

Staff Report 61

APPLICANT:

City of San Buenaventura

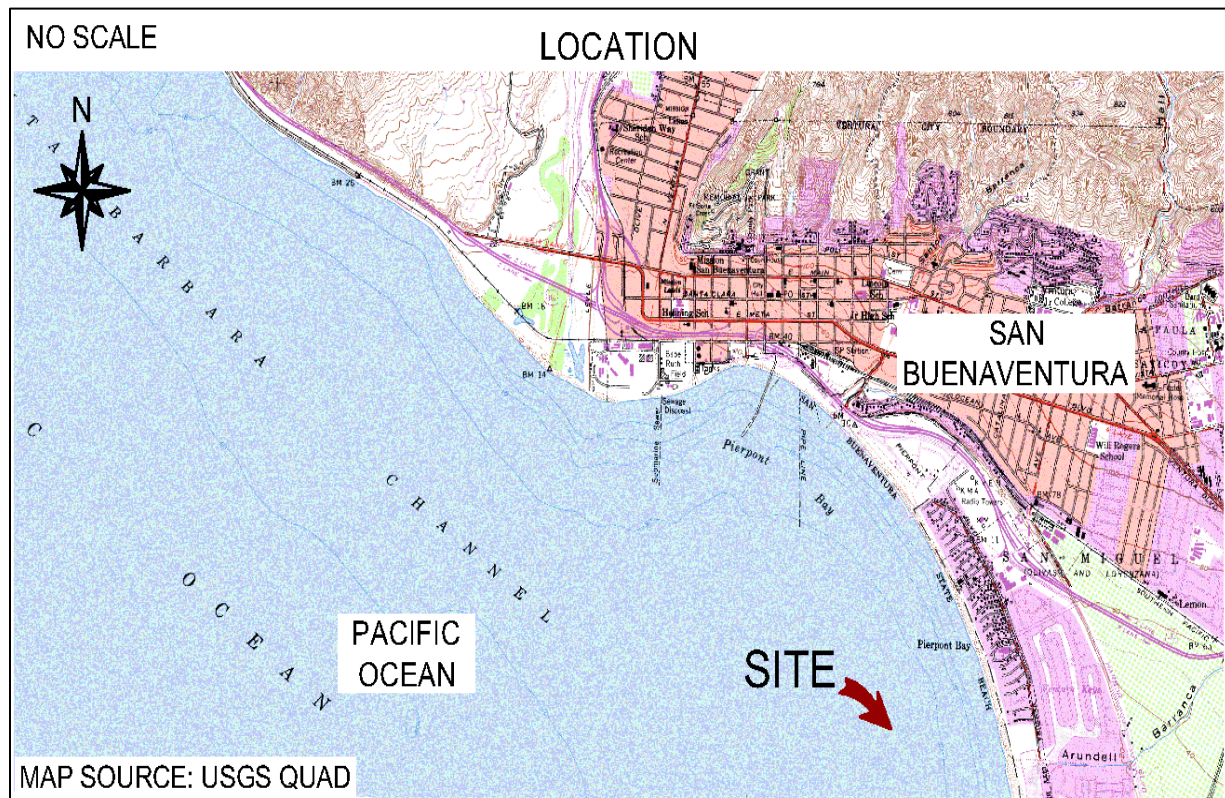
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to Marina Park, San Buenaventura, Ventura County (as shown in Figure 1).

