrete slope paving.

c) No Impact. The visual character will remain very similar to conditions before construction improvements. Concrete slope paving will be replaced with boulders (Rock Slope Protection).

d) No Impact. The project scope does not include the construction of any new sources of light or glare which would adversely affect day or nighttime views in the area. No impacts related to light and glare would occur as a result of the project.

2.1.2 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization or mitigation measures are required.

2.2 Agricultural Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forestland or conversion of forestland to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

The California Environmental Quality Act requires the review of projects that would convert Williamson Act contract land to non-agricultural uses. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to deter the early conversion of agricultural and open space lands to other uses.

2.2.1 Discussion of Environmental Evaluation Questions

a) No Impact. The California Important Farmland Finder database of the Farmland Mapping and Monitoring Program of the California Department of Conservation, Division of Land Resource Protection (2015), indicates there is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the project area. The project area has a designation of Urban and Built-up land.

b) No Impact. According to the city of Newport Beach's Zoning map, there is no existing zoning for agricultural use in the project area. Existing zoning designations include residential, multi-unit residential, planned community, commercial-recreational and mixed use-water related.

c) No Impact. There is no land within the project area zoned as forest land or timberland.

d) No Impact. See response to c).

e) No Impact. The project area does not contain any farmland, agricultural land, or forest land.

2.2.2 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization or mitigation measures are required.

2.3 Air Quality

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

The Clean Air Act as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants that have been linked to potential health concerns; the criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), particulate matter (PM), lead (Pb), and sulfur dioxide (SO_2).

Under the 1990 Clean Air Act Amendments, the U.S. Department of Transportation cannot fund, authorize, or approve Federal actions to support programs or projects that are not first found to conform to State Implementation Plan for achieving the goals of the Clean Air Act requirements. Conformity with the Clean Air Act takes place on two levels—first, at the regional level and second, at the project level. The project must conform at both levels to be approved.
Regional level conformity in California is concerned with how well the region is meeting the standards set for carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), and particulate matter (PM). California is in attainment for the other criteria pollutants. At the regional level, Regional Transportation Plans (RTP) are developed that include all of the transportation projects planned for a region over a period of years, usually at least 20. Based on the projects included in the RTP, an air quality model is run to determine whether or not the implementation of those projects would conform to emission budgets or other tests showing that attainment requirements of the Clean Air Act are met. If the conformity analysis is successful, the regional planning organization, such as SCAG for Los Angeles and Orange counties and the appropriate federal agencies, such as the Federal Highway Administration, make the determination that the RTP is in conformity with the State Implementation Plan for achieving the goals of the Clean Air Act. Otherwise, the projects in the RTP must be modified until conformity is attained. If the design and scope of the proposed transportation project are the same as described in the RTP, then the project is deemed to meet regional conformity requirements for purposes of project-level analysis.

Conformity at the project-level also requires "hot spot" analysis if an area is "nonattainment" or "maintenance" for carbon monoxide (CO) and/or particulate matter. A region is a "nonattainment" area if one or more monitoring stations in the region fail to attain the relevant standard. Areas that were previously designated as nonattainment areas but have recently met the standard are called "maintenance" areas. "Hot spot" analysis is essentially the same, for technical purposes, as CO or particulate matter analysis performed for NEPA purposes. Conformity does include some specific standards for projects that require a hot spot analysis. In general, projects must not cause the CO standard to be violated, and in "nonattainment" areas the project must not cause any increase in the number and severity of violations. If a known CO or particulate matter violation is located in the project vicinity, the project must include measures to reduce or eliminate the existing violation(s) as well.

A memorandum was prepared by the district environmental engineer on March 23, 2015. It concluded that this project is not considered a "Transportation Project" and is exempted, both locally and regionally, from all conformity analysis and would have no effect or impacts on greenhouse gases or climate change.

2.3.1 Discussion of Environmental Evaluation Questions

a), b), c), d). Less than Significant Impact. The proposed project is located in the South Coast Air Basin and is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB). The SCAQMD is the primary agency responsible for writing the Air Quality Management Plan (AQMP) in cooperation with SCAG, local governments and the private sector. The AQMP provides the blueprint for meeting state and federal ambient air quality standards. This project is not a capacity enhancing

transportation project. It will have no impact on traffic volumes and generate a less than significant amount of pollutants during construction. Hence, it will not conflict with the AQMP, violate any air quality standard, result in a net increase of any criteria pollutant or expose sensitive receptors to substantial pollutant concentrations.

e) Less than Significant. Temporary construction activities could generate fugitive dust from the operation of construction equipment. The project will comply with construction standards adopted by the South Coast Air Quality Management District (SCAQMD) as well as Caltrans standard procedures for minimizing air pollutants during construction. Since construction activities will be less than 5 years, a Construction Emission Report is not needed.

2.3.2 Avoidance, Minimization, and/or Mitigation Measures

No mitigation is required; however, the following avoidance and/or minimization measures will be implemented to minimize potential impacts:

AQ – 1: The Contractor must comply with Caltrans Standard Provisions.

2.4 Biological Resources

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

2.4.1 Discussion of Environmental Evaluation Questions

A Natural Environment Study was completed in 12/30/15.

a) No Impact. The proposed project is located within limited potential foraging habitat (mud flat) but not nesting habitat for California Least Terns and Western Snowy Plovers. The project will result in temporary and permanent impacts to mud flat. However, the impacts to mud flat are expected to be minimal with the incorporation of avoidance and minimization measures.

b) Less than Significant with Mitigation. The project impact areas are protected under the California Coastal Act (CCA) and the federal Coastal Zone Management Act (CZMA). The Mud flats are considered Environmentally Sensitive Habitat Areas (ESHAs) by the CCC. The project will result permanent and temporary impacts to potential coastal zone wetlands and are subject to the Coastal Act. To compensate the permanent impacts to coastal wetland **1:1 ratio on-site** or **2:1 ratio off-site** mitigation is proposed for this project. Upon the approval of these mitigation ratio by the regulatory agencies, the mitigation may be accomplished through payment of an in-lieu fee, habitat restoration and/or enhancement of on or off-site areas or another mechanism approved by the resource agencies.

c) Less than Significant with Mitigation. The project will have temporary and permanent impacts to Waters of the U.S. (mud flats and non-wetland). Mud flats are considered Environmentally Sensitive Habitat Areas (ESHAs) under the California Coastal Act. They are also regulated by Section 401 and 404 (special aquatic sites) of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The permanent impacts will be mitigated on a 1:1 ratio on-site or 2:1 ratio off-site as determined by the resource agencies. Mitigation may be in the form of an in-lieu fee, habitat restoration, enhancement of on/off site areas or another mechanism approved by the resource agencies.

d) No Impact. The project area is not a corridor for any migratory wildlife or fish species.

e) No Impact. There are no local ordinances or policies protecting biological resources in effect in the project area.

f) No Impact. The project area is not located within the boundaries of a Habitat Conservation Plan, a Natural Community Conservation Plan or other approved local, regional or state Habitat Conservation Plan.

2.4.2 Avoidance, Minimization, and/or Mitigation Measures

The following avoidance, minimization, and/or mitigation measures will be implemented:

BIO-1 Prior to clearing or construction, highly visible barriers (such as orange construction fencing) will be installed around sensitive habitats adjacent to the project footprint to designate ESAs to be preserved. Since installing ESA fence will not be effective within

tidal waters, turbidity curtains (which will be installed as a BMP measure) will be used to delineate the ESA. All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be located in such a manner as to prevent the runoff from any spills from entering Waters of the US/ Waters of the State (WoUS/WoS).

BIO-2 Shielded lighting will be used for any nighttime construction adjacent to native vegetation areas and open-water habitats to avoid and minimize artificial night-lighting effects.

BIO-3 All construction within jurisdictional waters will occur at a low or low-low tide that is sufficient to allow work to be conducted from out of the water.

BIO-4 All construction site BMPs from the SWPPP will be followed.

BIO-5 Turbidity curtains will be used to minimize impacts from turbidity on mud flats and other aquatic resources adjacent to the construction area. These curtains will be placed in a semi-circular ring around the construction area before construction begins.

BIO-6 To compensate the permanent impacts to jurisdictional waters of the U.S. (mud flat and non-wetland) and coastal zone wetland, 1:1 ratio on-site or 2:1 ratio off-site mitigation is proposed for this project. Upon the approval of these mitigation ratio by the regulatory agencies, the mitigation may be accomplished through payment of an in-lieu fee, habitat restoration and/or enhancement of on- or off-site areas or another mechanism approved by the resource agencies. Caltrans proposes an on-site restoration through removal and replacement of existing invasive/non-native plant with native plants. Based on a preliminary discussion with the Corps during a field meeting on November 16, 2015, the proposed on-site mitigation was acceptable. However, final approval of the proposed mitigation will be made during the permit processing period.

BIO-7 Existing scattered asphalt and concrete rubbles located within the project limit will be preserved to the maximum possible. If the rubbles within the project's temporary impact areas are required to be removed to conduct the construction activities, then each rubble will be relocated to areas outside the project limit behind the turbidity curtain.

BIO-8 A biologist will monitor the project construction to ensure the implementation of measures listed in the NESMI.

BIO-9 All work conducted on bridges will take place during the day to the extent feasible. If this is not feasible, impacts will be minimized by directing lighting and noise away from night roosting areas as much as possible.

BIO-10 To avoid indirect impacts to nesting birds and bats, exclusion devices will be installed under the supervision of the qualified biologist prior to the initiation of construction activities. Exclusion will be installed during the fall (September or October).

2.5 Cultural Resources

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

Cultural resources, as used in this document, refers to all historical and archaeological resources, regardless of significance.

Historical Resources are considered under the California Environmental Quality Act (CEQA), as well as, California Public Resources Code (PRC) Section 5024.1, which established the California Register of Historical Resources. PRC 5024 requires that state agencies identify and protect state-owned resources that meet National Register of Historic Places (NRHP) listing criteria. It further requires that the Caltrans inventory state-owned structures in its right-of-way. Sections 5024(f) and 5024.5, require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the NRHP or are registered or eligible for registration as a state historical landmark.

2.5.1 Discussion of Environmental Evaluation Questions

a) b) c) d) No Impact. Based on a review of documentation at the South Central Coastal Information Center located at California State University, Fullerton, the historic bridge inventory, and aerial photographs, it has been determined that the project has no potential to affect historic properties, paleontological resources, unique geologic features or human remains.

