Findings of Fact

In Support of the Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (PA2019-020) Final Environmental Impact Report

State Clearinghouse Number: 2019110340

Certification

In accordance with Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, the City of Newport Beach (City), as Lead Agency for the Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (proposed Project), certifies that:

a. The Final Environmental Impact Report (FEIR) for the proposed Project has been completed and processed in compliance with the requirements of CEQA;
b. The FEIR was presented to the City Council who reviewed and considered the information contained in the FEIR prior to approving the proposed Project; and
c. The FEIR reflects the City's independent judgment and analysis.

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

As required by CEQA, the City expressly finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the proposed Project. Based on its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project, represents the independent judgment of the Lead Agency, and sets forth an adequate range of alternatives to the proposed Project.

In accordance with the provisions of CEQA and the CEQA Guidelines, the City adopts these *Findings of Fact* as part of its certification of the FEIR.

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the proposed Project described in the EIR, which may be subject to several discretionary approvals by government agencies acting as responsible agencies under CEQA. It is contemplated that, in addition to being used by the Lead Agency, other responsible agencies will use the Certified FEIR for CEQA compliance purposes in connection with their consideration of discretionary approvals for the proposed Project.

1 Introduction

These *Findings of Fact* has been prepared by the City of Newport Beach (City) as the lead agency for assessing the potential environmental effects associated with approving the Lower Newport Bay Confined Aquatic Disposal (CAD) Construction Project (proposed Project), located in the City of Newport Beach, Orange County, California, pursuant to Section 21081 of the Public Resources Code (PRC) and Sections 15091 and 15093 of the State California Environmental Quality Act (CEQA) Guidelines.

Section 21081 of the PRC and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

The possible findings are the following:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (FEIR).
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

When making the findings, the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures (14 California Code of Regulations [CCR] Section 15091). A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed Project.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC Section 21081(b); 14 CCR Section 15093).

1.1 Project Overview

1.1.1 Proposed Project

The proposed Project includes construction of a CAD facility in the central portion of Lower Newport Bay between Bay Island, Lido Isle, and Harbor Island where dredged sediment unsuitable for open ocean disposal or nearshore placement can be contained. Clean material suitable for beach nourishment generated from constructing the CAD facility will be transported and disposed of at an approved open ocean disposal site (LA 3 Ocean Dredged Material Disposal Site) or along the nearshore ocean beaches. The City is also proposing to allow maintenance dredging in sections of the Harbor outside the Federal Channels maintenance dredging program area to re-establish safe navigation.

1.1.2 Project Objectives

Pursuant to the CEQA Guidelines and 14 California Code of Regulations (CCR) 15124, a "statement of the objectives sought by the proposed project" must be provided as part of the project description in an EIR. The fundamental underlying purpose of the proposed Project is to provide a safe, efficient, and effective dredged material management option that allows for navigation maintenance dredging to proceed while protecting the marine environment and recreational users of the Lower Harbor.

Additional project objectives are as follows:

- Identify a disposal location for dredged material deemed unsuitable for open ocean disposal that meets the following requirements:
  - Contains chemically impacted sediment safely and permanently
  - Is located within the southern California area and is available for disposal
  - Accommodates a small volume of dredged material from outside the Federal Channels
- Dispose of unsuitable dredged sediment in a manner that is safe to human and ecological health and minimizes secondary environmental impacts.
- Promote beneficial reuse through beach nourishment.
- Dredge limited areas outside the Federal Channels.

1.1.3 Alternatives to the Proposed Project

CEQA's requirements for an EIR to evaluate alternatives specifically requires that an EIR present a range of reasonable alternatives to a proposed project, or to the location of a project, that could feasibly attain most of the basic project objectives but would avoid or substantially lessen any significant effects of a project. Therefore, alternatives generally have fewer environmental impacts than the proposed project by design. Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR must also include an analysis of a No Project Alternative. Accordingly, the proposed action and five alternatives that meet most of the proposed Project objectives (described in Section 2.4) include:

- Alternative 1: No Project Alternative/No Dredging
- Alternative 2: No CAD Construction Alternative
- Alternative 3: Reduced Dredging
- Alternative 4: Upland Trucking of Material
- Alternative 5: Alternative Location within Newport Harbor

The following alternatives were considered but eliminated from the analysis (discussed in Section 6.2):

- Use of an Electric Dredger
- Disposal of Material at Port Fill Site

1.1.4 CEQA Review

The proposed Project was reviewed by the City in accordance with the requirements of CEQA (PRC Section 21000 et seq.; 14 CCR Section 15000 et seq.). The City has provided opportunities for the public to participate in the environmental review process.

The DEIR was released and distributed on December 4, 2020, for a 47-day review period, which ended on January 20, 2021. The DEIR includes a full analysis and an Executive Summary that summarizes the proposed Project, alternatives, and findings. The DEIR was posted on the City's website at https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page where it remains available. It was also posted on the State Clearinghouse's website at https://ceqanet.opr.ca.gov/2019110340/2. Hard copies of the DEIR and electronic copies of the technical appendices are available at the following Newport Beach Public Library locations:

- Central Library
  1000 Avocado Avenue
  Newport Beach, California 92660
- Crean Mariners Library

1300 Irvine Avenue
Newport Beach, California 92660

- Balboa Library
  100 East Balboa Boulevard
  Balboa, California 92661
- Corona Del Mar Library
  410 Marigold Avenue
  Corona Del Mar, California 92625

In addition, a hard copy of the DEIR and electronic copies of the technical appendices are available for review at the City Public Works Department counter located at the Civic Center, Bay 2-D at 100 Civic Center Drive, Newport Beach, California 92660.