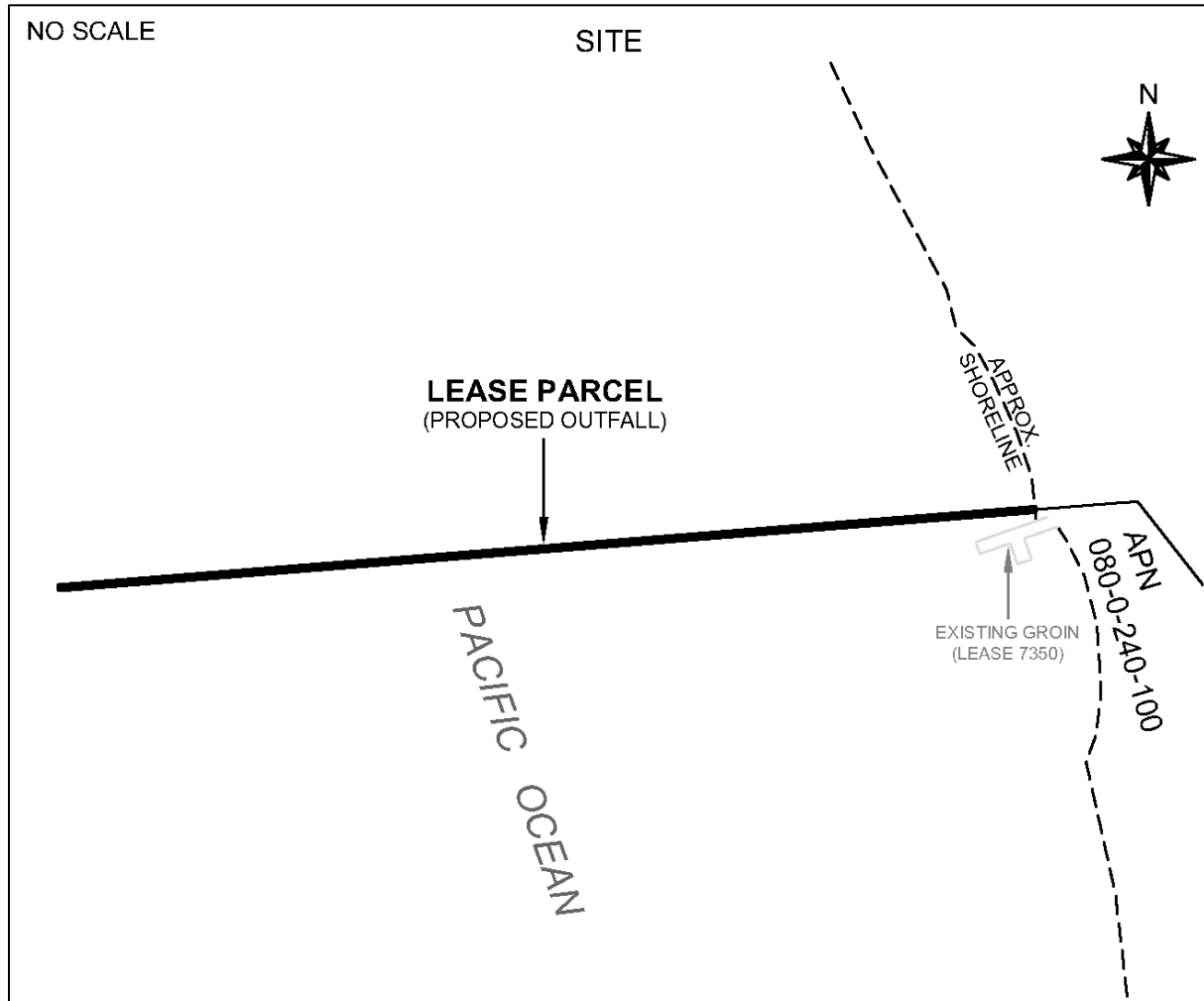
Figure 1. Location



AUTHORIZED USE:

Construction and use of one 20-inch-diameter outfall pipeline and diffuser, with protective rock cover, and concrete ballast weights (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

35 years, beginning June 5, 2023.

CONSIDERATION:

The public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee will fully carry out, implement, and comply with all mitigation measures and reporting obligations as set forth in the Mitigation Monitoring Program.
- Lessee acknowledges that the land described in Exhibit A of the Lease is subject to the Public Trust and is presently available to members of the public for recreation, waterborne commerce, navigation, fisheries, open space, or other recognized Public Trust uses and that Lessee's authorized activities and use of the Lease Premises shall not interfere with or limit the Public Trust rights of the public.
- All construction activities shall be carried out in accordance with all applicable safety regulations, permits, and conditions of other involved agencies.
- Within sixty (60) days of project completion, Lessee shall provide post-construction project verification including: a set of "as-built" construction plans, certified by a California registered Civil/Structural Engineer, certified copies of all completed pipeline hydrotest results, and a post-construction written narrative report confirming completion of the project.
- Within five (5) years of project completion, and at least once every five (5) years thereafter, Lessee shall conduct a condition assessment, certified by a California-registered Civil/Structural Engineer, of the proposed 20-inch-diameter pipeline and riprap within the Lease Premises to confirm their fitness for purpose and continued use. Additionally, Lessee shall conduct such inspection when warranted by extraordinary circumstances such as an accident or, a significant storm event or seismic event. At no cost to Lessor, Lessee shall promptly submit to Lessor copies of the results of the external inspections including reports, analyses, and recommendations.
- The parties acknowledge and agree that this Lease does not allow the use of the lease facilities for discharges from, or any other function related to, ocean desalination. Should the Lessee later pursue ocean desalination as part of a later phase of the project, the Lessee is required to apply to the Commission for authorization for any use of the proposed outfall for ocean desalination discharge, or for any other function occurring on State land related to ocean desalination.

BACKGROUND:

The City of San Buenaventura's (City) water and wastewater department, Ventura Water, provides services to approximately 113,500 residents and businesses within city limits as well as some areas in unincorporated Ventura County. Currently, the City's existing Ventura Water Reclamation Facility (VWRF) releases tertiary treated water to the Santa Clara River Estuary (Estuary). Tertiary treated water is the final stage of the multi-stage wastewater cleaning process. This third stage of treatment removes inorganic compounds, bacteria, viruses, and parasites. Removing these harmful substances makes the treated water safe to reuse, recycle, or release into the environment.

Prior to the VWRF's National Pollutant Discharge Elimination System (NPDES) Permit renewal in 2008, questions arose regarding whether discharge practices should be modified to better protect habitat and water quality of the portion of the Estuary directly affected by the VWRF. To address these issues, the Los Angeles Regional Water Quality Control Board (Regional Board), required the City to complete a series of special studies as a condition of the City's 2008 NPDES permit. Among those studies were a [2011 Estuary Sub-Watershed Study](#), a [2010 Treatment Wetlands Feasibility Study](#), and a [2010 Recycled Water Market Study](#). These initial studies were followed up in 2014 by a response prepared by the City titled [Amended Estuary Special Studies Phase 2: Facilities Planning Study for Expanding Recycled Water Delivery](#).

On March 30, 2012, the City, the Wishtoyo Foundation/Ventura Coastkeeper, and Heal the Bay, Inc. entered into the Tertiary Treated Flows Consent Decree and Stipulated Dismissal (Consent Decree). The overall purpose of the Consent Decree is to reduce the treated water releases from the existing VWRF into the Estuary, and instead direct them to the City's new Advanced Water Purification Facility (AWPF) to augment local water supply to the maximum extent feasible. This proposed action is driven by the City's goal to pursue environmentally protective, sustainable, and integrated water-supply and wastewater-discharge practices.