2.5.2 Avoidance, Minimization, and/or Mitigation Measures

CUL-1 If cultural materials are discovered during construction, all earthmoving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CUL-2 If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbance and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the California Department of Transportation, District 12 Environmental Analysis - Specialist Branch, so that they may work with the MLD on the respectful treatment and deposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

CUL-3 If paleontological resources are discovered during construction, all earthmoving activity within and around the immediate discovery area will be diverted until a qualified paleontologist can assess the significance of the find.

2.6 Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

2.6.1 Discussion of Environmental Evaluation Questions

The city of Newport Beach is located in an area that is exposed to risk from multiple earthquake fault zones (e.g., the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone) each with the potential to cause moderate to large earthquakes. The area in and around Newport Bay is susceptible to liquefaction and related ground failure (i.e., seismically induced settlement).

a) No Impact. This project would not subject people to a loss, injury or death in the event of an earthquake, seismic ground shaking, ground failure or landslides.

b) No Impact. The total disturbed area is 2200 sq. ft. above ground and 1560 ft. under the water. There is no topsoil in the project area. The bike path and bridge structure are covered with concrete and asphalt.

c) No Impact. The geologic maps indicate the soils in this general area are surficial and bedrock having a potential for liquefaction. Such soils are also expansive. This project would not increase the instability of the soil.

d) No Impact. See response to c).

e) No Impact. Waste water disposal is not a concern on this project.

2.6.2 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization or mitigation measures are required.

2.7 Greenhouse Gas Emissions Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	An assessment of the greenhouse gas emissions and climate change is included in Chapter 3. While the Department has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is the Department's determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. The Department does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in Chapter 3.			

2.8 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project 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?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires; including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?	☐	☐	☐	☒

Hazardous materials and hazardous wastes are regulated by many state laws which are discussed below.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976, and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health, safety, and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction.

An Initial Site Assessment was completed in January 2015.

2.8.1 Discussion of Environmental Evaluation Questions

a) No Impact. This project does not involve/require the transport or use of hazardous materials. The only potential for hazardous waste would be lead contamination from vehicle emissions in exposed soil. An Aerially Deposited Lead (ADL) report was completed on November 2, 2015. The test results indicated the material in the proposed improvement area is considered as type (X) and non-hazardous.

b) No Impact. See response to a).

c) No Impact. See response to a). There are no public schools within a quarter mile of the project area.

d) No Impact. According to the Environmental Protection Agency, there are only two Superfund sites in the city of Newport Beach neither of which is located within the project area.

e) No Impact. The project is not located within an airport land use plan area.

f) No Impact. See response to e).

g) Less than Significant Impact. The project will not impair the City's emergency response or evacuation plan. A Traffic Management Plan (TMP) will be prepared and implemented to keep traffic moving efficiently through the project area.

h) No Impact. The project area is not located near any wild lands.

2.8.2 Avoidance, Minimization, and/or Mitigation Measures

No mitigation is required; however, the following avoidance and/or minimization measures will be implemented to minimize potential impacts:

HM-1 SSP # 7-1.02K (6)(j)(iii) – Earth Material Containing Lead – requires a lead compliance plan for soil disturbance when lead concentrations are non-hazardous.

HM-2 SSP # 14-11.03 – Material Containing Hazardous Waste Concentrations of Aerially Deposited Lead – ADL management specifications when hazardous waste concentrations exist.

2.9 Hydrology and Water Quality:

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

A Water Quality Technical Memorandum was completed on August 24, 2015.

The proposed project is located adjacent/within Lower Newport Bay (801.11) part of the Santa Ana River Hydrologic Unit (HU) of the Santa Ana Regional Water Quality Control Board located in Orange County. Tributaries that feed into Lower Newport bay include Upper Newport Bay, San Diego Creek, Peters Canyon Wash and Bonita Creek.

Based on the Final *2010 Integrated Report (CWA Section 303(d) List /305(b) Report)* approved by the SWRCB on August 4, 2010 and the US EPA on October 11, 2011, Lower Newport Bay at the project location is on the 2010 Clean Water Act 303(d) list of Water Quality Limited Segments Requiring TMDLs for unknown sources of Chlordane, Copper, DDT

(Dichlorodiphenyltrichloroethane), Indicator Bacteria, Nutrients, PCBs (Polychlorinated biphenyls), Pesticides, and Sediment Toxicity.

The Newport Bay watershed is highly urbanized with some agriculture. Nine cities are located partly or fully within the watershed: Costa Mesa, Irvine, Lake Forest, Laguna Hills, Laguna Woods, Newport Beach, Orange, Santa Ana, and Tustin. The watershed also includes several unincorporated areas of Orange County. The total estimated population within the watershed is 640,000.

Short Term Impacts during Construction

Under the build alternative the proposed project will repair the failed slope paving at the west side of abutment one and the bike path with a deeper concrete slope paving keyed in with a 20 foot deep sheet pile and geo-composite material to stop tidal erosion. In addition, the existing scoured channel bed will be filled with rock to match existing channel bed. Based on proposed project it is anticipated that the Disturbed Soil Area (DSA) for Build Alternative will be 0.04 acres.

Potential temporary impacts to water quality anticipated during construction for the Build Alternative include sediments caused by the temporary access of construction equipment into the Newport Bay, sediment/sand displacement from installation of sheet pile using vibrating compactor, concrete waste from the deep concrete slope paving, trash from workers and construction waste, petroleum products from construction equipment and/or vehicles, sanitary wastes from portable toilets and any other chemicals used for construction such as coolants used for equipment and/or concrete curing compounds.

It is anticipated that the Build Alternative may encounter groundwater during the construction from the fluctuating tides of Newport Bay. The proposed project will install sheet piles that will be used as the key (toe) of the concrete slope. During construction, the sheet piles installed will be tall enough to prevent high tides from entering the construction zone. Although the sheet piles will prevent the Newport Bay surface tidal flows from entering construction zone, there is the potential for the tidal flows to rise behind the sheet piles and inundate the construction zone from the ground (groundwater). If this occurs during construction, and if the contractor proposes to remove and discharge the rising groundwater from behind the sheet piles, the discharge will be subject to the *General Waste Discharge Permit for Discharges to Surface Waters of Groundwater Resulting from Groundwater Dewatering Operations and/or Groundwater Cleanup Activities at Sites Within the San Diego Creek/ Newport Bay Watershed Polluted by Petroleum Hydrocarbons, Solvents, Metals, and/ or Salts. (Order No. R8-2007-0042, NPDES No. CAG918002)* or any subsequent permits or amendments in effect at the time of construction issued by the Santa Ana RWQCB. This Permit addresses temporary dewatering operations during construction and the requirements for the discharge of dewatering effluent to surface waters. This dewatering operation may require the implementation of BMPs (i.e. Baker Tank, Weir Tank, Gravity Bag Filter, etc.) to treat and remove pollutants from the dewatering effluent to meet the discharge requirements called out in the permit issued by the Santa Ana RWQCB. This dewatering permit will require to comply with a Monitoring and Reporting Program (MRP) in addition to notifying

the Santa Ana RWQCB prior to the dewatering operation and provide a laboratory analysis of the existing water quality.

The Disturbed Soil Area (DSA) is less than 1.0 acres thus not subject to the State Water Resources Control Board (SWRCB) NPDES Construction General Permit (CGP). Under the Caltrans Statewide NPDES Permit, the Build Alternative will be required to prepare and implement a Water Pollution Control Program (WPCP) to address the temporary impacts to water quality. The WPCP will identify temporary Best Management Practices (BMPs) to address the potential temporary impacts to water quality. The BMPs identified in the project's WPCP will include measures such as temporary soil stabilization measures, linear sediment barriers (i.e. silt fence, gravel bag berms, fiber rolls), and construction site waste management (i.e. concrete washout, construction materials storage, litter/ waste management). The proposed project is within an area that is inundated twice a day with tidal flows from Newport Bay usually during high tides. The project area inundated by tidal flows have the potential to come in contact with the construction work areas (Areas with disturbed soil, contact with construction materials, etc.) and export the construction related pollutants that come contact with tidal flows from Newport Bay. To avoid and/ or minimize this potential impact, the project will be implementing a turbidity control curtain. A turbidity curtain is a flexible, impermeable barrier used to trap sediment in water bodies. The curtain generally weighted at the bottom to ensure that sediment does not travel under the curtain, which is supported at the top through a flotation system.

Long Term Impacts during Operation

Under the build alternative the proposed project will repair the failed slope paving at the west side of abutment one and bike path with a deeper concrete slope paving keyed in with a 20 foot deep sheet pile and geo-composite material to stop tidal erosion. In addition, the existing scoured channel bed will be filled with rock to match existing channel bed. There is no work proposed on the roadway that will increase the impervious surface nor will there be an increase in the typical pollutants generated during the operation of a transportation facility (sediment/ turbidity, nutrients, trash and debris, bacteria and viruses, oxygen demanding substances, organic compounds, oil and grease, pesticides and metals). The slope-paving repair includes installing sheet piles at the toe of the concrete slope to stabilize the slope from tidal erosion. This alternative does not involve any lane additions and there will be a minimal increase of impervious surface (concrete slope paving). Caltrans will incorporate Design Pollution Prevention (source control) BMPs to ensure that adequate measures are included to minimize any potential long-term impacts caused by the project such as erosion/scour from tidal flows of Newport Bay.

2.9.1 Discussion of Environmental Evaluation Questions

a) Less than Significant Impact. The contractor will be required to prepare and implement a Water Pollution Control Program (WPCP) which will contain Best Management Practices (BMPs) to address temporary impacts to water quality. In addition, Design Pollution Prevention (source control) BMPs to ensure that adequate measures will be developed to minimize any potential long-term impacts. If groundwater is encountered during construction, the discharge will be subject to the *General Waste Discharge Permit for Discharges to Surface Waters of*

Groundwater Resulting from Groundwater Dewatering Operations and/or Groundwater Cleanup Activities at Sites Within the San Diego Creek/ Newport Bay Watershed Polluted by Petroleum Hydrocarbons, Solvents, Metals, and/ or Salts. (Order No. R8-2007-0042, NPDES No. CAG918002) or any subsequent permits or amendments in effect at the time of construction issued by the Santa Ana RWQCB. This Permit addresses temporary dewatering operations during construction and the requirements for the discharge of dewatering effluent to surface waters.

b) Less Than Significant Impact. The proposed project is not growth inducing and would not require an additional need for groundwater supplies nor interfere with groundwater replenishment.

c) Less Than Significant Impact. The proposed project will have no impact on the existing drainage pattern of the area. There will not be an increase in the impervious surface area. The Lower Newport Bay will not be altered.

d) Less Than Significant Impact. See c).

e) Less Than Significant Impact. The proposed project will not create any additional runoff water.

f) Less Than Significant Impact. The project will implement a Water Pollution Control Program (WPCP) that will identify and implement Best Management Practices (BMPs) to prevent any pollutants associated with the construction activity from discharging to receiving waters.

g) No Impact. Housing is not a component of this project.

h) No Impact. No new structures will be constructed for this project.

i) No Impact. The proposed project does not expose people or structures to a risk of flooding.

j) No Impact. The project area is located on the coast and would therefore be subject to the effects of a tsunami.

