

## 7.0 MITIGATION MONITORING AND REPORTING PROGRAM

### 7.1 MITIGATION MONITORING REQUIREMENTS

Public Resources Code Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- I. The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- II. The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- III. A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- IV. Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

## **7.2 MITIGATION MONITORING PROCEDURES**

The mitigation monitoring and reporting program has been prepared in compliance with Public Resources Code Section 21081.6. It describes the requirements and procedures to be followed by the OC Dana Point Harbor to ensure that all mitigation measures adopted as part of the proposed Dana Point Harbor Marina Improvement Project will be carried out as described in this SEIR.

Table 7.A lists each of the mitigation measures specified in this SEIR and identifies the party or parties responsible for implementation and monitoring of each measure.

**Table 7.A: Mitigation and Monitoring Reporting Program**

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<b>4.1 LAND USE AND PLANNING</b>		
None required		
<b>4.2 GEOLOGY AND SOILS</b>		
<p><b>4.2-1</b> To reduce potential seismic ground-shaking impacts associated with the Americans with Disabilities Act (ADA) platforms, OC Dana Point Harbor and the Director, OC Public Works (OC PW)/Building Permit Services shall, prior to issuance of building permits, review and approve final design plans to ensure that recommendations contained in the Geotechnical Evaluation prepared for the proposed project (Leighton Associates, Inc., January 2008) are incorporated into final site drawings. The potential damaging effects of regional earthquake activity shall be considered in the design of each structure. The seismic evaluation shall be based on basic data, including the Uniform Building Code (UBC) Seismic Parameters. Structural design criteria shall be determined in consideration of building types, occupancy category, seismic importance factors, and possibly other factors. Design construction shall be performed in conformance with the latest UBC, California Building Code, or International Building Code and County Ordinances. Conformance can be expected to satisfactorily mitigate the effect of seismic groundshaking (refer to FEIR No. 591, Mitigation Measures 4.3-9 and 4.3-12).</p>	OC Dana Point Harbor Director, OC PW/Building Permit Services	Prior to issuance of construction permits
<p><b>4.2-2</b> To reduce potential lateral and surcharge load impacts from construction equipment near the seawall, OC Dana Point Harbor shall review and specifically approve contract provisions requiring equipment and/or storage setbacks from the seawall prior to issuance of any contract to demolish or construct within the project area. To reduce potential impacts associated with the instability of the seawall due to increased lateral loads imposed by construction equipment, adequate setbacks shall be observed from bulkhead areas for cranes, pile-driving equipment, or any other heavy construction equipment. (refer to FEIR No. 591, Mitigation Measure 4.3-6).</p>	OC Dana Point Harbor Director	Prior to issuance of any construction or demolition contract
<b>4.3 HYDROLOGY AND WATER QUALITY</b>		
<p><b>4.3-1</b> To reduce water quality impacts related to pile removal and replacement, OC Dana Point Harbor shall verify, prior to the issuance of any construction permits, that authorization has been obtained from: (1) the United States Army Corps of Engineers (Corps) under the Section 404 Permit program for the discharge of material into jurisdictional waters; and (2) the Corps, under Section 10 of the Rivers and Harbors Act for the placement of piles. In addition, standard conditions of the Corps permits require Section 401 water quality certification by the Regional Water Quality Control Board (RWQCB). In order to obtain these authorizations, the County shall develop a mitigation plan subject to review and approval by the appropriate resource agencies (Corps, United States Fish and Wildlife Service [USFWS], National Marine Fisheries Service [NMFS], California Department of Fish and Game [CDFG], and RWQCB).</p>	OC Dana Point Harbor	Prior to the issuance of any construction permits