The City received 50 comment letters on the DEIR. Several agencies and individuals submitted multiple comment letters.

On April 14, 2021, the City presented the draft FEIR during a public hearing to the Harbor Commission with the recommendation to adopt Resolution No. HC2021-002 of the Harbor Commission of the City of Newport Beach, California, recommending the City Council certify Environmental Impact Report No. ER2021-001, adopt the Mitigation, Monitoring and Reporting Program, and approve the construction of a confined aquatic disposal facility and dredging outside the Federal Channels in Lower Newport Harbor (PA2019-020). Seven comment letters were received in advance of the public hearing and eight individuals provided public comments at the meeting.

Pursuant to Section 15088 of the CEQA Guidelines, the City reviewed all comments received during the review periods for the DEIR and responded to each comment related to an environmental impact in Chapter 2 of the FEIR.

2 Project Findings

This section presents the findings for the proposed Project.

2.1 Findings of No Significance and Less-than-Significant Impacts

The proposed Project is not expected to result in environmental impacts or impacts were found to be less than significant in several resource areas, as summarized in the DEIR.

2.1.1 No Significance

The following resource areas were determined to have findings of no significance in totality:

- Agriculture and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services
- Transportation
- Utilities and Service Systems
- Wildfire

2.1.2 Findings of Less-than-Significant Impacts

With respect to a number of environmental topics discussed in the DEIR, the City found that the proposed Project would have no impact or a less-than-significant impact, either directly or cumulatively, without the need for mitigation. For some resource topics, mitigation measures are recommended to further ensure impacts would be less than significant. The following sections were found to have less-than-significant impacts:

2.1.2.1 Aesthetics

- **A-1:** The proposed Project would have no substantial adverse effect on a scenic vista.
- **A-2:** The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway.
- **A-3:** The proposed Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). The project is not an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality.
- **A-4:** The proposed Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

2.1.2.2 Air Quality

- **AQ-1:** The proposed Project's emissions would not conflict with or obstruct implementation of the applicable air quality plan.
- **AQ-3:** The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.
- **AQ-4:** The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

2.1.2.3 Biological Resources

- **BIO-1:** The proposed Project would not 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 Wildlife or U.S. Fish and Wildlife Service.
- **BIO-3:** The proposed Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means.
- **BIO-5:** The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- **BIO-6:** The proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

2.1.2.4 Cultural Resources

- **CHR-1:** The proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

2.1.2.5 Geology and Soils

- **GEO-1:** The proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 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
  - Strong seismic ground shaking
  - Seismic-related ground failure, including liquefaction
  - Landslides
- **GEO-2:** The proposed Project would not have a substantial adverse effect from substantial soil erosion or the loss of topsoil.

- **GEO-4:** The proposed Project would not have a substantial adverse effect by being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- **GEO-5:** The proposed Project would not have a substantial adverse effect related to a location with soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater.
- **GEO-6:** The proposed Project would not have a substantial adverse effect by directly or indirectly destroying a unique paleontological resource or site or unique geologic feature.

2.1.2.6 Greenhouse Gas Emissions

- **GHG-2:** The proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

2.1.2.7 Hazards and Hazardous Materials

- **HAZ-1:** The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- **HAZ-2:** The proposed Project would not 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.
- **HAZ-3:** The proposed Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- **HAZ-4:** The proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it not create a significant hazard to the public or the environment.
- **HAZ-5:** The proposed Project would not be located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area.
- **HAZ-6:** The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- **HAZ-7:** The proposed Project would not involve 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.

2.1.2.8 Noise

- **NV-1:** The proposed Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

- **NV-2:** The proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels.
- **NV-3:** The proposed Project would not result in, for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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.

2.1.2.9 Recreation

- **R-2:** The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

2.1.3 Findings of Less-than-Significant Impacts Following Mitigation

With respect to the following resource areas, the City found that the proposed Project would have significant impacts that could be reduced to less than significant following mitigation. For some resource topics, mitigation measures are recommended to further ensure impacts would be less than significant. The following sections were found to have less-than-significant impacts after mitigation:

2.1.3.1 Air Quality

2.1.3.1.1 AQ-2: The proposed Project's emissions 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.

The SCAQMD has developed quantitative criteria to evaluate the significance of project-related air emissions. Specifically, the City presumes that a cumulatively considerable net increase would occur if implementation of the proposed Project would result in emissions that exceed the South Coast Air Quality Management District (SCAQMD)-established thresholds provided in Table 1 (Table 3-7 in DEIR). Table 1 shows that the proposed Project would generate construction emissions that exceed SCAQMD's NO_X thresholds. Table 1 includes the entire project, including components of the Federal Channels maintenance dredging program that would generate the material for the CAD facility (construction of the CAD facility would begin in 2022).