2.9.2 Avoidance, Minimization, and/or Mitigation Measures

No mitigation is required; however, the following avoidance and/or minimization measures will be implemented to minimize potential impacts:

WQ-1 The project will comply with the provisions of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for State of California Department of Transportation (Order No. 2012-0011-DWQ, NPDES No. CAS000003.*

WQ-2 A Water Pollution Control Program (WPCP) will be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential impact water quality.

WQ-3 Design Pollution Prevention Best Management Practices (BMPs) shall be implemented such as preservation of existing vegetation, slope/ surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes and swales, overside drains, flared end sections, and outlet protection/ velocity dissipation devices.

WQ-4 If dewatering is required, Construction site dewatering must comply with the *General Waste Discharge Permit for Discharges to Surface Waters of Groundwater Resulting from Groundwater Dewatering Operations and/or Groundwater Cleanup Activities at Sites within the San Diego Creek/ Newport Bay Watershed Polluted by Petroleum Hydrocarbons, Solvents, Metals, and/ or Salts. (Order No. R8-2007-0042, NPDES No. CAG918002)* and any subsequent updates to the permit at the time of construction. This Permit addresses temporary dewatering operations during construction. Dewatering BMPs will be used to control sediment and pollutants, and the discharges must comply with the WDRs issued by the Santa Ana RWQCB

2.10 Land Use and Planning

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

The California Environmental Quality Act (CEQA) Guidelines, Section 15063 (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 – 15387, Appendix G) requires the analysis of a project's potential impacts to land use and planning.

2.10.1 Discussion of Environmental Evaluation Questions

a) No Impact. The project area is entirely within the Caltrans right-of-way and will not divide any established communities.

b) No Impact. The project will not conflict with the City's general plan (i.e., zoning) or the Southern California Association of Governments Regional Comprehensive Plan and Guide

(RCPG). The project area is zoned as MU-W2 (Mixed Use-Water Related) and that will not change. The project is located within the coastal zone as defined by the California Coastal Commission (CCC) and coordination will be required with the City or the CCC to obtain a permit, waiver or exemption.

c) No Impact. The City is a signatory agency to the Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP), however, the project area is not located with the NCCP/HCP boundaries.

2.10.2 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization or mitigation measures are required.

2.11 Mineral Resources

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

2.11.1 Discussion of Environmental Evaluation Questions

a) No Impact. According to the California Department of Conservation, California Geological Survey and the State Mining and Geology Board, the project area is classified as Mineral Resource Zones (MRZ) 1 and 3. MRZ-1 is an area that has little or no likelihood for the presence of significant mineral resources and a MRZ-3 area contains mineral resources of undetermined significance.

b) No Impact. See response to a). There are no mineral resource recovery sites in the project area.

2.11.2 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization or mitigation measures are required.

2.12 Noise

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

CEQA requires a strictly baseline (existing) versus build analysis to assess whether a project will have a noise impact. If a project is determined to have a significant noise impact under CEQA, then CEQA dictates that mitigation measures must be incorporated into the project unless such measures are not feasible.

2.12.1 Discussion of Environmental Evaluation Questions

a) Less than Significant Impact. The project is non-capacity increasing and does not qualify as a Type 1 project according to Caltrans Traffic Noise Analysis Protocol under CFR 772, Noise Analysis. There could be some minimal short term noise impacts from the operation of construction equipment, but these impacts would be negligible when minimization measures as recommended in Section 2.12.2 are implemented and would cease when construction is complete. Further noise analysis is not required.

b) No Impact. Existing ground borne vibration is anticipated to remain the same as current conditions with project implementation. Due to the location of the project site and the level of traffic noise/vibration emanating from the highway, any vibration generated by the project during construction would be negligible.

c) No Impact. The project is non-capacity increasing and will have no impact on ambient noise levels.

d) Less than Significant Impact. There could be a temporary increase in noise levels caused by construction equipment; however, it would not rise substantially above the level generated by traffic on the highway.

e) No Impact. The project area is not located in an airport land use planning area or within two miles of an airport.

f) No Impact. See response to e).

2.12.2 Avoidance, Minimization, and/or Mitigation Measures

The following minimization measures would be implemented to minimize impacts:

N-1 Noise levels should not exceed 86 dBA at 50 feet from the job site activities from 9PM to 6AM. An alternative warning method should be used, instead of a sound signal unless required by safety laws.

N-2 Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without a muffler (Caltrans 2010 Standard Specifications for Construction (Section 14-8 [Noise and Vibration])).

2.13 Population and Housing

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

The California Environmental Quality Act (CEQA) requires the analysis of a project's potential to induce growth. CEQA guidelines, Section 15126.2(d), require that environmental documents "…discuss the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

2.13.1 Discussion of Environmental Evaluation Questions

a) No Impact. New development (e.g., residential, commercial, roads) is not an element of this project. Its sole purpose is to repair/restore the degraded condition on the bridge slope, bike path and bay bed.

b) No Impact. See response to a).

c) No Impact. See response to a).

2.13.2 Avoidance, Minimization, and/or Mitigation Measures

None required.

2.14 Public Services

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

2.14.1 Discussion of Environmental Evaluation Questions

a) No Impact. The project does not involve the alteration or expansion of any public/ government facilities that provide public services. A Transportation Management Plan (TMP) will be prepared to minimize construction activity-related motorist delays by the effective application of traditional traffic handling practices and innovative approaches. As part of the

TMP, Caltrans District 12 Orange county office would coordinate with emergency response providers to ensure the project does not interfere with emergency response times.

2.14.2 Avoidance, Minimization, and/or Mitigation Measures

No mitigation is required; however, the following avoidance and/or minimization measures will be implemented to minimize potential impacts:

PUB – 1 A TMP will be prepared and finalized during the design phase.

2.15 Recreation

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

2.15.1 Discussion of Environmental Evaluation Questions

a) No Impact. The temporary closing of the bike/pedestrian path will not cause an increase in the use of an existing local park or other recreational facility.

b) Less Than Significant Impact. It will be necessary to temporarily close the bike/ pedestrian path in order to repair it, however, an alternate route will be provided. For more information on the closure of the bike/pedestrian path, see Appendix B.

2.15.2 Avoidance, Minimization, and/or Mitigation Measures

R-1 A detour route will be provided for bicyclists and pedestrians during project construction.

2.16 Transportation/Traffic

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

Caltrans, as assigned by FHWA, directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of federal-aid highway projects (see 23 CFR 652). It further directs that the special needs of the elderly and the disabled must be considered in all federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

Caltrans is committed to carrying out the 1990 Americans with Disabilities Act (ADA) by building transportation facilities that provide equal access for all persons. The same degree of convenience, accessibility, and safety available to the general public will be provided to persons with disabilities.

2.16.1 Discussion of Environmental Evaluation Question for Transportation and Traffic

a) No Impact. The project will not conflict with any plans, ordinances or policies pertaining to the performance of the circulation system. This project will not propose new non-standard design features to the existing facility. It will repair the failed bike/pedestrian path that currently exists. It will be necessary to close the bike path for approximately six months in order to make repairs to it. A Traffic Management Plan (TMP) that includes a bike detour route/plan will be prepared and implemented.

b) Less than Significant Impact. Introducing bicycle traffic in the mainline will result in some weaving and, therefore, may cause some delay or slowing of general motor traffic during construction. A bike detour plan and a Traffic Management Plan (TMP) will be implemented during construction to facilitate the smooth flow of traffic.

c) No Impact. This project has no air traffic component.

d) No Impact. This project does not propose a change to the existing design features of the highway.

e) No Impact. There will be no mainline closures, therefore this project will not result in inadequate emergency access.

f) No Impact. See response to a).

2.16.2 Avoidance, Minimization, and/or Mitigation Measures

No mitigation is required; however, the following avoidance and/or minimization measure will be implemented to minimize potential impacts:

T-1 A Traffic Management Plan (TMP) will be prepared during the design phase to minimize inconvenience to drivers during construction activities.

2.17 Utilities and Service Systems

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

2.17.1 Discussion of Environmental Evaluation Question

a), b), c), e) No Impact. This project is intended to repair damage to the bridge structure and bike path and would not generate any wastewater.

d) No Impact. As a restoration project, it has no requirement for a water supply.

f), g) No Impact. This type of project will not generate large amounts of solid waste. The construction crew will be responsible for controlling/disposing of solid waste in accordance with federal, state and local statutes and regulations.

2.17.2 Avoidance, Minimization, and/or Mitigation Measures

None Required.

2.18 Mandatory Findings of Significance

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

The California Environmental Quality Act (CEQA) requires the analysis of a project's mandatory findings of significance. The analysis of the mandatory findings of significance of the project is based on the findings of the project's impacts on all the required issue areas.

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of this project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor, but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive types of agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, and disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

California Environmental Quality Act (CEQA) Guidelines, Section 15130, describes when a cumulative impact analysis is warranted and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts, under CEQA, can be found in Section 15355 of the CEQA Guidelines.

2.18.1 Discussion of Environmental Evaluation Questions

a) No Impact. As discussed under section 2.4, Biological Resources, in the Natural Environment Study (NES), potential suitable habitat exists for four species listed on the threatened or endangered species list within and/or adjacent to the Biological Survey Area (BSA). Based on survey results conducted for each species, the project is not expected to result in an effect (direct, indirect or cumulative) to any suitable habitat for these species. As discussed in section 2.5, Cultural Resources, the project is not anticipated to have an impact on historic resources.

b) No Impact. The project will not have any cumulative impacts. See Table 2.18 for a list of current and proposed projects in the vicinity.

c) No Impact. This project will have no impacts to human beings, either directly or indirectly. Refer to the discussion in the other sections for additional information that supports this finding.