**Table 7.A: Mitigation and Monitoring Reporting Program**

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p><b>4.3-2</b> To reduce water quality impacts related to pile removal and replacement, OC Dana Point Harbor shall verify, prior to the issuance of any construction permits, that best management practices (BMPs) for all pile removal and replacement activities have been incorporated into project plans in order to reduce impacts to water quality to the maximum extent practicable in a manner meeting the approval of the OC Public Works (OC PW) Director. The construction contractor shall be responsible for performing and documenting the application of silt curtains and other BMPs identified in this document.</p>	OC Dana Point Harbor	Prior to the issuance of any construction permits
<p><b>4.3-3</b> Prior to the issuance of any construction permits, OC Dana Point Harbor shall verify that a trash and debris containment boom has been incorporated into project plans and will be implemented during all dock removal and replacement activities in order to reduce impacts to water quality to the maximum extent practicable in a manner meeting the approval of the OC Public Works (OC PW) Director. The construction contractor shall be responsible for performing and documenting the application of the trash and debris containment boom.</p>	OC Dana Point Harbor	Prior to the issuance of any construction permits
<p><b>4.3-4</b> To reduce impacts related to dewatering or construction-related non-storm water discharges, the construction contractor shall determine, prior to commencement of grading activities, whether dewatering of groundwater will be necessary during project construction. Any dewatering will require compliance with the State General Permit for discharges to land with a low threat to water quality or a dewatering permit from the San Diego Regional Water Quality Control Board (RWQCB), consistent with National Pollutant Discharge Elimination System (NPDES) requirements. Once it receives and reviews the Notice of Intent (NOI), the RWQCB will decide which permit is applicable and whether sampling is required. A copy of the permit shall be kept at the Marina Improvement Project, available for City and/or RWQCB review upon request.</p>	Construction Contractor	Prior to commencement of grading activities
<p><b>4.3-5</b> To reduce impacts related to water quality during landside construction, the Construction Contractor shall prepare an Erosion and Sediment Control Plan (ESCP) for approval by the Director, OC Public Works (OC PW)/Building Permit Services to demonstrate compliance with local and State water quality regulations for construction activities. The ESCP shall be approved prior to the issuance of any construction permits and shall identify how all construction materials, wastes, or demolition debris, etc., shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion, or dispersion. The ESCP shall also describe how the applicant will ensure that all best management practices (BMPs) will be maintained during construction. A copy of the current ESCP shall be kept at the offices of OC Dana Point Harbor and be available for review on request (refer to FEIR No. 591, Standard Conditions of Approval [SCA] 4.4-7).</p>	Construction Contractor, Director, OC PW/Building Permit Services	Prior to the issuance of any construction permits
<p><b>4.3-6</b> To reduce impacts related to water quality during landside construction, the Construction Contractor shall submit for review and approval by the Director, OC Public Works (OC PW)/Inspection Services Division, an Amendment to the Dana Point Harbor Conceptual Water</p>	Construction Contractor, Director, OC PW/Building Permit Services	Prior to the issuance of any construction permits

**Table 7.A: Mitigation and Monitoring Reporting Program**

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>Quality Management Plan (WQMP) specifically identifying best management practices (BMPs) that will be used on site to control predictable pollutant runoff. Any required Amendment to the Conceptual WQMP shall be approved prior to the issuance of any construction permits. The WQMP will specifically identify BMPs that will be used on site to minimize the volume, velocity, and pollutant load of runoff, including measures to prevent, eliminate, and/or otherwise effectively address dry weather nuisance flow control predictable pollutant runoff. The WQMP shall follow the model WQMP as outlined in Exhibit 7.1 1 of the 2003 Drainage Area Master Plan, prepared by the County of Orange Flood Control District on July 1, 2003, or the most recent version available. This WQMP shall also demonstrate conformance with the policies and provisions governing Water Quality and Hydrology identified in Chapter 2 of the Dana Point Harbor Revitalization Plan, Resource Protection section, including applicable provisions from the Project Design Features and Requirements section. The WQMP shall identify, at a minimum, the routine structural and nonstructural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP may include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Discuss regional water quality and/or watershed programs (if available for the project);</li> <li>• Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas and conserving natural areas;</li> <li>• Include the applicable Routine Source Control BMPs and where necessary, Treatment Control BMPs as defined in the DAMP; and</li> <li>• Demonstrate how surface runoff and subsurface drainage shall be managed and directed to the nearest acceptable drainage facility (as applicable), via sump pumps if necessary (refer to Land Use Plan [LUP] I-6.1-6).</li> </ul>		
<b>4.4 TRANSPORTATION AND CIRCULATION</b>		
<p><b>4.4-1</b> To reduce potential boat congestion in the East and West Basins, OC Dana Point Harbor (Harbor) shall, beginning at the start of construction and in the areas of construction activity, provide education and outreach to ensure that the slow speed/no wake policy is adhered to and to ensure that speeds in the Inner Channel are maintained at 4 to 5 knots in order to maintain boat traffic flow and steerage. Additionally, no construction shall be permitted to block the main navigational channels in the Harbor and should minimize the disruption or loss of existing docks by providing temporary facilities to the greatest extent feasible (refer to Implementation Plan [IP] II-3 Special Provisions [SP] No. 3).</p>	OC Dana Point Harbor	Prior to and during construction activities