Table 1
Construction Emissions for Entire Project as Compared to SCAQMD Mass Daily Thresholds (Pounds per Day)

Project Equipment	CO	NO_X	VOCs	PM_{10}	$PM_{2.5}$	SO_X
2021						
Mechanical Dredge	16.1	38.0	3.1	0.9	0.9	0.1
Crew/Work Boat	3.1	4.6	0.3	0.2	0.2	<0.1

Project Equipment	CO	NO_X	VOCs	PM_{10}	$PM_{2.5}$	SO_X
Tugboat	40.8	60.2	3.3	2.0	2.0	<0.1
Split-Hull Barge	6.6	9.7	0.5	0.3	0.3	<0.1
Total	66.6	**112.4**	7.2	3.3	3.3	0.1
SCAQMD Thresholds	550	100	75	150	55	150
Significant?	No	**Yes**	No	No	No	No
2022						
Mechanical Dredge	16.2	38.1	3.2	1.0	1.0	0.1
Crew/Work Boat	3.1	4.6	0.3	0.2	0.2	<0.1
Tugboat	40.8	60.2	3.3	2.2	2.0	0.1
Split-Hull Barge	6.6	9.7	0.5	0.4	0.3	<0.1
Total	66.7	**112.6**	7.4	3.7	3.4	0.1
SCAQMD Thresholds	550	100	75	150	55	150
Significant?	No	**Yes**	No	No	No	No
2024						
Mechanical Dredge	10.9	53.5	2.2	0.7	0.6	0.1
Crew/Work Boat	6.3	9.2	0.5	0.3	0.3	<0.1
Tugboat	51.0	53.9	3.5	2.8	2.5	0.1
Split-Hull Barge	13.1	19.4	1.1	0.7	0.6	<0.1
Total	81.2	**136.0**	7.2	4.5	4.0	0.1
SCAQMD Thresholds	550	100	75	150	55	150
Significant?	No	**Yes**	No	No	No	No
2025						
Mechanical Dredge	18.2	70.6	3.6	1.0	1.0	0.1
Crew/Work Boat	6.3	9.2	0.5	0.3	0.3	<0.1
Tugboat	51.0	53.9	3.5	2.5	2.5	0.1
Split-Hull Barge	13.1	19.4	1.1	0.6	0.6	<0.1
Total	88.5	**153.1**	8.7	4.4	4.4	0.2
SCAQMD Thresholds	550	100	75	150	55	150
Significant?	No	**Yes**	No	No	No	No

Notes:
Emissions may not add precisely due to rounding.
Emissions were estimated using CalEEMod 2016.3.1.

The following mitigation measure would be implemented during construction:

- **MM-AQ-1 Tugboats Used During Construction:** The tugboats used during construction must meet USEPA Tier 4 engine standards by 2024; if Tier 4 tugboats are not available in years 2021 and 2022, tugboats must meet Tier 3 compliant standards. If applicable Tier-compliant

tugboats are not available, the City shall purchase Emission Reduction Credits from South Coast Air Quality Management District (SCAQMD) to offset the exceedance of NO_X emissions.

Finding: Following the implementation of MM-AQ-1, impacts would be less than significant. USEPA Tier 4 standards would reduce emissions of PM and NOX by about 90%. Such emission reductions can be achieved using control technologies, including advanced exhaust gas after treatment on Tier 1, 2, and 3 engines and novel engine design. While Tier 4 tugboats exist, most of the Tier 4 compliant tugboats are currently used at commercial ports and may not be available for use in Newport Harbor (Similar to Tier 4 compliant tugboats, hybrid-electric tugboats have been developed and are being used at southern California ports. However, these tugboats are large ocean going tugboats used to assist commercial vessels). Therefore, the mitigation allows for Tier 3 standards if no Tier 4 compliant tugboats are available during the first 2 years of construction. Use of Tier 3 engines in tugboats would reduce emissions below significance in Years 2021 and 2022. Tier 4 compliant tugboats are assumed to be more available by 2024, as more tugboats are retrofitted. Use of Tier 4 tugboats would also reduce emissions below significance. It should also be noted that the air analysis is conservative and assumes a longer period of dredging than would likely occur in 2024 and 2025. As noted, if applicable Tier-complaint tugboats are not available, the City would purchase Emission Reduction Credits from SCAQMD to offset NOX exceedances. Under SCAQMD's Emission Reduction Credit Program, project applicants can purchase Emission Reduction Credits that have been verified by the SCAQMD as being real and verified in lieu of direct mitigation. All credits are generated by projects that lead to emission reductions within the SCAB.

2.1.3.2 Biological Resources

2.1.3.2.1 BIO-2: The proposed Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

There are no known eelgrass beds and therefore, the proposed Project would have less-than-significant impacts on eelgrass during dredging. While recent surveys have identified the presence of *Caulerpa* in Newport Bay, none has been identified in the proposed CAD site at this time. Pre-construction surveys would be completed prior to all phases of dredging and construction to ensure *Caulerpa* is not present in the proposed Project area. Therefore, the proposed Project would have less-than-significant impacts on *Caulerpa*.

Effects to Pacific Coast Groundfish FMP and Coastal Pelagic FMP species from sediment suspension and turbidity would be temporary and minimal, and the effects would be limited to the immediate project vicinity during construction. Noise is expected to temporarily impact fish behavior in the immediate project area during construction activities, but it is unlikely to result in significant

ecological effects to EFH fish species given the steady nature of the noise and the background noise generated by vessel traffic.

Impacts to benthic habitat are expected to be temporary, limited to the dredging footprint and disposal areas, and unlikely to result in significant ecological effects to EFH fish species. Dredging is not expected to exceed temporary and minor impacts to Pacific Coast Groundfish FMP and Coastal Pelagic FMP species, eelgrass, or estuarine habitat from construction-related water and sediment quality impacts. Additionally, the number of organisms that would be affected would be small; none of the Pacific groundfish species would occur near the project site except as stray individuals, and the only member of the Coastal Pelagics likely to be present in substantial numbers is northern anchovy, a widespread and abundant species. Because of the minor, temporary, and localized nature of the activities proposed, and the adherence to established special conditions, the proposed Project would have less-than-significant impacts on EFH and EFH species.