Table 2.18-1 Future and Current Projects in the Project Area

Rte	Postmile	Description	Improvement	EA	Status	Begin Const.	Completion Date
1	17.624	PROMONTORY PT-LT OID	Replace Existing Vehicle Signals & Mountings	0P710	Minor B	9/1/16	3/1/17
1	17.624	PROMONTORY PT-LT OID	Updrage Traffic Signal Equipment	0P680	PSR	FY 20/21	
1	18.073	BAYSIDE DRIVE	Modify Signal & Lighting & replace ex. Pvm't delineation	0H260	Active	7/14/11	4/30/15
1	18.833	BALBOA BAY CLUB - LT	Replace Existing Vehicle Signals & Mountings	0P710	Minor B	9/1/16	3/1/17
1	18.833	BALBOA BAY CLUB - LT	Updrage Traffic Signal Equipment	0P680	PSR	FY 20/21	
1	19.158		Construct Pedestrian Crossing	0L610	On Hold		

2.18.2 Avoidance, Minimization, and/or Mitigation Measures

With the implementation of the measures as stated in the previous sections, impacts would be reduced to below a level of significance.

Chapter 3- CLIMATE CHANGE

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gases (GHGs), particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization's in 1988, has led to increased efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of GHGs related to human activity that include carbon dioxide (CO_2), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In the U.S., the main source of GHG emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light-duty trucks, other trucks, buses, and motorcycles make up the largest source of GHG-emitting sources. The dominant GHG emitted is CO_2, mostly from fossil fuel combustion.

There are typically two terms used when discussing the impacts of climate change. "Greenhouse Gas (GHG) Mitigation" is a term for reducing GHG emissions in order to reduce or "mitigate" the impacts of climate change. "Adaptation," refers to the effort of planning for and adapting to impacts due to climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels)[1].

Transportation sources (passenger cars, light duty trucks, other trucks, buses and motorcycles) in the state of California make up the largest source (second to electricity generation) of greenhouse gas emitting sources. Conversely, the main source of GHG emissions in the United States (U.S.) is electricity generation followed by transportation. The dominant GHG emitted is CO_2, mostly from fossil fuel combustion.

There are four primary strategies for reducing GHG emissions from transportation sources: 1) improve system and operation efficiencies, 2) reduce growth of vehicle miles traveled (VMT) 3) transition to lower GHG fuels and 4) improve vehicle technologies. To be most effective all four should be pursued collectively. The following regulatory setting section outlines state and federal efforts to comprehensively reduce GHG emissions from transportation sources.

Regulatory Setting

State

With the passage of several pieces of legislation including State Senate and Assembly Bills and Executive Orders, California launched an innovative and pro-active approach to dealing with greenhouse gas emissions and climate change at the state level.

[1] http://climatechange.transportation.org/ghg_mitigation/

Assembly Bill 1493 (AB 1493), Pavley. Vehicular Emissions: Greenhouse Gases (AB 1493), 2002: requires the California Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year. In June 2009, the U.S. Environmental Protection Agency (U.S. EPA) Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own GHG emission standards for motor vehicles beginning with model year 2009. California agencies will be working with Federal agencies to conduct joint rulemaking to reduce GHG emissions for passenger cars model years 2017-2025.

Executive Order S-3-05: (signed on June 1, 2005, by Governor Arnold Schwarzenegger) the goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

AB32 (AB 32), the Global Warming Solutions Act of 2006: AB 32 sets the same overall GHG emissions reduction goals as outlined in Executive Order S-3-05, while further mandating that CARB create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the State's Climate Action Team.
Executive Order S-01-07: Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this Executive Order, the carbon intensity of California's transportation fuels is to be reduced by at least ten percent by 2020.
Senate Bill 97 (Chapter 185, 2007): required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the State CEQA Guidelines for addressing greenhouse gas emissions. The Amendments became effective on March 18, 2010.

Senate Bill 375 (SB 375), Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill requires the California Air Resources Board (CARB) to set regional emissions reduction targets from passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land-use, and housing policies to plan for the achievement of the emissions target for their region.

Senate Bill 391 (SB 391) Chapter 585, 2009 California Transportation Plan: This bill requires the State's long-range transportation plan to meet California's climate change goals under AB 32.

Caltrans Director's Policy 30 (DP-30) Climate Change (approved June 22, 2012); is intended to establish a Department policy that will ensure coordinated efforts to incorporate climate change into Departmental decisions and activities. This policy contributes to Caltrans stewardship goal to preserve and enhance California's resources and assets.

Federal
Although climate change and GHG reduction is a concern at the federal level; currently there are, no regulations or legislation that have been enacted specifically addressing GHG emissions reductions and climate change at the project level. Neither the United States Environmental Protection Agency (U.S. EPA) nor Federal Highway Administration (FHWA) has promulgated explicit guidance or methodology to conduct project-level greenhouse gas analysis. As stated on FHWA's climate change website (http://www.fhwa.dot.gov/hep/climate/index.htm), climate change considerations should be integrated throughout the transportation decision-making process–from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will facilitate decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project level decision-making. Climate change considerations can easily be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies set forth by FHWA to lessen climate change impacts do correlate with efforts that the State has undertaken and is undertaking to deal with transportation and climate change; the strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and reduction in the growth of vehicle hours travelled.

Climate change and its associated effects are also being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and Executive Order 13514- *Federal Leadership in Environmental, Energy and Economic Performance*.

Executive Order 13514 is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the interagency Climate Change Adaptation Task Force, which is engaged in developing a U.S. strategy for adaptation to climate change.

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the U.S. EPA has the authority to regulate GHG. The Court held that the U.S. EPA Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydro fluorocarbons (HFCs), per fluorocarbons (PFCs), and sulfur hexafluoride (SF_6)--in the atmosphere threaten the public health and welfare of current and future generations.

- **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the U.S. EPA's *Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles*, which was published on September 15, 2009[2]. On May 7, 2010 the final *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* was published in the Federal Register.

U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations. These steps were outlined by President Obama in a memorandum on May 21, 2010.[3]

The final combined U.S. EPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide per mile, equivalent to 35.5 miles per gallon (MPG) if the automobile industry were to meet this carbon dioxide level solely through fuel economy improvements. Together, these standards will cut GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).
On November 16, 2011, the U.S. EPA and the NHTSA issued their joint proposal to extend this national program of coordinated greenhouse gas and fuel economy standards to model years 2017 through 2025 passenger vehicles.

Project Analysis

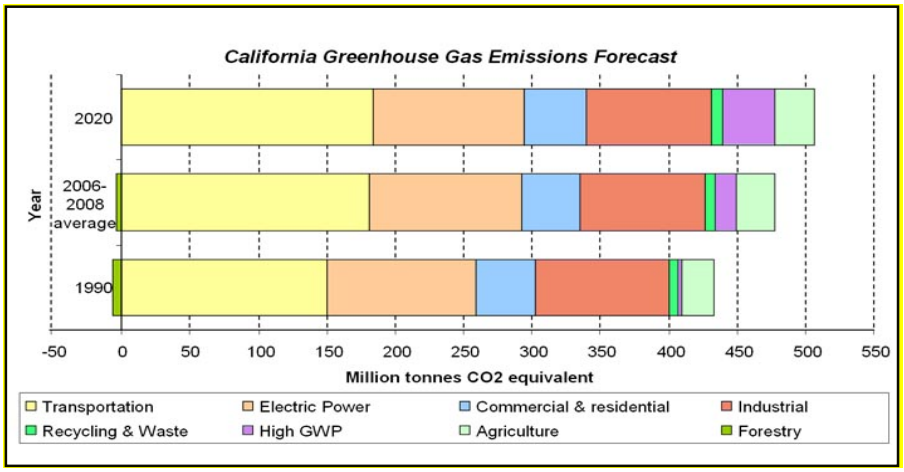
An individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG.[4] In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See California Environmental Quality Act (CEQA) Guidelines sections 15064(h)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all

[2] http://www.epa.gov/climatechange/endangerment.html
[3] http://epa.gov/otaq/climate/regulations.htm
[4] This approach is supported by the AEP: *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), as well as the SCAQMD (Chapter 6: : The CEQA Guide, April 2011) and the US Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

last, current, and future projects in order to make this determination is a difficult if not impossible task.

The AB 32 Scoping Plan contains the main strategies California will use to reduce GHG. As part of its supporting documentation for the Draft Scoping Plan, ARB released the GHG inventory for California (Forecast last updated: 28 October 2010). The forecast is an estimate of the emissions expected to occur in the year 2020 if none of the foreseeable measures included in the Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the GHG inventory for 2006, 2007, and 2008.

FIGURE 3.1 CALIFORNIA GREENHOUSE GAS FORECAST



Source: http://www.arb.ca.gov/cc/inventory/data/forecast.htm

The Department and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and 40 percent of all human made GHG emissions are from transportation, the Department has created and is implementing the Climate Action Program at Caltrans that was published in December 2006 (see Climate Action Program at Caltrans (December 2006).[5]

The purpose of the prosed project is to provide protective revetment for both sections of failure to resist ongoing tidal erosion, prevent further deterioration and preserve public access on the Newport Bay Bridge and the bike path under the bridge. The project proposes to repair the existing facilities and will not increase or change traffic volumes and is not expected to result in an overall increase of operational GHG emissions.

Construction Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by onsite construction

[5] Caltrans Climate Action Program is located at the following web address: http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf

equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events.

CEQA Conclusion

While construction would result in a slight increase in greenhouse gas emissions during construction, the Department expects there will be no operational increase in GHG emissions associated with this proposed project. However, it is the Department's determination that in the absence of further regulatory or scientific information related to greenhouse gas emission and California Environmental Quality Act significance, it is too speculative to make a determination on the project's direct impact and its contribution on the cumulative scale to climate change. Nonetheless, the Department is taking further measures to help reduce energy consumption and greenhouse gas emissions. These measures are outlined in the following section.

Greenhouse Gas Reduction Strategies

AB 32 Compliance

The Department continues to be actively involved on the Governor's Climate Action Team as ARB works to implement the Executive Orders S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. Many of the strategies the Department is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Former Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a $222 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including $100.7 billion in transportation funding during the next decade. The Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together are expected to reduce congestion. The Strategic Growth Plan relies on a complete systems approach to attain CO_2 reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements as depicted in Figure 3.2: The Mobility Pyramid.