In June 2016, the City Council adopted the [City's 2015 Urban Water Management Plan](#), which identified water supplies needed to meet existing and future water demands. Subsequently, the City's updated [2018 Comprehensive Water Resources Report](#) confirmed that the City needs to implement a variety of capital projects to increase water supplies available for potable use and to improve water quality and reliability of supply in order to avoid potential shortages in future dry years. Thus, the City is striving to both protect the ecology of the Estuary pursuant to the Consent Decree and meet water supply planning needs.

The Ventura Water Supply Projects would achieve the goals of protecting the Estuary while augmenting local potable water supplies; this would be implemented in two phases. The first phase would implement the [Ventura WaterPure Project \(Project\)](#), a recycled water project that would divert the tertiary treated discharge from the VWRP and Estuary to the AWP. The diverted water would be purified and used for potable reuse, which requires storage and treatment facilities, pipelines, wells, an ocean outfall, and improvements to the VWRP. The possibility of a second phase development is contingent on how successful the first phase is at meeting future water demand. The second phase would include possible expansion of the AWP or, if AWP expansion is not permitted or would not provide enough water, construction of an ocean water desalination facility is a possible alternative. Only if needed, the second phase development (as currently conceived) could provide an increased water supply between 2030 and 2035 to address planned future growth but would require additional permitting and approvals.

At this time the City is seeking authorization *only* for the Project's first phase which includes an ocean outfall, the subject of this Commission action. The second phase, if needed, would not be considered until such time as the City completed additional project-level California Environmental Quality Act (CEQA). If the additional CEQA review for phase 2 was completed it would be subject to a separate future Commission review and action, and a separate review and action by the [Coastal Commission](#).

In November 2017, the City, pursuant to CEQA, issued a Notice of Preparation (NOP) for the proposed Ventura Water Supply Projects Environmental Impact Report (EIR). Following the NOP, City staff held scoping meetings and received numerous written comments from the public. In March 2019, the [Draft EIR](#) was circulated for public review and comments. In September 2019, the City released the [Final EIR](#) and subsequently certified it on October 14, 2019. On September 26, 2022, the City approved an [EIR Addendum](#) addressing changes to the Project design that will not result in any new, significant environmental impacts. These changes include: (1) updates to the design of the conveyance system connecting the AWP to the outfall pipeline and of the outfall pipeline itself to avoid temporary construction impacts and accommodate higher discharge flows; (2) greater detail regarding the outfall pipeline assembly process; (3) an upgrade to VWRP treatment facilities following an evaluation of VWRP treatment upgrades; and (4) analyzing the above changes in light of new and/or revised CEQA thresholds for environmental impacts.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant has applied for a General Lease – Public Agency Use for the construction and use of a 20-inch-diameter outfall pipeline and diffuser with a protective rock revetment cover.

The City currently operates the VWRP, which releases treated water to the Estuary. Under the proposed Project, water will instead be directed to the new AWP for treatment and conveyance to new groundwater injection wells. The proposed Project will be implemented in a two-part schedule. Phase 1A is scheduled to begin by 2025 and will reroute an annual average of approximately 2.6 million gallons per day (mgd) to the new AWP, a 60 percent reduction in discharge to the Estuary. This rerouting will leave a new, reduced annual average discharge level of 1.9 mgd to the Estuary. Phase 1B will reroute an annual average of approximately 4.2-4.7 mgd to the AWP, resulting in a new annual average of 0-0.5 mgd to the Estuary.

Operation and treatment of the proposed AWP will involve ozone/biologically active carbon filters, ultrafiltration, reverse osmosis, ultraviolet, and advanced oxidation for indirect potable reuse. The facility will have a 6 mgd design capacity, producing 4.7 mgd of purified water for aquifer injection and 1.2 – 1.7 mgd of concentrate for discharge to the Pacific Ocean through the proposed outfall. The AWP, along with conveyance pipelines, pumping systems, groundwater injection wells, and upgrades to the existing VWRP that will be constructed outside the Commission's jurisdiction, will occur in developed or vacant upland areas, such as the existing treatment plant site and street right-of-way areas.

Though the Project contains many components, the ocean outfall pipeline is the only portion of the Project located within Commission leasing jurisdiction and subject to the proposed lease. The proposed outfall pipeline will have three primary components: a Horizontal Directionally Drilled Segment (HDD Segment), the Seafloor Segment, and the Diffuser Segment. The proposed outfall is designed to convey up to 14.8 mgd to the Pacific Ocean.

The proposed outfall pipeline, made of high-density polyethylene (HDPE), will be constructed north of Ventura Harbour. The first segment, the HDD Segment, will have an entry point beginning in Marina Park, and then run in a boring below the

seafloor to an exit point on the seafloor approximately 4,500 feet offshore from the entry point. The Seafloor Segment will then connect to the HDD Segment at the exit point and extend 2,083 feet along the seafloor with reinforced concrete ballast weights. The Seafloor Segment will then connect to a 208-foot-long Diffuser Segment, which is the third and final segment of the proposed outfall pipeline.