While ere are no known eelgrass beds or *Caulerpa* within the proposed Project area, the following mitigation measures would be implemented during construction to ensure there is no potential for impact:

- **MM-BIO-1 Pre- and Post-Construction Survey:** Consistent with the California Eelgrass Mitigation Policy (CEMP) (NOAA 2014) and *Caulerpa Control Protocol* (NOAA 2008), a pre-construction eelgrass and *Caulerpa* survey shall be performed by the City in the proposed Project area 30 to 60 days prior to commencement of proposed construction activities in the Harbor.
  - If eelgrass is located during the pre-construction survey, a post-construction survey shall also be performed by the City within 30 days following completion of construction to evaluate any immediate effects to eelgrass habitat.
  - If *Caulerpa* is found, the City will immediately notify the Southern California Caulerpa Action Team, and construction shall not be conducted until such time as the infestation has been isolated and treated, or the risk of spread from the proposed construction is eliminated.
- **MM-BIO-2 Eelgrass Mitigation:** If a post-construction survey is required and indicates loss of eelgrass habitat within the proposed Project area, any impacts to eelgrass that have not previously been mitigated for will be mitigated in accordance with the CEMP (NOAA 2014). In-kind compensatory mitigation is the creation, restoration, or enhancement of habitat to mitigate for adverse impacts to the same type of habitat. Per the CEMP guidelines for southern California, for each square meter of vegetated eelgrass cover adversely impacted, 1.38 square meters of new habitat with suitable conditions to support eelgrass should be planted with a comparable bottom coverage and eelgrass density as impacted habitat (NOAA 2014). The 1.38:1 ratio assumes the following: 1) there is no eelgrass function at the

mitigation site prior to mitigation efforts; 2) eelgrass function at the mitigation site is achieved within 3 years; 3) mitigation efforts are successful; and 4) there are no landscape differences (e.g., degree of urban influence, proximity to freshwater source) between the impact site and the mitigation site.

Finding: MM-BIO-1 and MM-BIO-2 would ensure that if eelgrass was identified through pre-construction surveys, no net loss would occur after completion of the proposed Project. If loss was indicated, mitigation would occur consistent with the CEMP. Therefore, impacts to eelgrass would be less than significant. MM-BIO-1 would ensure that the proposed Project would not lead to the spread of *Caulerpa*.

2.1.3.2.2 BIO-4: Would the project 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?

Although the proposed Project area is along the Pacific Flyway, an established air route of waterfowl and other birds migrating between wintering grounds in Central and South America and nesting grounds in Pacific Coast states and provinces of North America, the developed nature of Lower Newport Bay likely precludes migratory bird species from using the proposed Project area as a stopover during their migration.

As discussed in BIO-1, California grunion leave the water at night to spawn on beaches during the spring and summer months. Nearshore placement is not expected to overlap with spawning. In addition, sediment placed within the nearshore marine environment will be placed at a safe distance from the shoreline and with sufficient depth for a tugboat and bottom-dump scow to operate. Therefore, grunion spawning is not anticipated to be affected.

As discussed in BIO-2, eelgrass provides important foraging areas and shelter to young fish and invertebrates, food for migratory waterfowl and sea turtles, and spawning surfaces for invertebrates and fish such as the Pacific herring. There are no known eelgrass beds within the proposed Project area. However, consistent with the CEMP, pre- and post-construction surveys will be conducted. Any eelgrass determined to be lost as a result of maintenance dredging activities would be mitigated in accordance with the CEMP (NOAA 2014).

Based on the analysis presented previously, the proposed Project would not result in significant impacts to movement of fish or wildlife species or wildlife corridors.

Findings: MM-BIO-1 and MM-BIO-2 would ensure that any eelgrass was identified through pre-construction surveys, and if loss was indicated, mitigation would occur in accordance with the CEMP. Therefore, impacts would be less than significant.

2.1.3.3 Cultural Resources

2.1.3.3.1 CHR-2: The proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Ground-disturbing activities to be undertaken as part of the proposed Project would occur only in water in previously dredged areas. Federal Channels dredging would extend beyond the vertical limits of previous dredging, so native sediments may be encountered. The native sediments that would be encountered have little potential to contain archaeological materials. However, in the unlikely event that such materials are present, disturbance during construction could constitute a potentially significant impact.

While the proposed Project is not expected to encounter archaeological resources, in the unlikely event of such a discovery, the following mitigation measure would be implemented to reduce any impacts:

- **MM-CHR-1: Stop Work in the Area If Prehistoric or Historical Archaeological Resources Are Encountered**. In the event that any artifact, or an unusual amount of bone, shell, or non-native stone, is encountered during construction, work would be immediately stopped and relocated to another area. The contractor would stop dredging until a qualified archaeologist can be retained by the City to evaluate the find (36 CFR 800.11.1 and 14 CCR 15064.5[f]). Examples of such cultural materials might include ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; historic artifacts such as bottles or ceramics; or resource gathering items such as fish weir stakes. Native American tribes and the Office of Historic Preservation would be notified of the find. Native American tribes consulted on the proposed Project to date include the Gabrieleño Band of Mission Indians – Kizh Nation, and the Juaneño Band of Mission Indians Acjachemen Nation. If the resources are found to be significant, they would be avoided or mitigated.

Findings: Adherence to MM-CHR-1 would ensure that any unanticipated find would be protected. Therefore, impacts are considered less than significant.

