

2.0 INTRODUCTION

2.1 PURPOSE OF THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

This Subsequent Environmental Impact Report (SEIR) addresses a project proposal for the renovation of the waterside facilities located within Dana Point Harbor, located in Capistrano Bay on the Southern Orange County coastline. The Harbor is a County of Orange (County) facility located within the City of Dana Point (City), is operated by OC Dana Point Harbor, a County agency, and is owned by the County. A location map and Harbor layout graphics are included in Chapter 3.0, Figures 3.1 and 3.2.

This Draft SEIR has been prepared to analyze and disclose the potential environmental effects associated with the construction and future operation of the proposed Dana Point Harbor Marina Improvement Project. This SEIR is intended to tier off the Dana Point Harbor Revitalization Program Environmental Impact Report (EIR) No. 591 (State Clearinghouse Number 2003101142) that was certified by the Orange County Board of Supervisors on January 31, 2006, hereafter referred to as Final EIR No. 591 (FEIR No. 591). The Marina Improvement Project is legally and functionally separate from and independent of the Revitalization Project but was analyzed in FEIR No. 591 to be sure that the overall impacts from development, including cumulative and related projects, were addressed.

An SEIR is an informational document intended to inform decision makers and the general public of the potential significant environmental impacts of a project. An SEIR also identifies possible ways to reduce or avoid significant impacts and describes reasonable alternatives to the project. The California Environmental Quality Act (CEQA) Lead Agency has the authority to approve or deny the proposed project (see Chapter 3.0 for a description of the project). The County, as the CEQA Lead Agency, will consider the information in this SEIR along with other information before taking any action on the project. The California Coastal Commission (CCC) also has discretionary authority over the Marina Improvement Project as discussed below in Section 2.1.4 and will rely on the SEIR when making decisions on the project. However, the CCC is not the CEQA Lead Agency for the Marina Improvement Project. An evaluation of potential project alternatives is included in this SEIR, including a No Project Alternative.

As set forth in the CEQA Guidelines (Section 15121(b)), the information in an SEIR does not control the agency's ultimate discretion in acting on a proposed project. The agency must, however, respond to each significant effect identified by the SEIR and must make specific findings related to mitigation or make a statement of overriding considerations to support a decision to proceed with the project even though certain significant effects cannot be reduced to a level of insignificance. To that end, this SEIR discusses the potentially significant effects of the proposed project, identifies measures for reducing or avoiding significant adverse effects, and evaluates alternatives to the proposed project. To aid in this effort, input has been provided by interested agencies, particularly during the Notice of Preparation (NOP) comment period and prior to completion of the report. The original NOP was circulated from November 27, 2007, to January 2, 2008, to inform Responsible and Trustee Agencies and the interested public that a SEIR was being prepared for the Marina Improvement Project. Due to

the length of time that passed prior to release of this SEIR, the NOP was reissued on December 21, 2009. After circulation of the NOP, comments were received from local, State, and federal agencies, as well as the general public. These comments, too, have been reviewed and where appropriate addressed in the SEIR. This SEIR may be used as an environmental database against which to evaluate future site-specific implementation permits and approvals for construction and development within the project area.

2.1.1 Authority

This SEIR has been prepared in accordance with CEQA (Public Resources Code, Section 21000 et seq.), and the State Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.). This SEIR also complies with the procedures for implementation of CEQA as required by the County (County of Orange 2000).

The Guidelines stipulate that an SEIR must be prepared for any project that may have a significant impact on the environment. The proposal under consideration is a “project” as defined by Section 15180 of the Guidelines.

FEIR No. 591 evaluated the entire Harbor Revitalization Plan at a program, or conceptual, level of detail and provided a project- or construction-level EIR analysis where possible, consistent with CEQA Guidelines Sections 15146 and 15168. FEIR No. 591 was certified by the Orange County Board of Supervisors and is being relied upon by the County for CEQA environmental review clearance for revitalization and redevelopment of the “commercial core” area, the Dry Boat Storage building, parking deck, hotel, and other Harbor ancillary support uses. The Program EIR and projects covered in the Program EIR are further described in Section 3.0, Project Description. The current Dana Point Harbor Marina Improvement Project was anticipated to require further environmental review in the Program EIR, as further discussed in Section 3.0, Project Description.