**Table 7.A: Mitigation and Monitoring Reporting Program**

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p><b>4.4-2</b> Public and boater access shall be provided to all Harbor facilities and businesses to the extent that they can be safely accessed during construction activities and reduce parking congestion/conflicts. To reduce parking, public access, and circulation conflicts during construction operations, OC Dana Point Harbor shall prepare a Construction Management Plan (CMP) that establishes access and staging locations for staging areas, temporary access routes, and parking areas that are separate from those used by the general public. The CMP shall also include the locations for shuttle drop-off areas, the relocations of public transit facilities, and provisions for valet service (in the event that construction activities do not allow for convenient parking adjacent to existing businesses).</p> <p>The CMP shall be prepared and approved prior to issuance of any construction or building permits and shall include a construction sign program to direct Harbor visitors and boaters to available parking during all phases of construction (refer to FEIR No. 591, Mitigation Measures 4.5-3 and 4.1-3a, Land Use Plan [LUP] I-4.4.1-6 A, Implementation Plan [IP] II-14.6e, and IP II-3 Special Provisions [SP] No. 3).</p>	<p>OC Dana Point Harbor</p>	<p>Prior to the issuance of any construction permits</p>
<p><b>4.4-3</b> Construction phasing for implementation of all Dana Point Harbor Revitalization Plan improvements shall minimize the disruption of vehicular and pedestrian access routes and parking availability to the maximum extent feasible. Access to the Marine Services Commercial areas shall be maintained during all construction phases. To reduce parking, public access, and circulation conflicts during construction operations, OC Dana Point Harbor shall prepare a coordinated construction truck route and parking program should the Dana Point Harbor Revitalization Plan Commercial Core construction occur at the same time as construction of the Marina Improvement Project.</p> <p>In the event of temporary closures, alternative routes and clear directional signage shall be provided. Any temporary parking loss during construction shall be replaced prior to its removal and shall be located in reasonable proximity to the uses it serves to the maximum extent feasible. Temporary replacement parking spaces, located in reasonable proximity to the uses they serve, to the maximum extent feasible shall be provided prior to the removal of any existing parking spaces due to construction, in accordance with an approved Construction and Temporary Operations Plan (refer to Implementation Plan [IP] Section II-14.6e).</p> <p>The coordinated program shall be approved by the Director, OC Public Works/Building Permit Services, prior to the issuance of any construction permits, and shall identify construction haul routes, the hours of construction traffic, traffic controls and detours, and off-site vehicle staging areas and address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes.</p>	<p>OC Dana Point Harbor</p>	<p>Prior to the issuance of any construction permits</p>

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<b>4.5 AIR QUALITY</b>		
None Required		
<b>4.6 NOISE</b>		
<p><b>4.6-1</b> To reduce project construction noise impacts, OC Dana Point Harbor shall verify that construction hour limitations are noted on building and/or grading plans prior to issuance of any construction or building permits. Construction shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday. In accordance with the County of Orange and City of Dana Point Noise Ordinances, no construction activities shall be conducted outside of these hours or on Sundays and federal holidays.</p> <p>The following measures shall also be noted on building and/or grading plans and implemented to reduce potential construction noise impacts on nearby sensitive receptors:</p> <ol style="list-style-type: none"> <li>1. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from the sensitive receptors nearest the construction areas.</li> <li>2. The construction contractor shall locate equipment staging in areas farthest from noise-sensitive receptors nearest the project site during all project construction (refer to FEIR No. 591, Standard Conditions of Approval [SCA] 4.9-1 and 4.9-3).</li> </ol>	OC Dana Point Harbor	Prior to issuance of any construction permits
<p><b>4.6-2</b> To reduce construction noise impacts throughout the phased construction activities of the proposed project, OC Dana Point Harbor shall coordinate with those residents living on boats within the Marina to relocate them to be moved as far as feasible from the construction activities to minimize construction-related noise nuisance impacts. In addition, OC Dana Point Harbor staff shall provide Marina boat residents with information regarding the availability of other nearby Marina facilities. Information regarding the timing and location of the construction activities shall also be made available on the Harbor website, by postings throughout the Marina, and other means as appropriate.</p>	OC Dana Point Harbor	During construction activities
<b>4.7 BIOLOGY</b>		
<p><b>4.7-1</b> Prior to issuance of any construction permits, the Director, OC Dana Point Harbor, shall review and approve a Marina Construction Management Plan and confirm that the following construction best management practices (BMPs) are included to minimize turbidity plumes and possible contaminants released into the water column during construction activity:</p> <ul style="list-style-type: none"> <li>• No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to tidal erosion and dispersion. Construction materials shall not be stored in contact with the soil.</li> </ul>	Director, OC Dana Point Harbor	Prior to issuance of any construction permits