2.1.3.3.2 CHR-3: The proposed Project would disturb any human remains, including those interred outside of dedicated cemeteries?

As described under CHR-2, the proposed Project has minimal potential to encounter human remains. However, in the unlikely event that remains are present in previously undisturbed native sediments, they could potentially be disturbed during construction, which would constitute a potentially significant impact.

- **MM-CHR-1:** In the event that any artifact, or an unusual amount of bone, shell, or non-native stone, is encountered during construction, work would be immediately stopped and relocated to another area. The contractor would stop dredging until a qualified archaeologist can be retained by the City to evaluate the find (36 CFR 800.11.1 and 14 CCR 15064.5[f]). Examples of such cultural materials might include ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; historic artifacts such as bottles or ceramics; or resource gathering items such as fish weir stakes. Native American tribes and the Office of Historic Preservation would be notified of the find. Native American tribes consulted on the proposed Project to date include the Gabrieleño Band of Mission Indians – Kizh Nation, and the Juaneño Band of Mission Indians Acjachemen Nation. If the resources are found to be significant, they would be avoided or mitigated.

Findings: Adherence to MM-CHR-1 would ensure that any unanticipated find would be protected. Therefore, impacts are considered less than significant.

2.1.3.4 Geology/Soils

2.1.3.4.1 GEO-3: The proposed Project would 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 an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Because the proposed Project is located in a seismically active area, seismic activity has the potential to cause accelerations severe enough to cause liquefaction and induce lateral spreading or slope instability of the CAD facility. While not anticipated, the CAD facility could become unstable during construction in the case of a major earthquake, which constitutes a potentially significant impact.

- **MM-GEO-1: Periodic Monitoring of the CAD Facility**. An Operations, Maintenance, and Monitoring Plan (OMMP) has been developed for the proposed Project to conduct periodic monitoring of the CAD facility, including bathymetric surveys and cap coring. In the event of a significant earthquake,[1] these techniques could be used to monitor the integrity of the CAD facility final cap layer. As noted, if any changes in environmental conditions or design assumptions become apparent, then management actions will be considered for the CAD facility. Initial management actions would likely include increasing the level or frequency of monitoring. If indicated, the CAD facility cap design would be augmented in one or more of the following ways:
    - Adding more sediment to form a thicker cap

[1] According to NOAA National Centers for Environmental Information, a significant earthquake "is classified as one that meets at least one of the following criteria: caused deaths, caused moderate damage (approximately $1 million or more), magnitude 7.5 or greater, Modified Mercalli Intensity (MMI) X or greater, or the earthquake generated a tsunami." (NOAA 2020).

- Changing the cap material to a coarser, more erosion-resistant material type (coarse sand or gravel)
- Adding enhanced materials to the cap, such as less porous or chemically absorbent materials

Findings: Adherence to MM-GEO-1 would ensure the CAD facility final containment layer cap is maintained as designed and impacts would be less than significant,

2.1.3.5 Greenhouse Gas Emissions

2.1.3.5.1 GHG-1: The proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

GHG emissions associated with the proposed Project would come almost exclusively from direct engine emissions (Table 2; Table 3-9 in Draft EIR). A full description of emission calculations is included in Appendix F to the Draft EIR.

Table 2
Proposed Project Construction and Operational Greenhouse Gas Emissions (metric tons per year)

Annual	CO_2	CH_4	N_2O	CO_2e
2021	119.5	0.001	0.006	119.5
2022	1,448.7	0.017	0.069	1,448.7
2024	119.5	0.001	0.006	119.5
2025	203	0.012	0.010	203

Notes:
Emissions may not add precisely due to rounding.
NA: not applicable

The proposed Project would result in 1,448.7 metric tons of GHG emissions during 2022, the maximum year of construction. The bulk of the proposed Project's GHG emissions would be from tugboats and mechanical dredge equipment.

Impact Determination: As shown in Table 2, construction would result in up to 1,448.7 mty during 2022. While GHG emissions associated with construction are temporary, because there is no applicable numerical threshold for construction, this level of emissions is considered significant.

- **MM-GHG-1 Purchase GHG Emission Offsets:** The City of Newport Beach shall purchase annual GHG offset credits to offset GHG emissions during the life of the project. The amount of credits purchased shall be determined based on updated emission calculations as determined by the final equipment list secured by the contractor and using industry accepted GHG calculation methods. Off-site mitigation credits shall be real, quantifiable, permanent,

verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such credits shall be based on protocols consistent with the criteria set forth in Section 95972, subdivision (a), of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by SCAQMD. Such credits must be purchased within 90-days following the conclusion of each operational year through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the CAPCOA GHG Rx and the SCAQMD. Proof of purchase of the off-site mitigation credits shall be retained by the City.

Emissions controls for construction equipment were considered. MM-AQ-1 requires the use of Tier 4 tugboats. While Tier 4 standards do not address GHG directly, more efficient Tier 4 engines may use less fuel, which would also reduce GHG emissions. Therefore, depending on the specific construction equipment procured, emissions may be lower than reported. Consistent with this mitigation measure, emissions calculations will be updated, and the City will purchase credits to offset the resultant emissions. Offset credits would be procured from a broker certified by ARB to ensure credits are real, verified, additional, and permanent,

This analysis also considered emission controls for the dredger, namely an electric dredger, which has been required for dredging projects at southern California ports. While an electric dredger could reduce criteria air pollutant emissions, electric dredge equipment would result in GHG emissions from electricity production. In addition, electric dredgers may not be available or practical for use in the Lower Harbor.