The HDD Segment will begin in an open area of Marina Park, outside of the Commission's jurisdiction, where it will require no permanent aboveground components, except for two 23-foot by 8.5-foot vault cover doors. These vault doors will provide access to the pipelines for periodic cleaning. The HDD Segment will proceed west for 4,500 feet, reaching approximately 80-100 feet below the seafloor, and have an exit point in approximately 48 feet of water. The HDD segment, composed of the 20-inch-diameter HDPE outfall pipeline, will be assembled in 600-foot segments, pulled into the Ventura Harbor by a tugboat, and then connected to the pipe string and drill pipe to be pulled back by the HDD rig located in Marina Park. However, the construction of the HDD Segment will temporarily impact a 1.83-acre area of the seafloor due to the trench excavation at the exit point.

Connected to the HDD Segment is the Seafloor Segment. This Segment will also be constructed with 20-inch-diameter HDPE pipeline. The Seafloor Segment will be weighed down with prefabricated reinforced concrete ballast weights. The tiered trench dimensions are based on a trench floor width of 31 feet, a seafloor width of 41 feet, and a trench depth of 5 feet. The depth of the trench is intended to ensure that the Seafloor Segment rests on the second geological seafloor layer, which is a medium dense to dense marine sand, not the top layer of loose marine sand. This depth will also minimize the risk of anchor strikes by small to medium watercraft. Once the Seafloor Segment is weighed down with the concrete ballast weights, the trench would be backfilled with crushed rock bedding mounded two feet over the HDPE pipeline. After the crushed rock is filled, three feet of armor rock will be used to cap the crushed rock. The remaining excavation between the trench slopes and rock mound will be allowed to backfill by natural seafloor processes to match the seabed contours. Post-construction seafloor external pipeline inspections will be required every 5 years as a condition in the proposed lease.

The Diffuser Segment will also be constructed with 20-inch-diameter HDPE pipe and will be connected to the Seafloor Segment as the last part of the proposed outfall pipeline. The Diffuser Segment will be assembled and launched via boat from a temporary worksite at Harbor Cove. The Diffuser Segment will also be laid in a 5-foot-deep trench in the seafloor. The Diffuser Segment will be fitted with nine, 8-inch outside diameter pipe risers, or diffuser risers, every 32 feet into the top centerline of the HDPE pipe. Each diffuser riser will terminate in four 3-inch horizontal branches

with duckbill check valves. The Diffuser Segment will be weighed down with prefabricated concrete ballast weights in the bottom of the 5-foot-deep trench and in approximately 54 feet of water. The trench will then be backfilled entirely with excavation spoils by natural seafloor processes to existing seafloor contours. No bedding rock or armor rock will be used for the Diffuser Segment. The diffuser risers will extend four feet above the seafloor over an area of approximately 22 square feet. The final Diffuser Segment will lie at a depth of approximately 53 feet.

Construction of the proposed outfall pipeline is scheduled to start in September 2023 and conclude in July 2024. The proposed construction activities for the outfall pipeline will occur onshore at Marina Park and briefly at Harbor Cove Beach. Offshore work will require approximately 10-25 workers, working 12 hours a day, 7 days per week, for a total of 90 days. Offshore work required for the proposed outfall construction will occur within an approximately 615-acre portion of Pierpont Bay in the Pacific Ocean, extending to approximately 6,800 feet offshore of the Ventura Harbor entrance.

Existing public uses within the outfall pipeline project area are primarily water-based and occur on the ocean surface or within the water column, like navigation and fishing. The impacts to public recreation at Harbor Cove Beach will be temporary and are only estimated to last for one day while the Diffuser Segment is pulled from the backshore of the beach to the water. The proposed outfall pipeline would be under and on the seafloor and would not interfere with Public Trust uses. Public access to lands under the Commission's jurisdiction would not be negatively impacted or restricted during the 90-day offshore construction period. Public access to nearby beaches would remain open during project construction.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 35-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the proposed lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in the Pacific Ocean, adjacent to 2950 Pierpont Boulevard, Ventura.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions,"

“medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Santa Barbara tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea Level Rise for Santa Barbara

| Year | Projection (feet) |
|------|-------------------|
| 2030 | 0.7 |
| 2040 | 1.1 |
| 2050 | 1.8 |
| 2100 | 6.6 |

Source: Table 22, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

The diffuser within the lease area will be vulnerable to the impacts from sea level rise and more frequent and intense storms that are the result of climate change. The diffuser risers are likely to degrade over the lease term due to increased time of exposure to wave action, storm surge, and higher total water levels. Therefore, they may require more frequent maintenance to ensure continued function during and after storm seasons and reduce the risk they pose to public safety in the event the diffuser and the armor rock layer become a source of marine debris or a coastal hazard as a result of dislodgement or structural failure. The rest of the pipeline that will be constructed using horizontal directional drilling is unlikely to be impacted by climate change as it will be buried 80 to 100 feet below the seafloor.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to the effects of climate change, including sea level rise.

TRIBAL CONSULTATION

On February 8, 2018, and March 23, 2018, the City met with tribal representatives Julie Lynn Tumamait-Stenslie and Patrick Tumamait of the Barbareno/Ventureno Band of Mission Indians as part of the AB 52 consultation process. At the February 8, 2018 meeting the City provided an overview of the proposed project objectives and components. Mrs. Tumamait-Stenslie and Mr. Tumamait described their knowledge of archaeological resources in the general area and requested to continue to be involved in the proposed projects obtained from the [South Central Coastal Information Center](#). Mr. Tumamait indicated the possible presence of prehistoric archaeological resources in the vicinity of Saticoy, as well as in the vicinity of the parcel in which Groundwater Well 1 would be located. Neither of these locations are within the area of effect for the portion of Ventura Water Supply Projects associated with this application. No tribal cultural resources were identified as part of the AB 52 consultation.

