



2.0 INTRODUCTION AND PURPOSE

2.1 PURPOSE OF THE EIR

The County of Orange (County) is the Lead Agency under the California Environmental Quality Act (CEQA), and is responsible for preparing the Program EIR for the Dana Point Harbor Revitalization Project (the “Revitalization Plan”) (State Clearinghouse Number 2003101142). The purpose of this Program Environmental Impact Report (EIR) is to review the existing conditions, analyze potential environmental impacts of the proposed Project, and suggest feasible mitigation measures and/or alternatives to reduce potentially significant effects of the proposed Dana Point Harbor Revitalization Project. For the purposes of this EIR, “Project” refers to all aspects and phases of the proposed Project, including subsequent discretionary actions by the County and other agencies, construction, and operations. As discussed in Section 2.2 (CEQA Compliance), this EIR is intended to be used by all public agency decision-makers and the general public in evaluating the Project’s potential environmental impacts. It is the intent of this Program EIR to minimize to the extent possible the need for future environmental analysis for the Project by evaluating the entire Harbor programmatically, and by providing a Project-level EIR analysis where possible, consistent with CEQA (refer to Section 2.2 below). As discussed under Section 2.2 and 3.0, project elements evaluated at a program level (Planning Areas 3-12 and the southern portion of Planning Area 1) are anticipated to require further environmental review as future projects are defined. For more detailed information regarding the location and nature of the proposed Project, refer to Section 3.0 (Project Description).

The County as Lead Agency, landowner, and project proponent, has the principal responsibility for approving and implementing the Dana Point Harbor Revitalization Project. The County was designated over 30 years ago by the Tidelands Act as the trustee of the Harbor for the people of the State of California. The County is therefore acting as the Lead Agency in the preparation of the Environmental Impact Report for the Dana Point Revitalization Project to address the future use and operation of the Harbor and its facilities. The County, as Lead Agency, will use this EIR for Project approval deliberations, and for subsequent discretionary and ministerial approvals, such as grading and building permits. The City of Dana Point and other Responsible Agencies will use this EIR for discretionary permits or approvals under their respective jurisdictions (for the City, this is for the forthcoming Local Coastal Plan Amendment and future Coastal Development Permits in landside areas of the Harbor). The California Coastal Commission is responsible for issuing CDPs for all waterside areas. Similarly, Trustee Agencies, such as the State Lands Commission, and California Department of Fish and Game, will use this EIR for Project-related permits and approvals. These are discussed in more detail in Section 3.6, [Agreements, permits, and Approvals Required]).

2.2 CEQA COMPLIANCE

This Program EIR has been prepared in conformance with CEQA (California Public Resources Code Section 21000 [PRC] [18] et seq.); *California CEQA Guidelines* (California Code of Regulations, [CCR] Title 14, §15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA; as adopted by the County.



The principal *CEQA Guidelines* sections governing content of this document are §§15120 through 15132 (Content of an EIR), §15168 (Program EIR), and §15161 (Project EIR).

In accordance with §15121 of CEQA as noted above, the primary purpose of this EIR is to provide decision-makers and the public with specific information regarding the environmental effects associated with the Project (primarily consisting of the replacement of existing facilities and operational enhancements, as discussed further in Section 3.0); identify ways to minimize the significant effects; and describe and analyze reasonable alternatives to the Project. Mitigation measures are provided that may be adopted as Conditions of Approval to reduce the significance of impacts resulting from the Project. It should be noted that the County and project team members have, through a series of extensive public outreach meetings, design studies and Project refinements, incorporated Project Design Features (PDFs) into the project in order to avoid, reduce, or off-set potential impacts of the Project and/or to specifically respond to anticipated local, State, and Federal agency permit approval requirements, particularly with respect to Coastal Act policies. These PDFs are reflected in project approval documents, and are specifically noted in the respective EIR impact sections (refer to Chapter 4.0). In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation-monitoring program for the Project.