Upon preparation of an Initial Study (IS) for the Marina Improvement Project, the County determined that an SEIR should be prepared to focus on significant effects not discussed in the previous Program EIR and to satisfy the requirements of CEQA for the proposed Dana Point Harbor Marina Improvement Project. Consistent with CEQA Guidelines Section 15168, the County is proceeding with the SEIR, utilizing the analyses in the previous certified FEIR No. 591 as the basis to address the environmental impacts of the Marina Improvement Project. Therefore, the Marina Improvement Project is now being evaluated at a project, or construction level, focusing on significant effects not discussed in the previous Program EIR (CEQA Guidelines Section 15162).

2.1.2 Intended Uses of the SEIR

On January 31, 2006, the Orange County Board of Supervisors certified the Dana Point Harbor Revitalization Program EIR No. 591 (State Clearinghouse Number 2003101142). The Dana Point Harbor Marina Improvement Project SEIR is intended to tier off FEIR No. 591 and is being prepared to comply with CEQA requirements for the waterside, or the Marina Improvement Phase, of the Revitalization Plan.

The approach of this SEIR is as described in Section 15162 of the State CEQA Guidelines. This section implements the requirements in Section 21166 of CEQA, which limit preparation of an SEIR to certain situations. This section provides interpretation of the three situations in which the statute requires preparation of an SEIR. This SEIR focuses primarily on the marina, or waterside, improvements within the overall Harbor Revitalization Plan. There is more project-specific information and more detailed marina design and engineering plans available at this time sufficient to address all environmental impacts at a detailed level not possible at the time FEIR No. 591 was prepared. This SEIR addresses all phases of Dana Point Harbor Marina Improvement Project, including construction and operation.

This SEIR may be used by the County, as CEQA Lead Agency, and other State and local agencies in considering discretionary actions relative to the proposed project, including but not limited to the agencies listed in Table 2.A that may use the SEIR for their respective approvals. However, before the SEIR is used for any future discretionary approval, it will be closely examined to determine whether its analysis adequately addresses the environmental issues raised by the proposed approval. If it does not, further environmental analysis may be required by CEQA for those approvals.

Table 2.A: Lead Agency and Potential Responsible Agencies

SEIR Recommendation	County of Orange Planning Commission
SEIR Certification	County of Orange Board of Supervisors
Project Plan Approval	County of Orange Board of Supervisors California Coastal Commission (CCC) State Lands Commission (consultation)
Coastal Development Permit (CDP)	CCC City of Dana Point (landside CDPs)
Section 404 Permit Navigable waters (dock renovations and pile placement)	United States Army Corps of Engineers United States Fish and Wildlife Service (USFWS) (consultation) National Marine Fisheries Service (NMFS) California Department of Fish and Game (CDFG) California Regional Water Quality Control Board, San Diego Region (RWQCB)
Section 10 Permit Navigable waters (docks)	United States Army Corps of Engineers United States Coast Guard (consultation)
Section 401 Certification water quality permits	San Diego RWQCB

This SEIR contains all the items required by CEQA, including a summary, project description, environmental setting, detailed impact analysis, and analysis of project alternatives.

2.1.3 Lead Agency and Other Agencies Having Jurisdiction

CEQA defines a “Lead Agency” as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant adverse effect upon the environment. Other agencies that also have authority or responsibility to provide discretionary approval for a proposed

project are designated as “Responsible Agencies.” The Lead Agency and Responsible Agencies must consider the information contained in the SEIR prior to acting upon or approving the project. The County is the land owner and project proponent for implementation of the Dana Point Harbor Revitalization Plan that includes the Marina Improvement Project. As the agency with the authority to approve the proposed project and certify the SEIR, the County is the Lead Agency for the proposed project. The CCC also has discretionary authority over the Marina Improvement Project as discussed below in Section 2.1.4 and will rely on the SEIR when making decisions on the project. However, the CCC is not the CEQA Lead Agency for the Marina Improvement Project. In addition to approval of the project by the County, various other permits and approvals would be required from other responsible agencies. The potential Responsible Agencies that have been identified as of the preparation of this document and the required permits, approvals, or their associated responsibilities for the proposed project are identified in Table 2.A, Potential Responsible Agencies.