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Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<ul style="list-style-type: none"> <li>• Hazardous waste and oil spill contingency plans and spill response equipment shall be kept on site or near the Harbor during Marina construction. The Construction Contractor shall have adequate equipment available to contain such spills immediately.</li> <li>• Any construction debris shall be removed from the site. All trash shall be disposed of in the proper trash receptacles at the end of each construction day.</li> <li>• Floating booms shall be used to contain debris discharged, and any debris discharged, including construction debris from the sea floor, shall be removed no later than the end of each day. A postconstruction bottom survey shall be conducted to ensure that all material has been successfully removed from construction areas.</li> <li>• Where feasible, silt curtains shall be deployed around work barges and the pile removal and placement operations in order to minimize the spread of turbid waters outside the project area.</li> <li>• Barges and work vessels shall be operated in a manner to ensure that sensitive resources within the Harbor are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.</li> </ul>		
<p><b>4.7-2</b> To reduce impacts related to potential disturbance to the shallow water marine substrate, OC Dana Point Harbor shall confirm that preconstruction and postconstruction eelgrass and <i>Caulerpa</i> monitoring surveys are conducted in accordance with the most currently approved National Marine Fisheries Service (NMFS) Control Protocol and the Southern California Eelgrass Mitigation Policy (SCEMP) as adopted by the NMFS, in consultation with the California Department of Fish and Game. The survey shall be conducted during the active growth period (typically March through October) when possible. The preconstruction survey reports shall be completed within 30 days prior to construction activities, and the postconstruction survey reports shall be completed within 30 days of completion of each phase of the project and shall be submitted to the California Coastal Commission and the United States Army Corps of Engineers. The survey shall provide recommendations to avoid areas of eelgrass if determined to be present and/or provide recommendations for appropriate mitigation.</p> <p>In the event that <i>Caulerpa</i> is detected, disturbance shall not be conducted until such time as the infestation has been isolated, treated, or the risk of spread from the proposed disturbing activity is eliminated in accordance with the NMFS <i>Caulerpa</i> Control Protocol (NMFS 2007).</p> <p>An eelgrass mitigation plan shall be developed based upon the results of preconstruction and postconstruction surveys. The plan shall require that direct losses, if any, to eelgrass vegetation shall be mitigated at a ratio of 1.2:1 (mitigation to impact), and potential eelgrass habitat shall be</p>	OC Dana Point Harbor	Prior to the start of any construction activities



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mitigated at a ratio of 1:1 according to requirements of the SCEMP. As detailed in the SCEMP, the actual amount of eelgrass to be mitigated shall depend on preconstruction and postconstruction surveys (refer to IP II-3 SP24).		
<p><b>4.7-3</b> To reduce potential impacts related to the presence of eelgrass, OC Dana Point Harbor shall hire a qualified marine biologist who shall implement the following measures during construction activities near Baby Beach and the OC Sailing and Events Center:</p> <ul style="list-style-type: none"> <li>• A qualified marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone. Impacts to eelgrass beds shall be avoided where practical and feasible. To assist the construction crew in avoiding unnecessary damage to eelgrass, the project marine biologist shall meet with construction crews prior to construction to review areas of eelgrass to avoid and to review proper construction techniques.</li> <li>• Barges and work vessels shall be operated in a manner to ensure that eelgrass beds are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels</li> </ul>	OC Dana Point Harbor	Prior to the start of any construction activities
<p><b>4.7-4</b> To reduce potential construction impacts to sensitive habitats and endangered species, OC Dana Point Harbor shall hire a qualified marine biologist who shall conduct a pre-construction marine biological survey to identify sensitive marine biological resources (i.e., eelgrass, reefs and kelp beds, and seabirds). This survey shall be used to prepare a Marine Biological Impact Reduction Plan (MBIRP) to map sensitive biological resources and minimize construction impacts to marine resources. The marine biologist shall also meet with the construction crews prior to the issuance of any construction permits or any construction activities to review sensitive areas to avoid and to review proper construction techniques. The Marine Biologist shall:</p> <ul style="list-style-type: none"> <li>• Brief construction and work vessel crews on the potential for sea turtles to be present and provide crews with the identification characteristics of sea turtles since they may occasionally be mistaken for seals or sea lions.</li> <li>• Prepare an incident report of any green sea turtle activity in the project area and inform the construction manager to have the crew aware of the potential for additional sightings. The report shall be provided within 24 hours to the California Department of Fish and Game and the National Marine Fisheries Service.</li> <li>• A biological monitor shall be present on site during the start-up of each construction phase and periodically throughout construction activities to monitor the presence of endangered species (seabirds, marine mammals, and sea turtles). In the event that an endangered species</li> </ul>	OC Dana Point Harbor	Prior to issuance of any construction permits