ENVIRONMENTAL JUSTICE:

Staff reviewed environmental justice data that indicated significant existing pollution burdens to the surrounding community. These existing burdens may result in impacts to health such as asthma and cardiovascular disease. As a part of the CEQA review, the EIR and EIR Addendum were drafted with considerable outreach to the public. Concerns from the public and nearby communities were adequately addressed in the EIR and the resulting Mitigation Monitoring and Reporting Program (MMRP). Therefore, staff did not conduct additional Environmental Justice outreach.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. As described above in this staff report, the lease approval under consideration by the Commission does not include the use of the lease facilities for ocean desalination. Should the City later pursue ocean desalination as part of a future Project Phase 2, the City would be required to apply to the Commission for a new or amended lease for any use of the proposed outfall for ocean

desalination discharge, or for any other function occurring on State land related to ocean desalination.

2. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may not conduct the proposed Project activities within the lands under the Commission's jurisdiction. The lessee also has no right to a new lease or to renewal of any previous lease.
3. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
4. An EIR, State Clearinghouse No. 2017111004, was prepared for this project by the City of Buenaventura (City) and certified on October 14, 2019. An EIR Addendum was prepared and approved on September 26, 2022. As part of its project approval, the City made a Statement of Facts and Findings and Statement of Overriding Considerations and adopted a MMRP. Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) that incorporates the City's document. Staff recommends adoption of Exhibit A by the Commission.
5. Staff also prepared Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) contained in the attached Exhibit B.
6. The Findings determined that all but one potential impact would be less than significant or less than significant with mitigation. The Findings identified that the project could cause a potentially significant impact to Noise, despite the implementation of mitigation measures, due to exceeding nighttime noise ordinances to safely complete the horizontal directional drilling. Staff prepared a Statement of Overriding Considerations made pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093) that balances the benefits of the project against its unavoidable impacts and finds that the potential impact is acceptable in light of the project benefits. Staff recommends the Commission adopt the Findings and Statement of Overriding Considerations contained in the attached Exhibit B.
7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370

et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

APPROVALS OBTAINED:

United States Army Corps of Engineers
United States Fish and Wildlife
National Oceanic and Atmospheric Administration
United States Coast Guard
Los Angeles Regional Water Quality Control Board
California Coastal Commission
California Department of Fish and Wildlife

EXHIBITS:

- A. Mitigation Monitoring Program
- B. Statement of Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2017111004, was prepared for this project by the City of Buenaventura and certified on October 14, 2019, an EIR Addendum was prepared and approved by the City of Buenaventura on September 26, 2022, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit A.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit B.

Adopt the Statement of Overriding Considerations made in conformance with California Code of Regulations, title 14, section 15093, as contained in the attached Exhibit B.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that issuance of the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the state.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 5, 2023, for a term of 35 years, for the construction and use of one 20-inch-diameter outfall pipeline and diffuser, with protective rock cover, and concrete ballast weights; consideration being the public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.
2. Authorize the Executive Officer or designee to replace exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
VENTURA WATER SUPPLY PROJECTS
(A3712, State Clearinghouse No. 2017111004)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Ventura Water Supply Projects (Project). The CEQA lead agency for the Project is the City of San Buenaventura.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency certified an EIR, State Clearinghouse No. 2017111004, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit A, Attachment A-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. In addition, the lead agency prepared an EIR Addendum and approved it on September 20, 2022. The EIR Addendum address changes to the project after completing a 60 percent design of the ocean outfall. The addendum addressed that the changes do not require a Subsequent EIR because the environmental impacts of the changes remained similar. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

provided in Attachment A-1, is incorporated by reference in this Exhibit A. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined.

Table A-1. Project Impacts and Applicable Mitigation Measures

| Potential Impact | Mitigation Measure (MM) ² | Difference Between CSLC MMP and Lead Agency MMRP |
|--------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------|
| AES 3.1-3 | MM AES-1, MM AES-2 | None |
| AQ 3.3-2 | MM AQ-1, MM AQ-2 | None |
| BIO 3.4-1 | MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-6 | None |
| BIO 3.4-2 | MM BIO-7 | None |
| BIO 3.4-3 | MM BIO-5 | None |
| CUL 3.5-1, CUL 3.5-2 | MM CUL-1, MM CUL-2, MM CUL-3, MM CUL-4, MM CUL-5, MM CUL-6 | See below for additions to CUL-5 |
| CUL 3.5-3 | MM CUL-6, MM CUL-7, MM CUL-8, MM CUL-9, MM CUL-10 | None |
| CUL 3.5-4 | MM CUL-6, MM CUL-7, MM CUL-8, MM CUL-9, MM CUL-10, MM CUL-11 | None |
| GEO 3.6-3, GEO 3.6-7 | MM GEO-1 | None |
| GEO 3.6-5 | MM GEO-2 | None |
| HAZ 3.8-2 | MM HAZ-1, MM HAZ-2 | None |
| HAZ 3.8-6, TRAF 3.17-1, TRAF 3.17-5, TRAF 3.17-6 | TRAF-1 | None |
| LU 3.10-2 | MM AES-1, MM AES-2, MM CUL-1, MM CUL-2, MM CUL-3, MM CUL-4, MM CUL-5, MM CUL-6 | None |
| MARINE 3.11-1 | MM MARINE-1, MM MARINE-2, MM MARINE-3, MM HAZ-1 | None |
| MARINE 3.11-4 | MM MARINE-4 | None |