Trustee Agencies are State agencies having discretionary approval or jurisdiction by law over natural resources affected by a proposed project that are held in trust for the people of the State of California. Because the Dana Point Harbor was entrusted to the County by the Tidelands Act as the trustee of the Harbor for the people of the State of California, the California State Lands Commission is a Trustee Agency.

2.1.4 California Coastal Act/Local Coastal Program

The project site is located entirely within the Coastal Zone and is subject to regulation under the California Coastal Act of 1976 (Coastal Act). The Harbor is under the land use planning and regulatory jurisdiction of the City of Dana Point (landside areas) and the California Coastal Commission (CCC) (waterside areas) and is included in the certified Dana Point Specific Plan/Local Coastal Program (LCP; Dana Point LCP). In 1981, the County approved the LCP for Dana Point, known as the South Coast Planning Unit Dana Point LCP, and in 1985 the LCP was certified by the CCC. In 1991, when the City of Dana Point was formed, LCP authority for the entire City, including the Harbor, was transferred to the City. Landside areas remain under the oversight of the CCC as an appealable jurisdiction while the CCC exercises full discretionary authority over all waterside areas, including all aspects of the Marina Improvement Project.

Implementation of the Dana Point Harbor Revitalization Plan requires a series of subsequent approvals by the City of Dana Point and the CCC to modify existing regulatory documents, including the City’s LCP. The Revitalization Plan and District Regulations therefore required an LCP Amendment (LCPA). The LCPA includes a Land Use Plan (LUP) component and an Implementation Plan (IP) component, which together establish zoning regulations and other implementing actions required for ongoing implementation of improvements and management of Dana Point Harbor pursuant to procedures set forth in the Coastal Act. The LUP component of the LCPA for the proposed Dana Point Harbor Revitalization Project was approved with suggested modifications by the CCC on October 8, 2009. The IP component was approved with suggested modifications by the CCC on January 12, 2011.

During the public and regulatory review and approval process with the City and the CCC, refinements to the LUP in the form of various suggested modifications were made to the proposed LCPA. Due to the incorporation of additional policies, regulations, and development standards by the CCC as part of the LCPA review and certification process, the previously certified FEIR No. 591 prepared for the

project required review to determine whether the previous conclusions remain valid. Therefore, an Addendum to FEIR No. 591 was prepared to provide a record of the changes resulting from the LCPA approval process that occurred subsequent to the certification of FEIR No. 591. The Addendum concluded that no new or more severe significant environmental effects were associated with the changes to the project that occurred since the 2006 FEIR No. 591 was certified.

The waterside portion of the project is now proceeding through a separate, independent process for environmental review and approval. The Coastal Development Permit (CDP) process regulates all development in the Coastal Zone. Any projects proposed within the Coastal Zone are required to obtain a CDP prior to construction. Because the project area includes submerged lands, the CCC would issue the CDP for this project.

2.2 NOTICE OF PREPARATION/PUBLIC SCOPING MEETING

The County has complied with Sections 15063 and 15082 of the CEQA Guidelines by preparing and issuing a Notice of Preparation of a Draft SEIR. The NOP, which was distributed on November 27, 2007, included a description of proposed activities that are within the scope of the SEIR. The NOP was circulated to responsible agencies and interested groups as required by CEQA.

At the time the NOP was published and circulated for review and comment, the County had intended to include renovations to the seawalls as a part of the Dana Point Harbor Marina Improvement Project. However, subsequent to circulation of the NOP, it was determined that no remedial action to repair the entire length of the seawalls was immediately required; repairs to the seawall will be made where necessary.

Additionally, at the time the NOP was circulated, the County indicated that dredging in the West Basin area may be required to accommodate the proposed renovations to the OC Sailing and Events Center docks. However, the County has subsequently decided that no dredging will occur due to the subsurface rock conditions. Buoys with low tide warnings will be placed in this area to alert boaters during tidal fluctuations.