Figure 3.2: Mobility Pyramid

The Department is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. The Department is working closely with local jurisdictions on planning activities; however, the Department does not have local land use planning authority. The Department is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; the Department is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by U.S. EPA and ARB. Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the UC Davis.

The Department is also working towards enhancing the State's transportation planning process to respond to future challenges. Similar to requirements for regional transportation plans under Senate Bill (SB) 375 (Steinberg 2008), SB 391(Liu 2009) requires the State's long-range transportation plan to meet California's climate change goals under Assembly Bill (AB) 32.

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce greenhouse gas (GHG) emissions. The CTP defines performance-based goals, policies, and strategies to achieve our collective vision for California's future, statewide, integrated, multimodal transportation system. The purpose of the CTP is to provide a common policy framework that will guide transportation investments and decisions by all levels of government, the private sector, and other transportation stakeholders. Through this policy framework, the CTP 2040 will identify the statewide transportation system needed to achieve maximum feasible GHG emission reductions while meeting the State's transportation needs.

Table 3.1 summarizes the Department and statewide efforts that the Department is implementing in order to reduce GHG emissions. More detailed information about each strategy is included in the Climate Action Program at the Department (December 2006).

Table 3.1 Climate Change/CO2 Reduction Strategies

Strategy	**Program**	**Partnership**		**Method/Process**	Estimated CO_2 Savings (MMT)	
		Lead	**Agency**		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	.975	7.8

Operational Improvements & Intelligent Trans. System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	.07	2.17
Mainstream Energy & GHG into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, CARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	.0045	.0065 .045 .0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 .36	4.2 3.6
Goods Movement	Office of Goods Movement	Cal EPA, CARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.18

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012): is intended to establish a Department policy that will ensure coordinated efforts to incorporate climate change into Departmental decisions and activities.

Caltrans Activities to Address Climate Change (April 2013)[6] provides a comprehensive overview of activities undertaken by Caltrans statewide to reduce greenhouse gas emissions resulting from agency operations.

To the extent that it is applicable or feasible for the project and through coordination with the project development team, the following measures will also be included in the project to reduce the GHG emissions and potential climate change impacts from the project:

1. The Department of Transportation (the Department) and the California Highway Patrol are working with regional agencies to implement Intelligent Transportation Systems (ITS) to help manage the efficiency of the existing highway system. ITS is commonly referred to as electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

[6] http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/projects_and_studies.shtml

2. According to the Department's Standard Specifications, the contractor must comply with all local Air Pollution Control District's rules, ordinances, and regulations in regards to air quality restrictions.

Adaptation Strategies

"Adaptation strategies" refer to how the Department and others can plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the transportation infrastructure in various ways, such as damaging roadbeds by longer periods of intense heat; increasing storm damage from flooding and erosion; and inundation from rising sea levels. These effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. There may also be economic and strategic ramifications as a result of these types of impacts to the transportation infrastructure.

At the federal level, the Climate Change Adaptation Task Force, co-chaired by the White House Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA), released its interagency report October 14, 2010 outlining recommendations to President Obama for how Federal Agency policies and programs can better prepare the United States (U.S.) to respond to the impacts of climate change. The Progress Report of the Interagency Climate Change Adaptation Task Force recommends that the Federal Government implement actions to expand and strengthen the Nation's capacity to better understand, prepare for, and respond to climate change.

Climate change adaption must also involve the natural environment as well. Efforts are underway on a statewide-level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

On November 14, 2008, then-Governor Schwarzenegger signed Executive Order S-13-08 which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change. This Executive Order set in motion several agencies and actions to address the concern of sea level rise.

The California Natural Resources Agency (Resources Agency) was directed to coordinate with local, regional, state and federal public and private entities to develop. *The California Climate Adaptation Strategy* (Dec 2009)[1], which summarizes the best known science on climate change impacts to California, assesses California's vulnerability to the identified impacts, and then outlines solutions that can be implemented within and across state agencies to promote resiliency.

The strategy outline is in direct response to Executive Order S-13-08 that specifically asked the Resources Agency to identify how state agencies can respond to rising temperatures, changing

[1] http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF

precipitation patterns, sea level rise, and extreme natural events. Numerous other state agencies were involved in the creation of the Adaptation Strategy document, including Environmental Protection; Business, Transportation and Housing; Health and Human Services; and the Department of Agriculture. The document is broken down into strategies for different sectors that include: Public Health; Biodiversity and Habitat; Ocean and Coastal Resources; Water Management; Agriculture; Forestry; and Transportation and Energy Infrastructure. As data continues to be developed and collected, the state's adaptation strategy will be updated to reflect current findings.

Resources Agency was also directed to request the National Academy of Science to prepare a Sea Level Rise Assessment Report by December 2010[2] to advise how California should plan for future sea level rise. The report is to include:

- Relative sea level rise projections for California, Oregon and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates;
- The range of uncertainty in selected sea level rise projections;
- A synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities and beaches), natural areas, and coastal and marine ecosystems;
- A discussion of future research needs regarding sea level rise.

In 2010, interim guidance was released by The Coastal Ocean Climate Action Team (CO-CAT) as well as Caltrans as a method to initiate action and discussion of potential risks to the states infrastructure due to projected sea level rise. Subsequently, CO-CAT updated the Sea Level Rise guidance to include information presented in the National Academies Study.

All state agencies that are planning to construct projects in areas vulnerable to future sea level rise are directed to consider a range of sea level rise scenarios for the years 2050 and 2100 to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information on local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data

Executive Order S-13-08 also directed the Business, Transportation, and Housing Agency to prepare a report to assess vulnerability of transportation systems to sea level rise affecting safety, maintenance and operational improvements of the system, and economy of the state. The Department continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Currently, the Department is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change impacts, the Department has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once

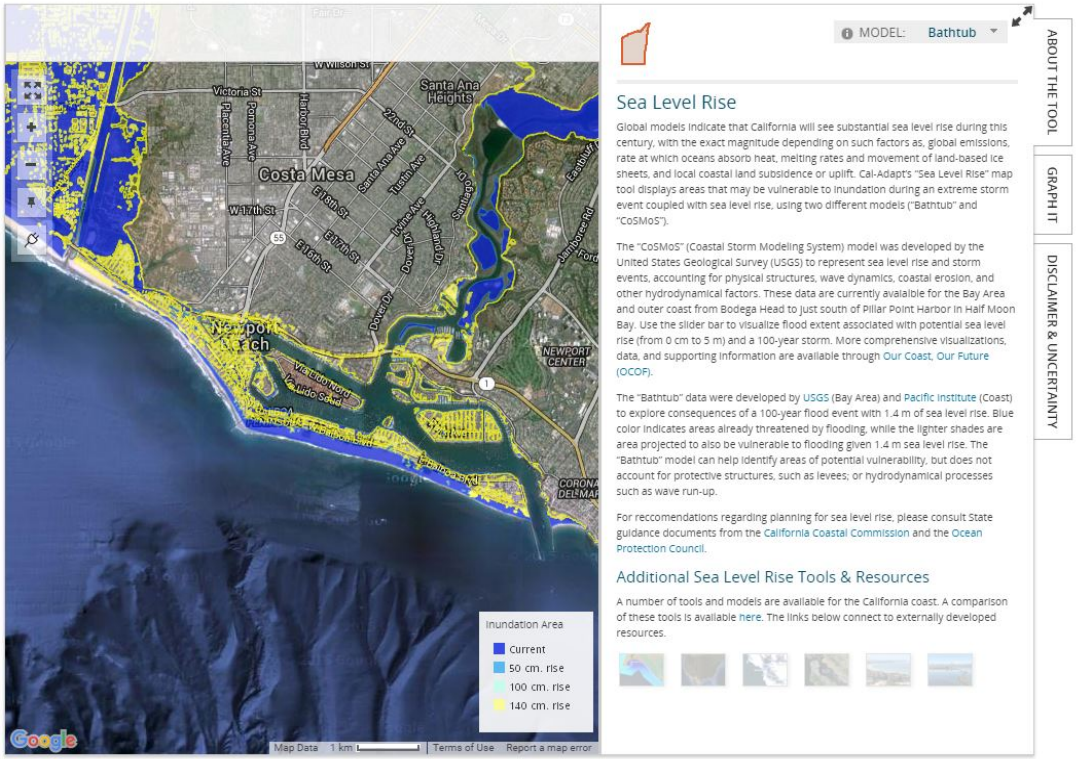
[2] The Sea Level Rise Assessment report is currently due to be completed in 2012 and will include information for Oregon and Washington State as well as California.

statewide planning scenarios become available, the Department will be able review its current design standards to determine what changes, if any, may be warranted in order to protect the transportation system from sea level rise.

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. The Department is an active participant in the efforts being conducted in response to Executive Order S-13-08 and is mobilizing to be able to respond to the National Academy of Science report on Sea Level Rise Assessment which is due to be released in 2012.

In order to evaluate the potential for future sea level rise projections to affect the proposed project elements, the Cal-Adapt tool (http://cal-adapt.org/sealevel/) was utilized to identify the potential for inundation and related impacts. In consultation with Caltrans design staff, it was determined that based on the attach map 140CM or 55" SLR by 2100 at the project location will not affect the life expectancy and intended use by constructing at the same existing grade level of proposed construction to address localized failures of: 1- Concrete slope paving, 2- Bike path base and pavement and 3- scoured bay bed.

SEA LEVEL RISE: THREATENED AREAS MAP



This page intentionally left blank

Chapter 4 – Comments and Coordination

The outreach process included proactive and continuous coordination. This process also includes identifying and developing appropriate mitigation measures for the project. Agency consultation for this project has been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings, and interagency coordination meetings. This chapter summarizes the results of Caltrans efforts to fully identify, address, and resolve project related issues through early and continuing coordination.

A field meeting between Caltrans Engineers (Vora Raju, Majid Ghaboosi, and Saleh Naser); Caltrans Biologist (Kedest Ketsela); and Consultant Biologists (Shannon Crossen and Phillip Richards) occurred on March 17, 2015.

Following the initial field visit, USACE staff member Steven Estes directed ICF Biologist Paul Schwartz to use the maximum predicted annual tide (i.e., HTL) from the previous year to map the limits of Section of 404 WoUS. Additionally Mr. Estes assisted in determining the appropriate elevations to use for mapping the limits of section 404 and Section 10 jurisdictional elevations.