² See Attachment C-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

| | | |
|--------------|------------------------------------------------|----------------------------------|
| NOISE 3.13-1 | MM NOISE-1, MM NOISE-2, MM NOISE-3, MM NOISE-4 | None |
| NOISE 3.12-2 | MM NOISE-5 | None |
| CUL 3.18-1 | MM CUL-4, MM CUL-5, MM CUL-6 | See below for additions to CUL-5 |

CUL-5: In the event of the unanticipated discovery of archaeological materials during implementation activities associated with the proposed projects, including offshore data collection and construction activities, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. In the event that cultural resources are discovered on state lands, including discoveries made during any offshore activities, the California State Lands Commission shall also be notified. Construction shall not resume until the qualified archaeologist and, for offshore activities, the California State Lands Commission, has conferred with the City on the significance of the resource.

If it is determined that the discovered archaeological or cultural resource constitutes a significant resource, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with City and Barbareño/Ventureño Band of Mission Indians, or other locally affiliated tribe, that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission must be approved by the Commission.

ATTACHMENT A-1

MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED BY THE CITY OF SAN BUENAVENTURA

VENTURA WATER SUPPLY PROJECTS ENVIRONMENTAL IMPACT REPORT

Mitigation Monitoring and Reporting Program

In accordance with Section 15091(d) and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, which require a public agency to adopt a program for reporting on or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program (MMRP) is hereby adopted for this project.

This MMRP summarizes the mitigation commitments identified in the Ventura Water Supply Projects Final Environmental Impact Report (EIR) (State Clearinghouse No. 2017111004). Mitigation measures are presented in the same order as they occur in the Final EIR. The columns in the MMRP table provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Project Components:** The project component requiring the mitigation measure to reduce potentially significant impacts.
- **Monitoring Schedule (Timing):** The general schedule for conducting each monitoring task, either prior to construction, during construction, and/or during operation.
- **Implementing Party:** The agency or private entity responsible for ensuring implementation of the mitigation measure. However, until the mitigation measures are completed, the City of Ventura, as the CEQA Lead Agency, remains responsible for ensuring implementation of the mitigation measures occurs in accordance with the program (CEQA Guidelines, Section 15097(a)).
- **Verification of Compliance:** The signature of the implementing party that must verify that the mitigation measure has been implemented as required and the date it was implemented and completed.

**MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY FOR
THE VENTURA WATER SUPPLY PROJECTS**

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| AES 3.1-3: The proposed projects could result in a significant impact if they would substantially degrade the existing visual character or quality of the sites and their surroundings. | AES-1: Prior to the start of construction, the city of Ventura shall prepare a Construction Management Plan. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, areas for stockpiling of materials, temporary opaque fencing material, and haul route(s). Staging areas shall be sited and/or screened to minimize public views to the maximum extent practicable. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure AES-1 in the Construction Contract Specifications. – City shall approve plan. – Construction Contractor shall implement plan – City shall monitor compliance with plan during construction |
| | AES-2: Aboveground buildings/structures shall be designed to have color palettes and vegetation screening as necessary to blend with the surrounding character of the site and to minimize contrasting features in the visual landscape. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Groundwater Wells | Developed Prior to Construction, Implemented During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure AES-2 in the Construction Contract Specifications. – City shall review final designs – Construction Contractor –shall implement design |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | | | | <ul style="list-style-type: none"> – City shall inspect designs to ensure compliance |
| AES 3.1-4: The proposed projects could result in a significant impact if they would create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area. | AES-3: Lighting used during temporary nighttime construction or for permanent security purposes shall be shielded and directed downward or pointed away from surrounding light-sensitive land uses. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Groundwater Wells • Conveyance Pipeline | Plans Confirmed Prior to Construction Implemented During Construction and Operation | <ul style="list-style-type: none"> – Include Mitigation Measure AES-3 in the Construction Contract Specifications – City shall inspect designs to ensure compliance |

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| <p>AG 3.2-1: The proposed projects could result in a significant impact if they would convert Prime Farmland, Unique Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.</p> | <p>AG-1: Mitigation shall be provided for the loss of state-designated Prime Farmland or Farmland of Local Importance and/or open space in existence at the time property in the project area containing such state-designated farmland or open space is developed. Prior to developing such state-designated farmland, agricultural lands of equivalent acreage (a 1:1 ratio), and with soil and farming conditions equivalent or superior to the state-designated farmland that would be converted, shall be set aside in perpetuity. One or more permanent, irreversible agricultural easements may be purchased for the benefit of the City or other qualifying entity acceptable to the City, or funds may be provided to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements, to be earmarked for the purchase of permanent, irreversible agricultural easements. The</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells | <p>Prior to Construction on any state-designated Prime Farmland, Farmland of Local Importance, and/or open space</p> | <ul style="list-style-type: none"> – If site is chosen that would reduce farmland or install inconsistent land use, City shall identify replacement lands and implement agricultural easement |
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| | protected acreage shall be set aside prior to the commencement of any development activity. | | | |
| AG 3.2-2: The proposed projects could have a significant impact if they would conflict with existing zoning for agricultural use, or a Williamson Act contract. | Implement Mitigation Measure AG-1. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System | Prior to Construction | – City shall implement measure |
| AG 3.2-5: The proposed projects could result in a significant impact if they would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or | Implement Mitigation Measure AG-1. | <ul style="list-style-type: none"> • Advanced Water Purification Facility | Prior to Construction | – City shall implement measure |