The removal of these two project components reduces the potential impacts associated with the proposed project and does not expand the scope of potential environmental impacts that will be analyzed in the SEIR, as originally described in the County's NOP and IS. Therefore, the County has identified no new probable environmental effects of the project, and recirculation of the NOP is not mandated by CEQA.

The NOP review/comment period ended on January 2, 2008. As stated previously, due to the length of time that passed prior to release of this SEIR, the NOP was reissued on December 21, 2009. The second review period ended on January 20, 2010. The IS responses, as well as NOP comments, were used to establish the scope of the issues addressed in this SEIR. Appendix A contains copies of the NOPs and the NOP comment letters that were received. Written responses to the NOP issued on November 27, 2007, were received from the following:

- California Department of Toxic Substances
- California Department of Transportation (Caltrans)
- California Department of Parks & Recreation
- City of Dana Point
- Native American Heritage Commission
- Orange County Fire Authority
- Orange County Clerk – Recorder
- South Coast Air Quality Management District (SCAQMD)
- State Clearinghouse
- Dana Point Yacht Club
- Anchor Marine (Nossaman, Guthner, Knox and Elliott, LLP)
- Rodger Beard
- Bruce Heyman
- April Salem
- Barbara Merriman
- Thomas Kulp
- Howard L. (Les) Howell

Written responses to the NOP reissued on December 21, 2009, were received from the following:

- California Department of Toxic Substances
- Native American Heritage Commission
- OC Public Works Department
- SCAQMD
- Bruce Heyman
- Michael Murphy
- Tom Smith

A public scoping meeting was held on December 8, 2007. Speaker cards for persons who gave verbal comments at the scoping meeting, as well as comments sheets collected, are also included in Appendix A.

2.3 AREAS OF CONTROVERSY

The purpose of the CEQA scoping process is to present the proposed project and to solicit input from interested individuals regarding environmental issues that should be addressed in this Draft SEIR. Major issues and concerns raised at the scoping meeting held on December 8, 2007, and comments submitted in writing during the NOP process included: (1) concerns regarding the reduction of the overall number of slips within the Harbor; (2) water quality concerns related to construction and operations; (3) navigation, congestion, and safety concerns related to boater traffic; (4) construction impacts related to traffic congestion and parking; (5) marine habitat concerns; (6) noise and air quality impacts; (7) concerns related to the project's relationship to the Harbor Revitalization Project; (8) concerns related to the existing live-aboards within the marinas. (9) establishing baseline existing conditions for purposes of the SEIR; (10) potential in-water boat maintenance and repair impacts, including copper contamination, resulting from changes to the shipyard; and (11) operational changes to the marinas and other specific areas where recreational and commercial boat and landside activities occur.

The Draft SEIR addresses each of these areas of concern or controversy in detail, examines project-related and cumulative environmental impacts, identifies significant adverse environmental impacts, and proposes mitigation measures designed to reduce or eliminate potentially significant impacts of the proposed project.

2.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

As required by State CEQA Guidelines, Section 15128, this SEIR identifies the potential effects of the proposed project that were determined to be significant and adverse. The proposed project would not result in adverse impacts related to the following: Agricultural Resources, Population and Housing, Cultural Resources, Mineral Resources, and Public Services and Utilities. These issues are briefly discussed below along with reasons they were determined not to be significant. For further information and additional discussion, please refer to the IS and NOP in Appendix A of this SEIR.

2.4.1 Agricultural Resources

The project site is located in Dana Point Harbor in an urbanized area surrounded by commercial and residential development. The project site is located entirely in saltwater where there is no historical agricultural use. Based on the City's and County's General Plan, no farmland, agricultural zoning, or Williamson Act contracts exist within or adjacent to the project site. Therefore, implementation of the proposed project would not convert farmland to nonagricultural use. No impact to farmland or agriculture would occur. Therefore, this issue is not evaluated further in this SEIR.