This document analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by §15146 of the *CEQA Guidelines*. As discussed further below, the EIR provides both a Program-level evaluation for “Harborwide” elements, and Project-level analysis for Planning Area 2 and a portion of Planning Area 1. This analysis considers the actions associated with the entire Project, to determine the short-term (construction) and long-term (operational) effects of their implementation. This EIR discusses both the direct and indirect impacts of the Project, as well as the cumulative impacts of other past, present, and reasonably foreseeable future projects. CEQA requires the preparation of an objective, full-disclosure document to inform agency decision-makers and the general public of the direct and indirect environmental effects of the proposed action; provide mitigation measures to reduce or eliminate significant adverse effects; and identify and evaluate reasonable alternatives to the proposed Project.

2.2.1 PROGRAM ENVIRONMENTAL IMPACT REPORT

This EIR has been prepared as a Program EIR for Planning Areas 1 through 12 of the Revitalization Project in accordance with §15168 of CEQA. Refer to Section 3.0 (Project Description) for a detailed discussion of the Project components. Section 15168 states the following:

- “(a) General. A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - (1) Geographically;
 - (2) As logical parts in the chain of contemplated actions;



- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
- (b) Advantages. Use of a Program EIR can provide the following advantages. The Program EIR can:
 - (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
 - (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
 - (3) Avoid duplicative reconsideration of basic policy considerations;
 - (4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
 - (5) Allow reduction in paperwork.
- (c) Use with later activities. This Program EIR is intended to serve as the basis for future tiered environmental analyses for Planning Areas 3 through 12, and the southern portion of Planning Area 1. The future analyses will be developed as more project-specific information is defined and more detailed architectural and engineering plans are prepared. Additionally, this Program EIR provides an adequate baseline level of analysis to serve as a basis for future land use decisions requiring Coastal Development Permit approvals. Subsequent activities in the Program must be examined in light of this Program EIR to determine whether additional environmental documents must be prepared, as discussed further below:
 - (1) If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared, leading to either a Negative Declaration or EIR.
 - (2) If the agency finds that, pursuant to §15162, no new effects could occur or no new mitigation measures would be required, it can approve the activity as being within the scope of the Project covered by the Program EIR, and no new environmental document would be required.
 - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the Program EIR into subsequent actions in the program.



- (4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operations were covered in the Program EIR.
- (5) A Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good, detailed analysis of the program, many subsequent activities could be found to be within the scope of the Project described in the Program EIR, and no further environmental documents would be required.
- (6) The Program EIR can be used as a basis for future “tiered” environmental analysis, as Project information becomes more defined and/or more detailed architectural and engineering plans are prepared.

The discussion following CEQA §15168 describes the proper process for Program EIRs as follows:

Use of the Program EIR also enables the Lead Agency to characterize the overall program as the project being approved at that time. Following this approach when individual activities within the program are proposed, the agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed in the Program EIR, the agency could assert that the activities are merely part of the program which had been approved earlier, and no further CEQA compliance would be required. This approach offers many possibilities for agencies to reduce their costs of CEQA compliance and still achieve high levels of environmental protection.

2.2.2 PROJECT ENVIRONMENTAL IMPACT REPORT

In addition to being prepared as a Program EIR for the overall Revitalization Project, this EIR serves as a project-level analysis for Planning Areas 1 (except for the southern portion) and 2 in accordance with §15161 of CEQA. The intent of the Project-level) evaluation is to provide a construction-level analysis such that no further CEQA review is necessary for these Project-level improvements. Please refer to Section 3.0 (Project Description) for a detailed discussion on the Project components involved with Planning Areas 1 and 2. Per §15161, a Project EIR should focus primarily on the changes in the environment that would result from the project. Additionally, the EIR should examine all phases of the project, including planning, construction, and operation.

2.3 SCOPE AND ORGANIZATION OF THE EIR

This EIR focuses on potentially significant changes in the environment that could result from implementation of the Project. The program EIR addresses a comprehensive range of environmental issue areas, based on the NOP responses,



research, field investigations, Project technical studies, and agency consultation conducted throughout the EIR process. The Program EIR is organized as follows:

- Section 1.0, *Executive Summary*, provides a brief project description, summary of the environmental impacts, and alternatives.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.
- Section 3.0, *Project Description*, provides a detailed project description and a description of the associated discretionary actions that are required.
- Section 4.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, potential impacts, cumulative analysis, recommended mitigation measures, and unavoidable significant impacts. Specific impact analyses are provided for :
 - Land Use and Relevant Planning;
 - Aesthetics, Visual, and Glare;
 - Geology, Soils, and Seismicity;
 - Drainage and Water Quality;
 - Traffic and Parking;
 - Air Quality;
 - Biological Resources;
 - Public Health and Safety;
 - Noise;
 - Public Services and Utilities;
 - Cultural and Historical Resources; and
 - Recreation.
- Section 5.0, *Long-Term Implications of the Proposed Project*, discusses the potential significant environmental changes that would be involved in the proposed action, should it be implemented (including growth-inducing impacts).
- Section 6.0, *Alternatives to the Proposed Project*, describes alternatives to the project, some of which may be considered during project deliberations.
- Section 7.0, *Effects Not Found To Be Significant*, explains potential impacts that have been determined not to be significant in the NOP and EIR process, and are therefore not evaluated further in the EIR.
- Section 8.0, *Organizations and Persons Consulted*, identifies the Lead Agency; preparers of the EIR; and all Federal, State and local



agencies, and other organizations and individuals consulted during the preparation of the EIR.

- Section 9.0, *Bibliography*, identifies reference sources utilized for the EIR.
- Section 10.0, *Appendices*, provides relevant portions of project-specific technical studies, reports, and correspondence.

2.4 ENVIRONMENTAL REVIEW PROCESS

Pursuant to State and local *CEQA Guidelines*, the County, as Lead Agency, initiated the Project environmental review process and distributed an NOP on October 29, 2003, for a 30-day public review period; refer to Appendix A (Notice of Preparation). The County determined that the Project may result in significant adverse effects and therefore requires an EIR. This Program EIR addresses pertinent NOP comments received during the 30-day NOP review period, and other data and information collected throughout the EIR process. As part of the review process, the Program EIR is subject to a public review period of not less than 45 days by the State Clearinghouse, Responsible and Trustee agencies, and the public. Following the review period, written responses to comments will be prepared, a copy of which is required to be provided to any public agency commenting on the Program EIR, at least 10 days prior to EIR certification. The Final Program EIR will consist of the Draft EIR, any revisions to the Draft, responses to comments made by any party, resolutions and staff reports prepared for the EIR.

As stated in §15121 of the *CEQA Guidelines*, an EIR is an informational document that informs public agency decision-makers and the public of potentially significant environmental effects of a project, identifies possible ways to minimize the significant effects, and describes a reasonable range of alternatives to the Project. The County of Orange will consider the information in the Draft EIR, along with other information that may be presented during the review of the proposed Project, as part of public approval deliberations to be conducted in one or more public hearings.

2.5 DOCUMENTS INCORPORATED BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with § 15148 of the *CEQA Guidelines*, which encourages “incorporation by reference” as a means of reducing redundancy and length of environmental reports. The following documents, which are available for public review at the County, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized in various sections of this EIR. A brief synopsis of the scope and content of these documents is provided below.

2.5.1 COUNTY OF ORANGE GENERAL PLAN

The *County of Orange General Plan (County General Plan)* was updated in July 2003. The *General Plan* identifies policies and provides guidance for land use within the County.



2.5.2 PROJECT DESIGN DOCUMENTS

In addition to the above-referenced policy documents, this EIR is based upon the following Project design documents and technical studies:

- AC Martin Partners, *Schematic Design Package*, May 2004;
- Wallace Roberts & Todd, Inc., *Dana Point Harbor Commercial Core Concept Plan*, March 12, 2003;
- Wallace Roberts & Todd, Inc., Rick Engineering Company, Katz, Okitsu & Associates, Graphic Solutions, Noble Consulting, and Jeff Oviedo and Associates, *Dana Point Harbor Master Plan Draft Report*, December 6, 2002; and
- Wallace Roberts & Todd, Inc., Dana Point Harbor Revitalization Master Plan (Master Plan) Physical Conditions Assessment Report (Draft), June 28, 2002.

Also see Section 4.0 (Impact Analysis and Mitigation) for a list of technical studies conducted in the course of preparing this EIR. Project related technical studies are included in Section 10 (appendices). The Draft EIR, technical appendices, and project design documents are all available for public review at the County of Orange Dana Point Harbor Department (refer to the Notice of Availability for viewing locations and contact information).