Findings: With the inclusion of MM-GHG-1, impacts would be less than significant.

2.1.3.6 Hydrology and Water Quality

2.1.3.6.1 *HYDRO-1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The proposed Project has the potential to impact water quality temporarily during proposed construction and marine-based operations (i.e., dredging and material placement for nearshore disposal and at the CAD facility site). The long-term use of a CAD facility would not have any significant impact on water quality. The stability and placement of the final cap layer for the CAD facility was analyzed and modeled to ensure proper stability for construction and design thickness. Nearshore disposal of sediments for beneficial reuse by beach nourishment has the potential to

impact water quality temporarily during disposal operations. While overly conservative, environmental monitoring will be performed during disposal events (i.e., nearshore disposal for beach nourishment and material placement at the CAD facility) to confirm compliance with water quality standards. Material placement within the CAD facility should be timed based on the tides to limit material loss outside the CAD facility as determined by STFATE model runs (Appendix G to the BODR) and detailed in the mitigation measures. These activities would constitute a potentially significant impact.

- **MM-HYDRO-1:** Conduct water quality monitoring during all construction activities. The project will obtain the required permits under the RWQCB and/or the USACE. Water quality monitoring will be implemented to comply with numeric receiving water limitations (Table HYDRO-1) and other permit requirements during construction activities to minimize potential water quality impacts to Lower Newport Bay.

Table HYRO-1
Numeric Receiving Water Limitations

Parameter	Receiving Water Limitation	
	Eelgrass Present Within 300 Feet	**Eelgrass Not Present Within 300 Feet**
Transmissivity	38%	16%
Turbidity	16 NTU	47 NTU
pH	7 < pH < 8.6; < 0.2 change from ambient	
Dissolved Oxygen	>5 mg/L	

- **MM-HYDRO-2:** Implement Water Quality BMPs. Construction contractors shall use BMP water quality controls to ensure compliance with the water quality standards identified herein. Measures could include use of a silt curtain during dredging and/or material placement, a floating boom to be maintained around the proposed Project area, and daily inspection of construction equipment for leaks or malfunction. Storage or stockpiling of materials related to construction may be prohibited where such materials could enter the waters of Lower Newport Bay.
- **MM-HYDRO-3:** Material placement will take place outside tidal extremes. Material placement activities should be limited to neap and non-peak tides (i.e., plus or minus 2 hours from slack tide) to limit the horizontal distribution of fill material due to reduced current speeds, where possible. In addition, placement activities should be conducted during a non-peak flood tide versus a non-peak ebb tide. These measures will limit the loss of fill material outside the CAD facility during placement operations.

Findings: Water quality monitoring during proposed construction activities would ensure compliance with water quality standards and minimize impacts to the surrounding water column and marine communities. Implementing specific BMPs would minimize impacts to surrounding waters during dredging, nearshore placement, and excavation of the CAD facility. Limiting material placement based on tidal activity would reduce impacts to surrounding water quality and marine communities by ensuring material is placed accurately. These mitigation measures would result in the aforementioned activities being less than significant with mitigation incorporated.

2.1.3.7 Recreation

2.1.3.7.1 R-1: The proposed Project would 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?

The waters within Lower Newport Bay, as well as within the nearshore Pacific Ocean, are used for a wide range of recreational boating activities such as sport fishing, kayaking, diving, wind surfing, sailboat racing, and excursion and entertainment boat activities. These uses would be maintained and enhanced with the proposed Project in the long term. The proposed Project would not result in growth that would increase the use of existing parks and recreational facilities or result in the physical deterioration of existing recreational facilities. While there would be short-term restrictions on some recreational activities in the immediate area, removal of unsuitable sediments and placement into the CAD facility preserves the existing uses of the Lower Harbor, including navigation, which contributes to providing needed support for recreational and commercial boaters. Most recreational activities could be sufficiently relocated to other appropriate areas within Lower Newport Harbor.

However, although temporary, interference with recreational sailing and regattas in Newport Harbor are anticipated during CAD facility construction, which could result in a potentially significant impact.

- **MM-REC-1 Coordinate with Sailing Centers:** The City would coordinate with the sailing organizations and yacht clubs to relocate recreational and mooring activities and minimize the disruption to marine recreational activities.

Findings: Following implementation of MM-REC-1, impacts would be less than significant.

2.1.3.8 Tribal Cultural Resources

2.1.3.8.1 TCR-1: The proposed Project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No impacts to tribal cultural resources are expected. If archaeological materials or human remains are encountered during construction, these could be considered tribal cultural resources. However, in the unlikely event that such materials are present, disturbance during construction could constitute a potentially significant impact. While the proposed Project is not expected to encounter tribal resources, in the unlikely event of such a discovery, MM-CHR-1 would be implemented to reduce any impacts.

Findings: With implementation of MM-CHR-1, there would be a less-than-significant impact on tribal cultural resources.

2.2 Findings of Significant and Unavoidable Impacts

As outlined in the DEIR and FEIR, the City hereby finds that the proposed Project would not result in significant or unavoidable impacts.

2.3 Findings on Cumulative Impacts

2.3.1 No or Less-than-Significant Impacts

As detailed in the DEIR, the following resource areas were determined to have findings of no or less-than-significant cumulative impacts:

- Agriculture and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services

- Transportation
- Utilities and Service Systems
- Wildfire

Finding: For the above resource areas, the proposed Project, in conjunction with other past, present, and reasonably foreseeable future related projects, does not have the potential to result in significant cumulative impacts when its independent impacts and the impacts of related projects combine to create impacts greater than those of the proposed Project alone.