2.4.2 Population and Housing

The proposed Marina Improvement Project does not propose the construction of any new homes or businesses. In addition, the proposed Marina Improvement Project does not create additional employment that could increase the City's population. There would be no displacement or loss of residential units as a result of the project, and no replacement housing would be necessary.

Construction of the Marina Improvement Project may result in temporary displacement or relocation of persons living on their boats ("live-aboards"). There are currently 12 permitted live-aboards in the East Basin Marina and 29 permitted live-aboards in the West Basin Marina, for a total of 41. The number of live-aboards is relatively small due to the County's policy that allows only up to 10 percent of the total number of slips on any one dock and up to 3 percent of the total slips in the Harbor overall to be permitted for live-aboards (approximately 72 live-aboards could be permitted based on 2,409 existing slips). The live-aboards would be relocated as necessary within the Harbor. Because the displacement of the live-aboards would be temporary, and would be accommodated within the existing marinas, impacts are considered less than significant. Therefore, this issue is not evaluated further in this SEIR.

2.4.3 Cultural Resources

There are no historic buildings or resources located on site that would be impacted by the proposed project. In addition, the presence of prehistoric cultural material is unlikely because the waterside

improvements are in a location that has historically been covered by water, and no cultural resources are likely to be discovered in the Harbor waters. In addition, the area was dredged to create the original Harbor and has been regularly dredged for maintenance purposes since its inception. Additionally, implementation of the proposed waterside project would not require significant earthmoving or earth-disturbing activities on land and is therefore not anticipated to result in significant impacts to fossil remains. Hence, impacts to cultural resources are not anticipated. Therefore, this issue is not evaluated further in this SEIR.

2.4.4 Mineral Resources

There are no known mineral resources within the Dana Point Harbor. The project does not involve the extraction of minerals and would not impact any known mineral resource recovery sites. Therefore, no impacts are anticipated, and this issue is not evaluated further in this SEIR.

2.4.5 Public Services and Utilities

The Marina Improvement Project would not create additional demand for police staff, police services, Harbor Patrol facilities or fire protection personnel or services because the overall capacity of the marina will not be increased. In addition, implementation of the project would not change response times. Further, the proposed project would not impact existing educational facilities and would not result in additional roadway maintenance, library service, or public transportation needs that would exceed the existing capacity and levels of service. Similarly, because capacity is not increased, the Marina Improvement Project would not increase the demand for natural gas, or cause an increased demand for water service or sewer facilities.

The facilities providing electrical service to the docks will be upgraded to current standards and Department of Boating and Waterways (DBW) guidelines. Due to the age of the existing facilities, it is anticipated that upgraded electrical facilities would provide up to an 85 percent increase in capacity. The Program EIR stated that although upgrades to the electrical facilities would be required, service was anticipated to be available to the project. The Program EIR concluded that impacts related to electrical facilities would be less than significant with implementation of standard conditions, project design features, and mitigation measures. Therefore, these issues are not evaluated further in this SEIR. Likewise, FEIR No. 591 did not identify any unavoidable significant impacts related to public services and utilities. However, FEIR No. 591 did include Standard Conditions (SCs), Project Design Features (PDFs), and Mitigation Measures (MMs) related to public services and utilities. The PDFs and MMs that are included in the Program EIR and are applicable to the Marina Improvement Project are restated verbatim below.

Police Protection:

- MM 4.10-7** Construction shall not block the main navigational channels of Planning Areas 8 through 12.
- MM 4.10-8** The emergency alley behind the Harbor Patrol office shall not be blocked during construction activities.

Utilities:

- PDF 4.10-2** New utilities will be located underground to the extent feasible as part of the Project development. Utility undergrounding activities will be coordinated with the utility providers to ensure that service to adjoining utility customers is not interrupted.
- MM 4.10-9** The County of Orange shall continue to comply with the Building Code and Title 24 of the California Administrative Code relating to energy conservation.
- MM 4.10-10** Electrical, natural gas, and cable television services and equipment locations shall be coordinated with the applicable utility providers. Electrical, natural gas, and cable television services and equipment locations shall be coordinated with the applicable utility providers.