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Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>is sighted within 100 meters (m) of the construction zone, all construction activity shall be temporarily stopped until the animal is safely outside the outer perimeter of construction. The on-site biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.</p> <ul style="list-style-type: none"> <li>• In the event a marine mammal is injured or killed as a consequence of a vessel collision, the vessel operator and OC Dana Point Harbor shall immediately notify the National Marine Fisheries Service (Southwest Division) and shall submit a written follow-up report within 24 hours of the incident.</li> <li>• Monitor the construction process on a regular basis to ensure that all water quality Best Management Practices (BMPs) are implemented and to assist the project engineer in avoiding and minimizing environmental effects to Harbor marine biological resources.</li> </ul>		
<p><b>4.7-5</b> Prior to issuance of any demolition or construction permits, OC Dana Point Harbor shall ensure that the following provisions are incorporated into the final project plans for the purpose of protecting migratory and sensitive nesting birds (blue herons, snowy egrets, the black crowned night heron, owls and raptors) within the study area during construction:</p> <ul style="list-style-type: none"> <li>• If construction activities are performed during the breeding and nesting season (January through September), a preconstruction survey within 500 feet (ft) of the site for nests shall be performed by a qualified biologist at least 15 days prior to construction to document the presence/absence of all these species;</li> <li>• If an active nest of any bird species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern or a wading bird (herons or egrets), as well as owls or raptors, is found, construction activities within 300 ft (500 ft from any identified raptor nest) shall not exceed noise levels of 65-decibel (dB) peak until the nest is vacated and juveniles have fledged and there is no longer evidence of a second attempt at nesting.</li> <li>• The qualified biologist shall monitor active nest sites on a weekly basis. If the biologist notes that all young have fledged from the nest, then the noise restriction near the nest is no longer required.</li> </ul>	OC Dana Point Harbor	Prior to issuance of any demolition or construction permits
<p><b>4.7-6</b> To ensure that potential pile-driving noise impacts to marine mammals remain less than significant, OC Dana Point Harbor shall ensure that the following provisions are incorporated into the final project plans for the proposed project:</p> <ul style="list-style-type: none"> <li>• The contractor shall use sound abatement techniques to reduce noise and vibrations from pile-driving activities. Recommended sound abatement techniques shall include, but are not</li> </ul>	OC Dana Point Harbor	Prior to issuance of any construction or demolition permits

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Mitigation Measures	Responsible Party	Timing for Mitigation Measure
<p>limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons if feasible for the project.</p> <ul style="list-style-type: none"> <li>At the initiation of each pile-driving event and after breaks of more than 15 minutes, the pile driving shall employ a “soft-start” in which the hammer is operated at less than full capacity (i.e., approximately 40–60 percent energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. The operation of the hammer at 40–60 percent energy level during the soft start of pile driving is expected to result in similar levels of noise reduction (40–60 percent) underwater.</li> </ul>		
<p><b>4.7-7</b> To reduce potential long-term water quality-related impacts to marine life, OC Dana Point Harbor shall, prior to occupancy of any new dock or slip facilities, provide boater education material to tenants as part of lease materials, and to reduce the potential for water quality and degradation of Dana Point Harbor marine resources by boaters. In addition, OC Dana Point Harbor shall provide the following to boaters:</p> <ul style="list-style-type: none"> <li>A copy of all applicable regulations regarding vessel discharges of wastes, antifouling paint use, and refuse management (including handling of hazardous wastes);</li> <li>Information regarding procedures for notifying appropriate authorities regarding spills of hazardous materials, containment measures, and applicable penalties for violations;</li> <li>A regular cleaning schedule of the Marina dock facilities and vacuum sweeping of the parking lots;</li> <li>Adequate signage to identify the location off pump-out stations and hours of operation;</li> <li>A regular inspection and maintenance schedule for the pump-out facility;</li> <li>Educational information about the pump out station to tenant boaters;</li> <li>A list of existing local, State, and federal regulations that will be enforced pertaining to marine sanitation devices and the illegal discharge of boat sewage; and;</li> <li>A list of other local pump-out locations shall be made available to boaters.</li> </ul>	OC Dana Point Harbor	Prior to occupancy of any new dock or slip facilities
<b>4.8 AESTHETICS</b>		
<p><b>4.8-1</b> To reduce the visual impact associated with construction equipment and materials, OC Dana Point Harbor shall prepare a Construction Management Plan that establishes access and staging locations for construction equipment, separate from those used by the general public. The contractor’s construction equipment and supply staging areas shall be established away from existing Marina operations. The Plan shall specify the following:</p>	OC Dana Point Harbor	Prior to issuance of any demolition or construction permits