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| conversion of forest land to non-forest use. | | | | |
| AQ 3.3-2: The proposed projects could have a significant impact if they would violate any air quality standard or contribute substantially to an existing or projected air quality violation. | <p>AQ-1: The following control measures provided in the VCAPCD Ventura County Air Quality Assessment Guidelines to minimize the generation of fugitive dust (PM10 and PM2.5), ROC, and NOX during construction activities shall be implemented during construction:</p> <ul style="list-style-type: none"> • The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust. • Pre-grading/excavation activities shall include watering the areas to be graded or excavated before grading or excavation operations commences. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRf Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure AQ-1 in the Construction Contract Specifications – Construction Contractor shall implement measures – City shall inspect to ensure compliance |

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| | <p>fugitive dust during grading activities.</p> <ul style="list-style-type: none"> • Fugitive dust produced during grading excavation and construction activities shall be controlled by the following activities: <ul style="list-style-type: none"> a) All trucks shall be required to cover their loads as required by California Vehicles Code Section 23114. b) All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization material, and/or roll-compaction as appropriate. Watering shall be done as often as | | | |

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| | <p>necessary and reclaimed water shall be used whenever possible.</p> <ul style="list-style-type: none">• Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants to prevent excessive fugitive dust.• Signs limiting traffic to 15 miles per hour or less shall be posted on-site. | | | |

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| | <ul style="list-style-type: none"> • During periods of winds 25 miles per hour or greater (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties) or at the direction of the City, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off site or onsite. The site superintendent/supervisor shall use discretion in conjunction with the VCAPCD in determining when winds are excessive. • Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day if visible soil material is carried over to adjacent streets and roads. • Personnel involved in grading operations, including contractors and subcontractors, should be | | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations. | | | |

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| | <p>AQ-2: During construction contractors shall comply with the following measures, as feasible, to reduce NOX and ROC from heavy equipment as recommended by the VCAPCD in its Ventura County Air Quality Assessment Guidelines:</p> <ul style="list-style-type: none"> • All construction equipment shall meet or exceed Environmental Protection Agency Tier 3 certification requirements. The contractor shall be required to document the use of Tier 3 equipment or better. • HDD drilling motors will comply with Tier 3 standards or greater and have particulate filters installed or the contractor shall provide justification to the City that the equipment is not available. • The City shall establish a barrier around the HDD drilling site to minimize site lines, air emissions, and noise from the drilling activities. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • WWRF Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure AQ-2 in the Construction Contract Specifications – Construction Contractor shall implement measures – City shall inspect to ensure compliance |
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| | <ul style="list-style-type: none"> • For pipeline installation work within 300 feet of sensitive receptors such as schools and health care facilities, the City shall coordinate with the school or health care facility to schedule construction activities during periods that minimize disruption to receptors when feasible. • Minimize equipment idling time. • Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. • Lengthen the construction period during smog season (May through October) to minimize the number of vehicles and equipment operating at the same time. • Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible. | | | |
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| BIO 3.4-1: The projects could have a significant impact if they would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or USFWS. | BIO-1: Prior to the start of construction in areas that could encounter sensitive species, a qualified biologist shall provide Worker Environmental Awareness Program (WEAP) training to all construction workers onsite. The training shall include materials to aid workers in identifying sensitive habitats, plants, and wildlife that should be avoided; applicable laws and regulations protecting such resources; and proper avoidance and communication procedures to protect sensitive biological resources, as well as common wildlife whenever possible. | <ul style="list-style-type: none"> • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction During Construction. | <ul style="list-style-type: none"> – Include Mitigation Measure BIO-1 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
| | BIO-2: Prior to construction activities within 50 feet of sensitive habitat, a qualified biologist shall survey a 500-foot radius for the presence of sensitive species that could be affected by construction noise and disruption. If construction activities could generate noise in excess of 65 dBA for | <ul style="list-style-type: none"> • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility | Prior to Construction During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure BIO-2 in the Construction Contract Specifications – Construction Contractor shall implement measure |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | prolonged periods (averaged over an 8-hour day) in areas where the ambient noise level is less than 65 dBA and sensitive species are present, the construction contractor shall install noise barriers between the construction activity and the sensitive resource to reduce noise impacts on biological resources. | <ul style="list-style-type: none"> • Ocean Desalination Facility | | <ul style="list-style-type: none"> – City shall inspect to ensure compliance |
| | BIO-3: If nighttime construction is required, lighting shall be kept to the minimum necessary to safely conduct the work. All lighting shall be focused on the construction area and avoid spilling onto habitat areas. | <ul style="list-style-type: none"> • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure BIO-3 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>BIO-4: If the nesting season cannot be avoided and construction or vegetation removal occurs between March 1 to September 15 (January 1 to July 31 for raptors), the project shall do the following to avoid and minimize impacts to nesting birds and raptors:</p> <ul style="list-style-type: none"> • During the avian breeding season, a qualified biologist shall conduct a preconstruction avian nesting survey no more than 7 days prior to vegetation disturbance or site clearing. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 7 days or more in cleanup activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again. • The preconstruction survey shall cover all reasonably potential nesting locations on and within 300 feet of the | <ul style="list-style-type: none"> • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Prior to Construction During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure BIO-4 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>proposed removal areas, and areas that would be occupied by ground-nesting species such as killdeer. A 500-foot radius shall be surveyed in areas containing suitable habitat for nesting raptors, such as trees, utility poles, rock crevices, and cliffs.</p> <ul style="list-style-type: none"> • If an active nest is found during the preconstruction avian nesting survey, a qualified biologist shall implement a 300-foot minimum avoidance buffer for all passerine birds and 500-foot minimum avoidance buffer for all raptor species. The nest site area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project. Buffer areas may be increased if any endangered, threatened, CDFW fully protected, or CDFW species of special concern are identified during | | | |
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| | <p>protocol or preconstruction surveys, based on consultation with USFWS or CDFW.</p> <ul style="list-style-type: none">• If a nest is found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, or by relocating the project component(s) to avoid the area. | | | |
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| | <p>BIO-5: The City shall prepare and implement a Pre-Construction Santa Clara River Estuary (SCRE) Monitoring Program that will confirm and update the existing baseline hydrological, chemical and biological conditions of the SCRE for a period of 3 years. The City shall coordinate preparation of the monitoring program with the RWQCB, USFWS, NMFS, and CDFW. The purpose of the program shall be to collect specific ecological monitoring data. This data will be used to inform the development of the Post-Construction Monitoring, Assessment, and Adaptive Management Plan, which shall identify action criteria and management measures that will guide and confirm that the implementation of Phase 1b reductions in discharges (to an average annual of 0 to 0.5 MGD in closed-berm conditions) avoids and</p> | <ul style="list-style-type: none"> • Phase 1a Components | <p>Prior to Construction of Phase 1a;</p> | <ul style="list-style-type: none"> – City shall prepare and implement BIO-5 |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | minimizes significant adverse environmental impacts. | | | |
| | <p>BIO-6: The City shall prepare and implement a Post Construction Santa Clara River Estuary (SCRE) Monitoring, Assessment, and Adaptive Management Program (MAAMP) that will continue data collection in the SCRE and will evaluate and confirm post-discharge diversion SCRE habitat values and conditions for SCRE listed species. The SCRE MAAMP will consist of the following core elements at a minimum:</p> <ul style="list-style-type: none"> • Water depth measurements; • Aquatic species surveys within the SCRE to document occurrence and abundance of tidewater goby and juvenile steelhead; • Bird and nesting surveys to document the occurrence and abundance of snowy plover and California least tern using or occupying, or | <ul style="list-style-type: none"> • Phase 1b Components | Following construction of Phase 1a and Prior to Construction of Phase 1b | <ul style="list-style-type: none"> – City shall prepare and implement BIO-6 |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>foraging of nesting within the SCRE and its vicinity;</p> <ul style="list-style-type: none"> • Acreage and qualitative evaluation of vegetation associations (habitat types) within the SCRE and its vicinity; • SCRE receiving water quality monitoring including regular measurements for temperature, salinity, dissolved oxygen, and nutrients collected vertically and horizontally to inform stratification and spatial patterns understanding; • Documentation of eutrophication episodes within the SCRE; • SCRE berm condition monitoring including berm heights and breaching events; and • Continuous VWRP discharge flow data, and instantaneous VWRP discharge water quality data. <p>The monitoring effort will be initiated following</p> | | | |