2.5 FORMAT OF THE SEIR

Pursuant to State CEQA Guidelines Section 15120(c), this SEIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the sections described below.

2.5.1 Section 1.0: Executive Summary

Section 1.0 contains the Executive Summary of the SEIR document, listing all significant project impacts, mitigation measures that have been recommended to reduce any significant impacts of the proposed project, and the level of significance of each impact following mitigation. The summary is presented in a matrix (tabular) format.

2.5.2 Section 2.0: Introduction

Section 2.0 contains a discussion of the purpose and intended use of the SEIR, a background on the NOP and scoping process, and areas of controversy known to the Lead Agency, including issues raised by the public. A summary discussion of effects found not to be significant and, therefore, not included in the SEIR analysis is also included in this section.

2.5.3 Section 3.0: Project Description

Section 3.0 includes a discussion of the project's geographical setting, the history of the project site, and the project's goals, objectives, characteristics, and components.

2.5.4 Section 4.0: Environmental Analysis, Impacts, and Mitigation Measures

Section 4.0 includes an analysis of the project's environmental impacts. It is organized into topical sections, including Land Use, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Noise, Biological Resources, Aesthetics, Recreation, and Hazardous

Materials. The environmental setting discussions describe the “existing conditions” of the environment on the project site and in the vicinity of the site as they pertain to the environmental issues being analyzed (Section 15125 of the State CEQA Guidelines).

The project impact discussions identify and focus on the significant environmental effects of the proposed project. The direct and indirect significant effects of the project on the environment are identified and described, giving due consideration to both the short-term and long-term effects as necessary (Section 15126.2[a] of the State CEQA Guidelines).

Cumulative impacts are based on the build out of the project and the surrounding area, including all other known proposed projects in the surrounding area.

The discussions of mitigation measures identify and describe feasible measures that could minimize or lessen significant adverse impacts for each significant environmental effect identified in the SEIR (Section 15126[c] of the State CEQA Guidelines). The level of significance after mitigation is reported in each section. Unavoidable adverse effects are identified where mitigation is not expected to reduce the effects to insignificant levels.

2.5.5 Section 5.0: Alternatives to the Proposed Project

In accordance with CEQA, the alternatives discussion in Section 5.0 describes a reasonable range of alternatives that could feasibly attain the basic objectives of the project and that are capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance. Alternatives analyzed in Section 5.0 include: No Project/No Development Alternative; Reduced Project Alternative–East and West Basins; and Reduced Project Alternative–Americans with Disabilities Act (ADA) Improvements.

2.5.6 Section 6.0: Long-Term Implications of the Project

Section 6.0 includes CEQA-mandated discussions required by Section 15126 of the State CEQA Guidelines regarding: (a) significant irreversible environmental changes that would result from implementation of the proposed project, and (b) growth-inducing impacts of the proposed project.

2.5.7 Section 7.0: Mitigation Monitoring and Reporting Program

Section 7.0 provides a list of all proposed project Mitigation Measures, defines the party responsible for implementation, and identifies the timing for implementation of each control measure.

2.5.8 Section 8.0: Program EIR Mitigation

Section 8.0 provides a list of mitigation measures contained in the Dana Point Harbor Revitalization Project Program EIR that are applicable to the Marina Improvement Project. These measures were adopted at the time the Program EIR was certified and are reiterated because they are deemed to be applicable to the proposed project.

2.5.9 Sections 9.0, 10.0, and 11.0

Sections 9.0 and 10.0, respectively provide: the Draft SEIR preparers, technical report authors, and other experts included in preparation of the Draft SEIR; and the references used by the authors.

2.6 METHODOLOGY

2.6.1 Impact Significance Criteria

The CEQA Guidelines (Section 15126) require that an SEIR “identify and focus on the significant environmental effects” of a proposed project. “Effects” and “impacts” mean the same under CEQA and are used interchangeably within this SEIR. A “significant effect” or “significant impact” on the environment means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project” (CEQA Guidelines, Section 15382).