Potential jurisdictional area under section 1600 of the California Fish and Game Code was analyzed within the BSA. Based on the JD analysis, 0.34 acres of the study area were identified as potential CDFW jurisdictional areas under sections 1600-1616 of the Fish and Game code. Since the project footprint is located within lower Newport Bay, Kedest Ketsela, Caltrans Biologist, requested CDFW clarification on whether the Department would take jurisdiction over any works within lower Newport Bay. Based on an email response from Tim Dillingham, CDFW representative, the Lower Newport Bay is considered to be an embayment and no SAA notification is required. See the email correspondence dated October 21, 2015.

A field meeting between Caltrans staff (Kedest Ketsela, Sylvia Vega, Charles Baker, and Lisa Perez) and Stephanie Hall, USACE representative, was conducted on November 16, 2015. Corps jurisdictional areas and potential on-site mitigation were discussed at the field meeting. The Corps accepted proposed on-site mitigation proposal to remove and replace non-native plant with native plants. Furthermore, the Corps indicated that the project requires section 10 permit only.

Native American Consultation and coordination for this project is not required. However, this project was a screened undertaking for the purposes of Section 106. Therefore, the Native American Heritage Commission (NAHC) was contacted on November 17, 2015 requesting a list of Native American groups that should be contacted for AB 52 Consultation. To date, the NAHC has not submitted a contact list to us, and at least one other inquiry over the phone with no response was conducted. At this time we are moving forward in completing the environmental document.

A quarterly coordination meeting between the California Coastal Commission (CCC) and Caltrans (Districts 7 and 12) occurred on March 17, 2015, in which the CCC and Caltrans discussed upcoming project workloads within the coastal zone. Project description and preliminary plans were emailed to the CCC on September 21, 2015 for review and comments.

Environmental Analysis has been in contact with Brad Sommers, the Senior Civil Engineer with the city of Newport Beach Public Works Department.

This IS will be made available to the public and circulated to regional and local agencies to provide opportunity for their comments. The document will be available online and also at the Mariners Library, 1300 Irvine Avenue, Newport Beach, CA., 92660, and at the Caltrans District 12 office.

Chapter 5 – List of Preparers

This document has been prepared by the California Department of Transportation as the lead agency under CEQA and NEPA. The following individuals were involved in the preparation of this Initial Study:

Arman Behtash, Environmental Engineer, B.S. Civil and Environmental Engineering, University of Wisconsin, Madison. 19 years of experience.
Contribution: Preparation and review of air quality technical memo.

Bahar Heydari, Associate Environmental Planner (Generalist). B.S. Geography, California Polytechnic University, Pomona. 8 years' experience in environmental analysis.
Contribution: Preparation of Land Use, Population, Housing and Recreation sections. PEER reviewer.

Charles Baker, Senior Environmental Planner. BA Anthropology, CSU Fullerton (Jan. 1984), MA, History, CSU Fullerton (Jan, 1988). 11 Years of experience in Environmental Planning.
Contribution: Senior review of environmental document.

David Yaghoubi, Environmental Engineer, B.S. Civil Engineering, California State University, Los Angeles. 17 years' experience in the Transportation field.
Contribution: Preparation of the Hazardous Waste and Noise sections

Edward Dolan, Associate Environmental Planner. Masters Urban/Regional Planning. California Polytechnic University Pomona. 15 years of experience.
Contribution: Document preparer and Technical Editor

Gabriela Jauregui, Associate Environmental Planner. B.A. Environmental Economics. University of California, Riverside. 8 years of experience.
Contribution: Document preparer and Coastal Commission Liaison.

Gamini Weeratunga, Transportation Engineer. BS, MS Civil Engineering. University of Sri Lanka, University of Kentucky. 27 years of experience.
Contribution: Preparation of the Geology section.

Grace Pina-Garrett, Senior Transportation Engineer – NPDES Unit. B.S. Civil Engineering, California State University, Long Beach. 19 years' experience in engineering and water quality.
Contribution: Senior review of water technical study and related section in the environmental document.

Hector Salas, Associate Environmental Planner. B.A. Environmental Analysis and Design, University of California, Irvine. 11 years' experience.
Contribution: Preparation and review of water technical study (Water Quality Analysis Report) and water quality section.

Jonathan M. Wright, Associate Environmental Planner (Archaeology). B.A. Anthropology, San Diego State University. 10 years' experience.

Contribution: Preparation of the Cultural section and GIS-Maps.

Kedest Ketsela, Associate Environmental Planner (Biologist). B.S. Natural Science. California State Univeristy, Los Angeles. 15 years of experience.

Contribution: Preparation of the Natural Environment Study (Minimal Impact).

Majid Ghaboosi, Ph.D., PE, PMP, Civil Engineering/Hydraulics and Sediment Transportation, Colorado State University, B.S. Hydraulics, University of Tehran, Iran. 30 years' experience in civil engineering.

Contribution: Review of hydrology section of the environmental document.

Reza Aurasteh, Senior Environmental Engineer. P.E., Ph.D. Engineering, Utah State University. 28 years' experience in consulting engineering, academic, transportation engineering, and environmental engineering.

Contribution: Senior review of air quality technical study (Memo), and hazardous waste, noise and air quality sections.

Ron Wong, Landscape Associate, B.S. in Landscape Architecture, California Polytechnic University, Pomona. 16 years of experience.

Contribution: Preparation of the Visual Impact Assessment and reviewed the Aesthetics section.

Smita Deshpande, Senior Environmental Planner, M.S. Regional Planning, Indiana University of Pennsylvania, Indiana. 20 years of experience.

Contribution: Senior review of the environmental document.

Sylvia Vega, Office Chief of Environmental Planning. B.S. California Polytechnic State University, San Luis Obispo, CA. 27 years of experience in transportation and environmental planning.

Contribution: Supervisory review of the environmental document.

Chapter 6– Distribution List

The Initial Study and the Notice of Availability will be distributed to local, and regional agencies and utility providers affected by the proposed project.

FEDERAL AGENCIES

United States Army Corp of Engineers
Los Angeles District
Los Angeles Regulatory Office
915 Wilshire Blvd, Suite 1101
Los Angeles CA, 90017

U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Ste. 101
Carlsbad, CA. 92008
Attn: Jim Bartel, Field Supervisor

STATE AGENCIES

State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA. 92123

California Regional Water Quality Control Board
3737 Main Street, Ste. 500
Riverside, CA. 92501-3348

CA. Office of Historic Preservation
1725 23rd Street, Ste. 100
Sacramento, CA 95816

California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA. 90802

LOCAL/REGIONAL AGENCIES

City of Newport Beach
Public Works Department
100 Civic Center Drive
Newport Beach, CA. 92660
Attn: Brad Sommers

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Southern California Association of Governments
Attn: Hasan Ikhrata, Executive Director
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

Orange County
Attn: Planning Department
P.O. Box 4048
Santa Ana, CA 92702-4048

LIBRARIES

Mariners Library
1300 Irvine Avenue
Newport Beach, CA. 92660

ELECTED OFFICIALS

Board of Supervisors

Michelle Steel
10 Civic Center Drive
Santa Ana, CA 92701

Assembly

Matt Harper
1503 S. Coast Drive, Ste. 205

State Senate

John Moorlach
950 S. Coast Drive, Ste. 240
Costa Mesa, CA. 92929

ORGANIZATIONS

Orange County Bicycle Coalition
2400 Calle Monte Carlo
San Clemente, CA. 92672
Attn: Pete Van Nuys

NATIVE AMERICAN REPRESENTATIVES

Native American Heritage Commission
1550 Harbor Blvd., Ste. 100
West Sacramento, CA. 95691

Chapter 7– References

California Department of Conservation, Farmland Mapping and Monitoring Program, Division of Land Resource Protection (2015).

California Department of Conservation, California Geological Survey Surface Mining and Reclamation Act of 1975 (SMARA), Mineral Land Classification Map (1981)

City of Newport Beach, General Plan Environmental Impact Report (April 2006)

This page intentionally left blank

APPENDIX A – Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711
www.dot.ca.gov

Flex your power!
Be energy efficient!

March 2013

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone: (916) 324-0449, TTY: 711, or via Fax: (916) 324-1949.

MALCOLM DOUGHERTY
Director

APPENDIX B – Resources Evaluated Relative to the Requirements of Section 4(f)

(Draft) Resources Evaluated Relative to the Requirements of Section 4(f) and a De Minimis Determination

September 9, 2015

1.1 INTRODUCTION

Responsibility for compliance with Section 4(f) has been assigned to the California Department of Transportation (Caltrans) pursuant to 23 United States Code [USC] 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource and may be affected by a project action.

Section 4(f) specifies that "the Secretary [of Transportation] may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land, and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development, and relevant state and local officials, in developing transportation projects and programs that use lands protected by Section 4(f). If historical sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is required.

The proposed project is a transportation project that may receive federal funding and/or discretionary approvals through the U.S Department of Transportation, Federal Highway Administration (FHWA); therefore, documentation of compliance with Section 4(f) is required.

This Section 4(f) evaluation has been prepared in accordance with the FHWA regulations as codified at 23 Code of Federal Regulations (CFR) Section 774.

1.2 SECTION 4(f) "USE"

The regulations interpreting Section 4(f) state that "the potential use of land from a Section 4(f) property shall be evaluated as early as practicable in the development of the action when alternatives to the proposed action are under study (23 Code of Federal Regulations [CFR] 774.9(a))." The use of Section 4(f) resources occurs when:

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e. "actual use");
- There is a temporary occupancy of land that is adverse in terms of the preservation purposes of 4(f) (i.e. "temporary use"); or
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e. "constructive use")

1.2.1 DIRECT USE

A direct use of a Section 4(f) resource occurs when the property is permanently incorporated into a proposed transportation project (23 CFR Section 774.17. This may occur as a result of partial or full acquisition of a fee simple interest, permanent easements, or temporary easements that exceed regulatory limits noted below.

1.2.2 TEMPORARY USE

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservation purposes of the Section 4(f) statute. Under the FHWA regulations (23 CFR Section 774.13(d)), a temporary occupancy of property does not constitute a use of Section 4(f) resource when the following conditions are satisfied:

- The occupancy must be of a temporary duration (i.e., shorter than the period of construction) and not involve a change in ownership of the property;
- The scope of work must be minor, with only minimal changes to the protected resource;
- There is no direct adverse physical effects on the protected resource, and there will be no temporary or permanent interference with the activities or purposes of the resource;
- The property being used must be fully restored to a condition that is at least as good as that which existed prior to the proposed project;
- There must be documented agreement of the appropriate officials having jurisdiction over the resource regarding the above requirements.