2.3.2 Significant and Unavoidable Impacts

As outlined in the DEIR and FEIR, the City hereby finds that in conjunction with other past, present, and reasonably foreseeable future related projects, the proposed Project does not have the potential to result in significant cumulative impacts when its independent impacts and the impacts of related projects combine to create impacts greater than those of the proposed Project alone.

2.4 Findings on the Alternatives to the Proposed Project

Chapter 6 of the DEIR discusses the environmental effects of alternatives to the proposed Project. A description of these alternatives, a comparison of their environmental impacts to the proposed Project, and the City's findings are listed in this section.

CEQA's requirements for an EIR to evaluate alternatives specifically requires that an EIR present a range of reasonable alternatives to a proposed project, or to the location of a project, that could feasibly attain most of the basic project objectives but would avoid or substantially lessen any significant effects of a project. Therefore, alternative generally have fewer environmental impacts than the proposed Project by design. Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, an EIR must also include an analysis of a No Project Alternative. Through the alternatives process, three Project alternatives plus the No Project Alternative were carried forward for impact analysis in the DEIR.

In making findings on alternatives to the proposed Project, the City certifies that it has independently reviewed and considered the information on alternatives provided in the DEIR, including the information provided in the comments on the DEIR and the responses included in the FEIR. The City further finds that the FEIR analyzes a reasonable range of project alternatives that would feasibly attain most of the basic objectives of the proposed Project and would substantially lessen one or more of the significant impacts of the proposed Project, and adequately evaluates the comparative merits of each alternative.

2.4.1.1 Alternative 1: No Project

The No Project Alternative analyzes what would be expected to occur if the proposed Project were not approved. Pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, the No Project Alternative shall:

> …discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The No Project Alternative analyzes what would be expected to occur if the proposed Project were not approved. Under the No Project Alternative, dredging of unsuitable material within the Federal Channels or City-managed locations outside of the Federal Channels would not occur, and the CAD facility would not be constructed. As such, chemically impacted materials would remain in place in an unconfined manner. Navigation would continue to be impaired, and the Lower Harbor would continue to experience reduced tidal flushing due the shallower water depths. Not constructing the CAD facility would mean that beach nourishment would not occur, and as a result, coastal erosion could be exacerbated. By not removing these sediments and instead allowing them to remain within the Federal Channels and other areas of Lower Newport Bay where they could be resuspended by vessel activities, the No Project Alternative does not minimize potential risks to the aquatic biota or people that recreate within the Lower Harbor. Chemicals in the environment are typically only able to cause impacts when they are mobilized within the water column through resuspension or when they diffuse into the water from the upper layers of the sediment. The proposed Project would seek to relocate the impacted sediments into a deep hole (CAD facility), which would eliminate those potential risks for future exposures. One of the added benefits of constructing the CAD facility for material disposal is that the underlying sediments in the target location for the CAD facility contain clean, high-quality, beach sand, which can be used to nourish the adjacent ocean shoreline. This benefit would be eliminated under the No Project Alternative

2.4.1.2 Alternative 2: No CAD Construction

Alternative 2 includes dredging of unsuitable material, but no CAD construction. Under the No CAD Construction Alternative, any dredged sediment deemed unsuitable for open ocean disposal would be dewatered and trucked to a permitted upland landfill facility. Because the CAD facility would not be constructed, clean material suitable for beach nourishment generated from constructing the CAD facility would not be transported and disposed at an approved open ocean disposal site or along the nearshore ocean beaches. The City would allow maintenance dredging in sections of the Lower Harbor outside the Federal Channels to re-establish safe navigation under this alternative.

2.4.1.3 Alternative 3: Reduced Dredging

Under this scenario, less dredging would occur (likely in Newport Channel), and the CAD facility would be constructed but with a smaller footprint. Because the CAD facility would be smaller, less suitable material would be available for beach nourishment. All impacts that would occur as part of the proposed Project would likely occur under this reduced project scenario, except air and GHG emissions would likely be less because dredging and construction equipment use would be reduced. Under this scenario, however, there would be impacts to navigation in the areas where dredging would not occur.

2.4.1.4 Alternative 4: Upland Trucking of Material

Under this scenario, the same amount of dredging would occur, and the CAD facility would be constructed but with a smaller footprint. It is assumed that approximately half of the material to be deposited in the CAD facility would instead be trucked to an upland disposal facility (similar to Alternative 2). The overall construction schedule would likely increase as the CAD facility would require a similar construction schedule and equipment list. A new construction element to dewater and transport a portion of the material by truck would be added. Under this scenario, all impacts that would occur as part of the proposed Project would likely occur, with several resource areas likely to have more impacts. Air and GHG emissions would increase because construction equipment uses and added emissions from truck trips would occur. Air emissions may also be located closer to sensitive receptors during upland construction elements and truck trips. Increased noise impacts may occur, and the staging area for dewatering and truck transfer may be located closer to residential and other sensitive receptors.