In determining whether an impact is “significant” within CEQA’s definition, emphasis has been given to the basic policies of CEQA with respect to a particular subject matter, as well as to specific criteria for significance found in the CEQA Guidelines (Appendix G to the CEQA Guidelines). An effort has been made to avoid overly subjective significance criteria that are not based on specific CEQA policies and/or generally accepted thresholds upon which significance can be determined. For each subject area addressed within this SEIR, significance criteria that have been applied in analyzing the potential effects of the proposed project are identified.

2.6.2 Standard Conditions and Uniform Codes

The project description is deemed to include compliance with standard conditions and the Uniform Building Code, as mandated by the County or other regulatory agency. These include, but are not limited to, compliance with all current State and County codes and regulations related to building and safety requirements, including those provisions of the Uniform Building Code adopted by the County, the Alquist-Priolo Act (seismic safety), and standard County building, grading, subdivision, and development requirements.

For analytical purposes, compliance with these regulatory requirements is not considered mitigation, but rather compliance with standard conditions. Where an otherwise significant impact is avoided, in whole or in part, due to the application of standard regulatory requirements, the text will note that an issue of environmental concern exists and that it is addressed by a standard regulatory requirement. The requirement and the manner in which it addresses the environmental issue are identified.

2.6.3 Impact Analysis

The impact analysis presented in this SEIR identifies specific project-related impacts. As described above, the significance criteria provide the basis for distinguishing between impacts that are determined to be significant (i.e., impact exceeds the threshold of significance) and those that are insignificant. The existing environmental setting (i.e., existing conditions) is the basis for documenting the nature and extent of impacts anticipated to result from project implementation.

In assessing the impacts of the proposed project and the various CEQA alternatives, the County has conducted the following analysis:

- “Potential effects” of the project have been identified. Initially, no determination is made that they truly are “significant,” “adverse,” or “substantial.” This process merely identifies issues and impacts that may seem possible. “Potential effects” include issues identified in the Initial Study prepared for the proposed project, as well as those raised by the public, the County, and other public agencies.
- With respect to each potential effect, an analysis has been conducted to determine if, in fact:
 - The project produces the identified “effect”
 - The effect produces a substantial, or potentially substantial, change in the physical conditions within the area affected by the project (i.e., “significant”)
 - The changed conditions are “adverse”
- Where the investigation of a potential effect concludes that the effect is too speculative for evaluation, that conclusion is noted and the discussion of that effect is ended.
- Where the investigation demonstrates that a potential effect does or may (without undue speculation) occur, but is beneficial, that conclusion is noted.
- Where the investigation demonstrates that a potential effect is not significant or not adverse, that conclusion is noted.

2.6.4 Mitigation Measures

Where the impact analysis described above demonstrates that a potential effect does or may (without undue speculation) occur and is found to have a substantial or potentially substantial and adverse impact on physical conditions within the area affected by the project, that conclusion is noted and:

- Mitigation measures are provided that will minimize the significant effects and, in most cases, reduce them to levels of insignificance; and/or
- Where feasible mitigation measures are not identified that can reduce the significant effects to levels of insignificance, the significant effect will be identified as one that will result in “significant unavoidable adverse impacts.”

Where significant unavoidable adverse impacts are identified, a Statement of Overriding Considerations must be prepared by the approving agency before a project may be approved.

2.7 CEQA ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires that an SEIR describe a range of reasonable alternatives to the project or to the location of the project that could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives. This SEIR identifies and describes several alternatives to the proposed project and assesses their environmental impacts. The alternatives analysis is included in Section 5.0, Alternatives to the Proposed Project.

As required by CEQA, this SEIR analyzes a range of alternatives that eliminate any significant adverse environmental effects of the proposed project or reduce those impacts to a level of insignificance. It also assesses whether each alternative would impede or achieve the project's objectives. The merits of each alternative have been evaluated and compared to the proposed project, and an "environmentally superior" alternative has been identified.

2.8 INCORPORATION BY REFERENCE

Section 15150 of the CEQA Guidelines permits an SEIR to incorporate by reference documents that provide relevant data. The documents hereby incorporated by reference are listed below, and the pertinent material is summarized throughout this SEIR, where information is relevant to the analysis of impact of the proposed project. All documents incorporated by reference are available for review at the OC Dana Point Harbor, 24650 Dana Point Harbor Drive, Dana Point, CA 92629.