1.2.3 CONSTRUCTIVE USE

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, and/or ecological) so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially diminished (23 CFR Section 774.15(a)).

1.3 *DE MINIMUS* IMPACT

A *de minimis impact* to a Section 4(f) resource is a nominal impact that would not be adverse. *De minimis* impacts to historic resources under Section 4(f) would be either no impact to the property or a "no adverse effect" finding under 36 CFR Part 800. For other Section 4(f) protected resources, including publicly owned parks, recreation areas, and wildlife and waterfowl refuges, *de minimis* impacts would be defined as those that do not adversely affect the activities, features, or attributes of the Section 4(f) resource. To reach a *de minimis* finding, the officials(s) with jurisdiction over the Section 4(f) resource must provide written concurrence that the project would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). The public must be afforded the opportunity to review and comment on the effects of the project on the identified Section 4(f) resource(s).

2.0 PROJECT DESCRIPTION

The project area is located in Orange County on Pacific Coast Highway (SR-1) in the city of Newport Beach (see figure 1). The California Department of Transportation is proposing the

following corrective measures at the northwest corner of the north arm of the Newport Bay Bridge:

a) replace the collapsed concrete slope paving (see figure 2),

b) fill the existing scoured channel bed with rock, and

c) replace the failed asphalt section of bike path (see figure 3)

The slope paving at the west side of the bridge's abutment 1 has collapsed in to the bay due to tidal erosion exposing timber piles, soil and reinforced bars. A section of the bike path underneath the bridge has also collapsed. There is a sinkhole between the bike path and the abutment. The purpose of the proposed project is to provide protective revetment for both areas of failure to resist on-going tidal erosion, prevent further deterioration and to preserve public access. Two alternatives are being proposed:

- No Build
- Build Alternative - proposes to replace, 1) the failed concrete slope paving at the west side of abutment 1 with a deeper slope paving key, geo-composite material and a sheet pile to prevent tidal erosion and minimize environmental disturbance and, 2) the failed asphalt concrete bike path with a 3' deep pavement section, geo-composite material and a sheet pile to minimize environmental disturbance and confine the project to within the state right-of-way.

Caltrans is the Lead Agency for compliance with the California Environmental Quality Act (CEQA) and with the National Environmental Policy Act (NEPA). Under CEQA, the proposed project qualifies for a Class 1 (d) categorical exemption. Under NEPA, the project qualifies as a 23 USC 326 categorical exclusion (CE).

3.0 LIST AND DESCRIPTION OF 4(F) PROPERTIES

As recommended by the FHWA Section 4(f) checklist, resources subject to Section 4(f) consideration include publically owned lands within 0.5 miles of the project, (as shown on the tables below) consisting of public park/recreational areas; public wildlife and waterfowl refuges of national, state or local significance; or National Register of Historic Places (NRHP)-eligible historic and archaeological sites with the project area of potential effect (APE), whether publically or privately owned. The path that runs under the bridge is a recreational facility used by bicyclists and pedestrians within the project APE and is subject to Section 4(f) consideration.

Summary of Properties Subject to Section 4(f) Consideration

Type of Property	Geographic Location to Project	Number of Properties Identified
Public Schools	Within 0.5 mile	0
Public Parks and Recreation Areas	Within 0.5 mile	1
Trails	Within 0.5 mile	1
Wildlife and Waterfowl Refuges	Within 0.5 mile	0
NRHP-eligible historic sites	Within the APE	0
NRHP-eligible archaeological sites	Within the APE	0

APE = Area of Potential Effects
NRHP = National Register of Historic Places

Properties Subject to Section 4(f) within 0.5 mile of the Study Area

Map No.	Property	Address	City	Facilities
Parks				
1	Castaways Park	Dover and 16th Street	Newport Beach	Pedestrian/Bike trail, benches, Veteran's memorial statute, native plant garden

4.0 EFFECTS ON SECTION 4(f) RESOURCES

Castaways Park is well outside of the limits of the project area, as such, the project will not have any impacts on this 4(f) resource. Only the bike/pedestrian path will be directly impacted by the project. In order to make the repairs to the bridge abutment and bike/pedestrian path, it will be necessary to close the path for the duration of the project (i.e. 3-5 months). A detour route will be implemented during the closure that will allow bicyclists and pedestrians to cross PCH at the crosswalk at Dover Drive and reenter the bike path (see fig. 4). The detour would not take any longer then it currently takes to cross PCH. Hence, this will not be a major inconvenience. The detour plan will be included in the Transportation Management Plan (TMP) for the project. Full use of the bike path will be restored upon completion of the project.

5.0 FINDINGS

After evaluating the proposed project's impacts on the bike path, Caltrans has made a preliminary determination that the temporary use of the bike path is *de mimimis* within the meaning of Section 4(f). The temporary use would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f) due to the following:

- The length of time the path will be closed will be minimal (approx. 180 days)
- Pedestrians and bicyclists will be provided with a convenient detour route that will take an equal or less amount of time to cross PCH
- The bike path will be restored to a better condition than prior to the project

6.0 PUBLIC NOTICE PROCESS

As stated above, Section 4(f) is a federal process and must comply with National Environmental Policy Act (NEPA) requirements. The appropriate NEPA approval for this project is a Categorical Exclusion, which does not require public circulation. Typically, for projects that do not require public circulation, a public notice and opportunity for review and comment would be needed. As the bike/pedestrian path is considered to be recreational resource, a Notice of Availability of a preliminary *de minimis* Determination will be posted in the local newspaper, online, and at a local library. Following public circulation of the Preliminary *de minimis* Determination, the PDT will prepare a concurrence letter since Caltrans has jurisdiction over this 4(f) resource. In addition:

- Coordination is on-going with the Project Development Team (PDT)
- Coordination is on-going with the city of Newport Beach
- The 4(f) documentation (De Minimis Findings) will be circulated to the public prior to the final determination and categorical exemption/exclusion approval

7.0 AVOIDANCE AND MINIMIZATION MEASURES

The following measures have been identified for implementation during construction activities and are expected to minimize impacts to the bike path:

- A bike path detour plan will be developed during the Plans, Specifications, and Estimate (PS&E) phase and included in the TMP for implementation by the contractor during construction
- The bike/pedestrian path will be restored to a condition better than prior to the project
- The bike/pedestrian path will only be closed for 180 days

Figure 1. Project Location

Figure 2. Failed Concrete Slope Paving

Figure 3. Failed Section of the Bike/Pedestrian Path

Figure 4. Proposed Detour Route

APPENDIX C – Environmental Commitment Record

ENVIRONMENTAL COMMITMENT RECORD

Section 1.

RECORDING DATES

Originating date:	9/16/2015
Current date:	1/11/2016

Section 2.

PROJECT DETAILS

Dist-County-Route	**12-ORA-1**
EA / E-FIS	**0N910/1215000008**
Post Mile (PM)	**18.3**
Document Type	**IS/CE**

Section 3.

PROJECT DESCRIPTION: Repair failed concrete slope and bike/pedestrian path at the Newport Bay Bridge.

Section 4.

PROJECT PHASE		
PROJECT PHASE	PSR	
	PA&ED (DRAFT PR/ED)	X
	PA&ED (FINAL PR/ED)	
	35% PS&E	
	65% PS&E	
	95% PS&E	
	ENVIRONMENTAL CERTIFICATION	
	PRECONSTRUCTION	
	CONSTRUCTION	
	POST CONSTRUCTION	

Section 5.

ASSIGNED STAFF	Name	Phone Number	Signature
ENVIRONMENTAL GENERALIST:	Edward Dolan	949-724-2701	
PROJECT MANAGER:	Bob Bazargan	949-724-2100	
PROJECT ENGINEER	Raju Vora	949-724-2204	
RESIDENT ENGINEER:			
ENVIRONMENTAL PLANNER/LIAISON	Paul Cochran	949-724-2861	

Section 6.

CONSTRUCTION KICKOFF SIGNATURE: I hearby acknowledge that as of the Construction Kickoff Meeting, I have read, fully understand and will implement the following commitment measures during construction.

Resident Engineer:_____ Date:_____

Environmental Planner:_____ Date:_____

Section 7.

ENVIRONMENTAL COMMITMENTS

NO.	DESCRIPTION OF COMMITMENT	NSSP	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Initial and Date)	COMMITMENT SOURCE (Document source & date)	Referenced by Section #	COMMENTS (Include location within limits of project if needed)
1	Prior to clearing or construction, highly visible barriers (such as orange construction fencing) will be installed around sensitive habitats adjacent to the project footprint to designate ESAs to be preserved. Since installing ESA fence will not be effective within tidal waters, turbidity curtains (which will be installed as a BMP measure) will be used to delineate the ESA. All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be located in such a manner as to prevent the runoff from any spills from entering Waters of the US/ Waters of the State (WoUS/WoS).	N	RE BIOLOGIST	Pre-Construction	_____ _____	NES/IS	BIO-1	

2	Shielded lighting will be used for any nighttime construction adjacent to native vegetation areas and open-water habitats to avoid and minimize artificial night-lighting effects.	N	RE	Construction		NES/IS	BIO-2	
3	All construction within jurisdictional waters will occur at a low or low-low tide that is sufficient to allow work to be conducted from out of the water.	N	RE	Construction		NES/IS	BIO-3	
4	All construction site BMPs from the SWPPP will be followed.	N	RE	Construction		NES/IS	BIO-4	
5	Turbidity curtains will be used to minimize impacts from turbidity on mud flats and other aquatic resources adjacent to the construction area. These curtains will be placed in a semi-circular ring around the construction area before construction begins.	N	RE	Pre-Construction		NES/IS	BIO-5	
6	To compensate the permanent impacts to mud flat 1:1 ratio on-site or 2:1 ratio off-site mitigation is proposed for this project. Upon the approval of these mitigation ratio by the regulatory agencies, the mitigation may be accomplished through payment of an in-lieu fee, habitat restoration and/or enhancement of on- or off-site areas or another mechanism approved by the resource agencies. Caltrans proposes an on-site restoration through removal and replacement of existing invasive/non-native plant with native plants. Based on a preliminary discussion with the Corps during field meeting on November 16, 2015, the proposed on-site mitigation was acceptable. However, final approval of the proposed mitigation will be made during permit processing period.	N	Biologist	Pre-Construction		NES/IS	BIO-6	
7	Existing scattered asphalt and concrete rubbles located within the project limit will be preserved to the maximum possible. If the rubbles within the project's temporary impact areas are required to be removed to conduct the construction activities, then each rubble will be relocated to areas outside the project limit behind the turbidity curtain.	N	RE	Pre-Construction		NES/IS	BIO-7	
8	A biologist will monitor the project construction to ensure the implementation of measures listed in the NESMI.	N	Biologist	Construction		NES/IS	BIO-8	
9	All work conducted on bridges will take place during the day to the extent feasible. If this is not feasible, impacts will be minimized by directing lighting and noise away from night roosting areas as much as possible.	N	RE	Construction		NES/IS	BIO-9	