2.4.1.5 Alternative 5: Other CAD Facility Locations Within Newport Harbor

Alternative 5 includes an analysis of alternate locations in the Lower Harbor for the potential CAD facility. The following three alternate potential locations within Lower Newport Bay are being evaluated: Turning Basin, Newport Channel 1, and adjacent to Main Channel 1. In reviewing the alternate locations, factors such as availability of existing sediment data, review of historic bathymetric surveys to understand the rate of sedimentation since the Lower Harbor's initial construction, and availability of existing geotechnical data were considered. If the alternate location is within an area where the existing sediment would likely be determined unsuitable, a dual-cell CAD concept would be required, wherein an initial temporary CAD cell is created to hold the veneer sediments, and a second CAD cell receives the remainder of the bay sediments. Once the second CAD facility is constructed, the veneer sediment from the initial CAD facility would then be excavated and placed in the second CAD cell, requiring double-handling of the material. Alternatively, both the

initial and second CAD facilities could remain intact permanently. Table 1-2 present a comparison of the proposed alternative sites.

Table 1-2
Comparison of Proposed Alternative Sites

Site	Approximate Dimensions (feet)	Total Area (sf)	Advantages	Disadvantages
Turning Basin	600 × 600	360,000	• Close proximity to unsuitable material areas (Main Channel North 1 and 2, Turning Basin) • In area of commercial properties (less public housing in Turning Basin)	• Potential area of unsuitable material: would likely require disposing of unsuitable layer first or two CAD sites • Additional chemistry and geotechnical data would be required in central portion of Turning Basin • Authorized depths within Turning Basin deeper than other alternative sites: placement of material in the CAD facility would be suspended longer in the water column, potentially resulting in greater water quality impacts
Main Channel 1	250 × 1,300	325,000	• Outside the main Federal Channels • Close proximity to other unsuitable material areas (Main Channel North 1 and 2 and Turning Basin)	• Potential area of unsuitable material would likely require disposing of unsuitable layer first or two CAD sites • Additional chemistry and geotechnical data would be required • Slope stability may be required between the Main Channel (-20 feet MLLW) and top of CAD (-10 feet MLLW) • Narrower channel and adjacent to residential (Lido Isle) – potential temporary access restrictions to residential docks during construction
Newport Channel 1	590 × 590	348,100	• Close to unsuitable material in Newport Channel 1 • Close proximity to geotechnical sample	• Potential area of unsuitable material: would likely require disposing of unsuitable layer first or two CAD sites • Adjacent to residential (Lido Isle and peninsula) • Existing mooring area • Additional chemistry sampling required in this location

2.4.2 Comparison of Alternatives

Table 1 provides a summary comparison of the potential environmental impacts after implementation of mitigation measures resulting from the proposed Project and alternatives relative to the topics analyzed in the DEIR. Table 2 provides a summary of the ability of the Alternatives to meet the Project Objectives. As shown, the No Project Alternative results in the least environmental impacts. However, the No Project Alternative does not meet any project objectives.

Table 1
Comparison of Potential Impacts from Proposed Project and Alternatives (with Incorporation of Mitigation)

Resource Area	Proposed Project	Project Alternative				
		1: No Project	2: No CAD Construction	3: Reduced Dredging	4: Upland Trucking	5: Other Locations Within the Harbor
Aesthetics	LTS	LTS	LTS	LTS	LTS	LTS
Air Quality	LTS	LTS-	SU	LTS-	LTS-	LTS-
Biological Resources	LTS	LTS	LTS	LTS	LTS	LTS
Cultural Resources	LTS	LTS	LTS	LTS	LTS	LTS
Geology/Soils	LTS	NI-	LTS	LTS	LTS	NI-
Greenhouse Gas Emissions	LTS	LTS	SU+	LTS	SU+	LTS
Hazards and Hazardous Materials	LTS	SU+	SU+	LTS	SU+	SU+
Hydrology/Water Quality	LTS	LTS	SU+	LTS	SU+	LTS
Land Use and Planning	LTS	NI-	LTS	LTS	LTS	NI-
Noise	LTS	LTS	LTS	LTS	LTS	LTS
Recreation	LTS	NI-	LTS	LTS	LTS	NI-
Tribal Cultural Resources	LTS	NI-	LTS	LTS	LTS	NI-

Notes:
+ : Impacts would increase as compared to proposed Project.
- : Impacts would be reduced as compared to proposed Project.
LTS: Less-Than-Significant Impact
NI: No Impact
SU: Significant and Unavoidable

Table 2
Comparison of Ability to Meet Project Objectives

Objective	Proposed Project	Alternative				
		1: No Project	2: No CAD Construction	3: Reduced Dredging	4: Upland Trucking	5: Other Locations Within the Harbor
Identify a disposal location for dredged material deemed unsuitable for open ocean disposal that meets the following requirements:						
• Contains chemically impacted sediment safely and permanently	Yes	No	No	Yes, but to a lesser extent than the Proposed Project	Yes	Yes
• Is located within the southern California area and is available for disposal	Yes	No	No		Yes	Yes
• Accommodates a small volume of dredged material from outside the Federal Channels	Yes	No	No	No	Yes	Yes
Dispose of unsuitable dredged sediment in a manner that is safe to human and ecological health and minimizes secondary environmental impacts.	Yes	No	N/A	Yes	Yes	Yes
Promote beneficial reuse through beach nourishment.	Yes	No	No	Yes, but to a lesser extent than the Proposed Project	No	Yes
Dredge limited areas outside the Federal Channels.	Yes	No	No	No	Yes	Yes

2.5 Conclusion

Pursuant to Section 15093 of the CEQA Guidelines, the City must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the proposed Project. The proposed Project would not result in significant unavoidable impacts to any resource area. The City further finds that the City has) adopted all feasible mitigation measures and approved the project design features included in the FEIR; and ii) rejected alternatives to the proposed Project, as discussed above.