Documents incorporated by reference include:

- City of Dana Point, 2006. Dana Point Harbor Revitalization Plan and District Regulations, LCPA (LCPA 06-03).
- Dana Point Harbor Revitalization Plan and District Regulations – LUP Component, LCPA (LCPA 1-08). CCC, effectively certified on October 13, 2010; and
- Dana Point Harbor Revitalization Plan and District Regulations – Implementation Plan (IP) Component, LCPA (LCPA 1-10). CCC, effectively certified on January 12, 2011.

The three documents above were prepared to satisfy the requirements of the Coastal Act for a Harbor LUP and to establish zoning regulations and other implementing actions required for ongoing implementation of improvements and management of Dana Point Harbor pursuant to procedures set forth in the Coastal Act. These documents replace the previous LUP, Zoning Ordinance, and design guidelines.

- RBF Consulting, 2006. Dana Point Harbor Revitalization Project Program EIR No. 591 (State Clearinghouse [SCH] No. 200310114).

The Program EIR was certified by the Orange County Board of Supervisors on January 31, 2006. The Program EIR evaluated the entire Harbor Revitalization Plan at a program, or conceptual, level of detail and provided project- or construction-level EIR analysis where possible, consistent with CEQA Guidelines Sections 15146 and 15168. Because more project-specific information and more detailed marina design and engineering plans have been developed, environmental impacts for the Marina Improvement Project can be addressed at a detailed level legally or factually not possible at the time the Program EIR was prepared. Consistent with CEQA Guidelines, Section 15168, this SEIR for the Marina Improvement Project builds upon and tiers on the analyses in the certified Program EIR to address the environmental impacts of the proposed project. Additional information regarding the Program EIR is included in Section 3.3 of this SEIR.

- LSA Associates, Inc., 2005. Dana Point Harbor Boat Launch Ramp Renovation Mitigated Negative Declaration.

A Mitigated Negative Declaration (MND) was prepared to provide environmental documentation and CEQA compliance for the Dana Point Harbor Boat Launch Ramp Renovation Project. The project includes replacement and improvement of the existing deteriorated boat launch ramp and apron. The Boat Launch Ramp Renovation Project is located immediately adjacent to the proposed Marina Improvement Project area. Information contained within the MND primarily related to marine biology has been utilized within this SEIR.

- Moffatt and Nichol, 2007. Dredge Material Evaluation. Dana Point Harbor Maintenance Dredging Report.

The “Dredge Material Evaluation” report provides sediment quality data for sediments within the proposed dredge area within the Harbor and provides an evaluation of dredging and disposal options. This report summarizes the physical, chemical, and biological data necessary to support dredging and disposal and provides a discussion of the results in terms of available guidelines. The intent of this report is to provide the regulators with enough data to make decisions on dredging and disposal suitability.

- County of Orange, Dana Point Harbor, Draft Marina Condition Evaluation, BLUEWater Design Group, January 2005.

The purpose of the Marina Condition Evaluation was to visually review the general condition of each facility and to identify deferred maintenance repair costs and expected recurring maintenance requirements. The purpose of the evaluation was to provide general condition assessments of the facilities and to aid in determining the extent of improvements required to extend the service life of the marinas or for marina renovations.

- Addendum to Final Environmental Impact Report No. 591, Dana Point Harbor Revitalization Project, State Clearinghouse (SCH) No. 200310114, County of Orange; September 2011.

Due to the incorporation of additional policies, regulations, and development standards by the CCC as part of the LCPA review and certification process, the previously certified FEIR No. 591 was reviewed to determine whether the previous conclusions remain valid. An Addendum to FEIR No. 591 was prepared to provide a record of the changes resulting from the LCPA approval process that occurred subsequent to the certification of FEIR No. 591. The Addendum concluded that no new or more severe significant environmental effects were associated with the changes to the project that occurred since the 2006 FEIR No. 591 was certified.