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a. During construction and grading, the Contractor shall keep the site clear of all trash, weeds, and debris. b. The grading contractor shall not create large stockpiles of debris or soils, but shall seek to place smaller piles adjacent to each other to minimize visual impacts.		
<b>4.8-2</b> To reduce the visual impact associated with construction equipment and materials, the Director, OC Public Works (OC PW)/Subdivision and Grading, or designee, shall require OC Dana Point Harbor to provide screened construction fencing around the construction staging area to temporarily screen views of construction equipment and materials. The construction screening shall be in place prior to issuance of any construction permit for development within the Marinas (refer to Land Use Plan [LUP] I-8.1.1-30 and FEIR No. 591, Mitigation Measure 4.2-2).	Director, OC Public Works–Subdivision and Grading	Prior to issuance of a construction permit
<b>4.8-3</b> To reduce impacts associated with lighting, an Exterior Lighting Plan (including outdoor recreation areas) for all proposed improvements shall be prepared prior to the issuance of a building permit. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are directed downwards, confined to the property, away from other areas and, where feasible, to minimize impacts to sensitive biological resource areas. The Lighting Plan shall be subject to review and approval by the Director, OC Dana Point Harbor (refer to FEIR No. 591, Mitigation Measure 4.2-4).	Director, OC Dana Point Harbor	Prior to the issuance of a building permit
<b>4.9 RECREATION</b>		
None Required		
<b>4.10 HAZARDS AND HAZARDOUS MATERIALS</b>		
<b>4.10-1</b> During all excavation and construction activities for the Americans with Disabilities (ADA) gangway platforms and utilities, OC Dana Point Harbor shall require that all construction subcontractors address site safety requirements by complying with the appropriate health and safety measures required by the Occupational Safety and Health Administration (OSHA). Applicable specifications prepared by OSHA related to earth resources consist of Section 29 Code of Federal Regulations (CFR) Part 1926, which are focused on worker safety in excavations. In the event that suspicious odors are observed in soil, construction shall be terminated until the soil is properly characterized for hazardous waste content. Appropriate measures shall be taken in compliance with all applicable regulations for the characterization and disposal of hazardous materials (refer to FEIR No. 591, Mitigation Measure 4.3-4).	OC Dana Point Harbor	During all excavation and construction activities for the ADA gangway platforms

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<b>4.11 GREENHOUSE GASES</b>		
<p><b>4.11-1</b> OC Dana Point Harbor shall review and specifically approve contract provisions requiring that the following measures be incorporated into the design and construction of the project:</p> <p><b>Energy Efficiency Measures.</b></p> <ul style="list-style-type: none"> <li>• Install energy-efficient lighting and lighting control systems</li> <li>• Install solar or other energy-efficient outdoor lighting, such as light-emitting diodes (LEDs)</li> <li>• Landscape with native or drought-tolerant species to reduce water consumption and provide passive solar benefits, where feasible.</li> </ul> <p><b>Solid Waste Measures.</b></p> <ul style="list-style-type: none"> <li>• Reuse and recycle construction waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to the extent feasible; and</li> <li>• Provide storage areas for recyclables and green waste and adequate recycling containers located in public areas (refer to FEIR No. 591, Project Design Feature [PDF] 4.6-1).</li> </ul>	OC Dana Point Harbor	Prior to the issuance of any construction permits