10	To avoid indirect impacts to nesting birds and bats, exclusion devices will be installed under the supervision of the qualified biologist prior to the initiation of construction activities. Exclusion will be installed during the fall (September or October).	N	RE BIOLOGIST	Pre-Construction	_____ _____	NES/IS	BIO-10	
11	The contractor must comply with the South Coast Air Quality Management District's rules and regulations.	N	RE	Construction		Initial Study	AQ-1	
12	If cultural materials are discovered during construction, all earthmoving activity within and around the immediate discovery area will be diverted unitil a qualified archaeo-logist can assess the nature and signifance of the find.	N	RE	Construction	_____	Initial Study	CUL-1	
13	If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbance and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the California Department of Transportation, District 12 Environmental Analysis - Specialist Branch, so that they may work with the MLD on the respectful treatment and deposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.	N	RE	Construction	_____	Initial Study	CUL-2	
14	If paleontological rosurces are discovered during construction, all earthmoving activity within and around the immediate discovery area will be diverted until a qualified paleontologist can assess the signficance of the find.	N	RE	Construction	_____	Initial Study	CUL-3	
15	SSP # 7-1.02K (6)(j)(iii) – Earth Material Containing Lead – requires a lead compliance plan for soil disturbance when lead concentrations are non-hazardous.	N	RE	Construction	_____	Initial Study	HM-1	
16	SSP # 14-11.03 – Material Containing Hazardous Waste Concentrations of Aerially Deposited Lead – ADL management specifications when hazardous waste concentrations exist.	N	RE	Construction	_____	Initial Study	HM-2	

17	The project will comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for State of California Department of Transportation (Order No. 2012-0011-DWQ, NPDES No. CAS000003.	N	RE	Construction	_____	Initial Study	WQ-1	
18	A Water Pollution Control Program (WPCP) will be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential impact water quality.	N	RE	Construction	_____	Initial Study	WQ-2	
19	Design Pollution Prevention Best Management Practices (BMPs) shall be implemented such as preservation of existing vegetation, slope/ surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes and swales, overside drains, flared end sections, and outlet protection/ velocity dissipation devices.	N	RE	Construction	_____	Initial Study	WQ-3	
20	If dewatering is required, Construction site dewatering must comply with the General Waste Discharge Permit for Discharges to Surface Waters of Groundwater Resulting from Groundwater Dewatering Operations and/or Groundwater Cleanup Activities at Sites within the San Diego Creek/ Newport Bay Watershed Polluted by Petroleum Hydrocarbons, Solvents, Metals, and/ or Salts. (Order No. R8-2007-0042, NPDES No. CAG918002) and any subsequent updates to the permit at the time of construction. This Permit addresses temporary dewatering operations during construction. Dewatering BMPs will be used to control sediment and pollutants, and the discharges must comply with the WDRs issued by the Santa Ana RWQCB	N	RE	Construction	_____	Initial Study	WQ-4	
21	Noise levels should not exceed 86 dBA at 50 feet from the job site activities from 9PM to 6AM. An alternative warning method should be used instead of a sound signal unless required by safety laws.	N	RE	Construction	_____	Initial Study	N-1	
22	Each internal combustion engine used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without a muffler (Caltrans 2010 Standard Specifications for Construction (Section 14-8 [Noise and Vibration]).	N	RE	Construction	_____	Initial Study	N-2	

23	A Traffic Management Plan (TMP) will be prepared in the Design phase.	N	RE	Construction		Initial Study	PUB-1/T-1	
Section 8.								
PERMITS								
	Agency		**Issue Date**	**Type**		**Expiration Date**	**Comments**	
	ACOE		TBD	404		TBD		
	ACOE		TBD	Section 10		TBD		
	RWQCB		TBD	401		TBD		

APPENDIX D – Categorical Exclusion (draft)

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

12-ORA-1	18.3	0N910	
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. *Use Continuation Sheet, if necessary.)*

The Newport Bay Bridge on Pacific Coast Highway in the city of Newport Beach has a condition of failed concrete slope paving on the west side of abutment 1, a failed section of the bike/pedestrian path under the bridge and an area of scour on the channel bed. This project proposes to repair the bridge and bike path by 1) replacing the failed concrete slope paving with concrete with a deeper slope paving key, geo-composite material and a sheet pile to minimize environmental disturbance, 2) replacing the failed section of asphalt concrete bike path with a 3' pavement section with a deeper slope paving key, geo-composite material and a sheet pile to minimize environmental disturbance and to confine the project to within the State right-of-way and 3) filling the existing scoured channel bed with rock to match the existing bay bed. The disturbed soil area (DSA) will be less than 1 acre. State and federal funding.

CEQA COMPLIANCE *(for State Projects only)*

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION (Check one)

☐ **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☒ **Categorically Exempt. Class 1 c, d.** (PRC 21084; 14 CCR 15300 et seq.)

☐ **Categorically Exempt. General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3].)

Smita Deshpande	Bob Bazargan
Print Name: Environmental Branch Chief	Print Name: Project Manager/DLA Engineer
Signature Date	Signature Date

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

CALTRANS NEPA DETERMINATION (Check one)

☒ **23 USC 326:** The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated June 07, 2013, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- ☒ **23 CFR 771.117(c): activity (3, 28)**
- ☐ **23 CFR 771.117(d): activity (d)(___)**
- ☐ **Activity ___ listed in Appendix A of the MOU between FHWA and the State**

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under 23 USC 327.

Smita Deshpande	Bob Bazargan
Print Name: Environmental Branch Chief	Print Name: Project Manager/DLA Engineer
Signature Date	Signature Date

Date of Categorical Exclusion Checklist completion: 1/13/16 Date of ECR or equivalent : 1/11/16

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

DRAFT

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

12-ORA-1	18.3	0N910	
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

Continued from page 1:

No significant environmental consequences are anticipated with the proposed project. In addition to the measures related to construction noise, air pollution control, water pollution control, erosion, biological resources, cultural resources and any subsequent requirements as given in the Caltrans standard specifications, the following conditions are required:

See Environmental Commitment Record.

APPENDIX E

Project inclusion in the Federal Transportation Improvement Program (FTIP) and the Regional Transportation Improvement Program (RTIP)

2015 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM
ORANGE COUNTY
LUMP SUM LISTING
(IN $000'S)

EMERGENCY RESPONSE PROJECTS

RTIP#	DESCRIPTION	PHASE	14/15	15/16	16/17	17/18	Total
ORA082603	In Orange County, in Irvine at the Route 5 Interchange. Deep injection at three locations EA 0N1100	E	$3,197				$3,197
		R	$53				$53
		C	$22,852				$22,852
ORA082603	In Orange County, in Costa Mesa, at Red Hill Aenue Overcrossing southern approach. Reconst. Failed slope embankment EA 0N5400	E	$3,400				$3,400
		R	$5,850				$5,850
		C	$19,150				$19,150
ORA082603	In Orange County, in Newport Beach, at North AM Newport Bay Bridge (No. 55-0614). Rebuild failed slope paving and bike trail and construct out off wall) EA 0N9100	E			$725		$725
		R			$30		$30
		C			$1,458		$1,458
	Total		$54,502		$2,213		$56,715

11/12/2015
6:55 AM

SOUTHERN CALIFORNIA ASSOCIATION of GOVERNMENTS

Final 2015 Federal Transportation Improvement Program

Orange County Project Listing
State Highway
(In $000`s)

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
ORA001109	Orange	SCAB		REG0701	SHP04	999			S	EXEMPT - 93.126	0
Description:							PTC	1,641	Agency	CALTRANS	

Grouped Projects for Bridge Rehabilitation and Reconstruction - SHOPP Program. Scope: Projects are consistent with 40 CFR Part 93.126 Exempt Tables 2 categories - Widening narrow pavements or reconstructing bridges (no additional travel lanes).

Fund	ENG	R/W	CON	Total	Prior	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Total
SHOPP - ADVANCE CONSTRUCTION			1,641	1,641				1,641				1,641
ORA001109 Total			1,641	1,641				1,641				1,641

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
ORA082603	Orange	SCAB		REG0701	NCR31	999			S	EXEMPT - 93.126	0
Description:							PTC	54,502	Agency	CALTRANS	

Grouped Projects for Emergency Repair - SHOPP Emergency Response Program. Scope: Projects are consistent with 40 CFR Part 93.126 Exempt Tables 2 categories - Repair damage caused by natural disasters, civil unrest, or terrorist acts. This applies to damages that do not qualify for Federal Emergency Relief funds or to damages that qualify for federal Emergency Relief funds but extend beyond the Federally declared disaster period

Fund	ENG	R/W	CON	Total	Prior	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Total
SHOPP - ADVANCE CONSTRUCTION			54,502	54,502		54,502						54,502
ORA082603 Total			54,502	54,502		54,502						54,502

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	System	Conformity Category	Amendment
ORA040607	Orange	SCAB		ORA040607	PPM01	999			S	EXEMPT - 93.126	0
Description:							PTC	16,459	Agency	ORANGE COUNTY TRANS AUTHORITY (OCTA)	

Orange County - Countywide activities: Planning, Programming and Monitoring (PPM)

Fund	ENG	R/W	CON	Total	Prior	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	Total
STATE CASH - RIP			16,459	16,459	9,320	1,445	831	1,899	1,482	1,482		16,459
ORA040607 Total			16,459	16,459	9,320	1,445	831	1,899	1,482	1,482		16,459
Grand Total	355,795	299,621	4,322,613	4,978,029	881,034	501,809	1,403,304	261,079	366,153	948,593	616,057	4,978,029