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| | <p>implementation of Phase 1a when discharges have been reduced to a CDL of 1.9 MGD. The City shall submit annual monitoring reports to the CDFW, USFWS, and NMFS that compile the data collected for a period of 5 years.</p> <p>The City shall consult with CDFW, USFWS, and NMFS to evaluate the data and trends shown in the monitoring data. In the event that based on the information and analysis provided by the MAAMP, NMFS,USFWS, and or CDFW notifies the RWQCB and the City in writing that reducing the average annual discharge flows below 1.9 MGD in closed-berm conditions would result in an unauthorized “take” (as defined in the state or federal Endangered Species Act, as applicable) of one or more listed species contrary to the permits or</p> | | | |

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| | <p>authorizations those agencies have issued, then the actions specified in the MAAMP shall be implemented to further avoid and minimize adverse impacts to, and take of listed species within the SCRE resulting from Phase 1b reductions, until and unless and until the Regional Board and the wildlife agency with jurisdiction authorize lower discharge.</p> | | | |
| | <p>BIO-7: Prior to initiating any directional drilling activities, the City shall prepare a Drilling Fluid Mitigation and Response Plan that identifies measures to reduce risks to water quality from accidental release of drilling fluids into surface water. Measures include best practices to employ to minimize the risk of releases. The plan will identify spill containment equipment, monitoring and reporting roles and responsibilities, and</p> | <ul style="list-style-type: none"> • Water Conveyance System • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Plan: Prior to Construction Implementation: During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure BIO-7 in the Construction Contract Specifications – City shall approve plan – Construction Contractor shall implement plan – City shall inspect to ensure compliance |

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| | implementation procedures sufficient to contain any release of drilling fluids. | | | |
| | <p>BIO-8: Prior to constructing treatment wetlands as a part of Phase 1b, the City shall survey the site for the presence of sensitive habitats or sensitive species. If sensitive habitats are identified that would be affected by the construction of the new treatment wetlands, the City shall compensate for such impacts by establishing riparian habitat -site through development of riparian habitat within the new treatment wetlands design, or offsite in the SCRE at a minimum ratio of 1:1. In addition, the City shall consult with USFWS and CDFW to ensure that appropriate mitigation and/or compensation is established to replace lost habitat value. The consultation shall satisfy federal and state Endangered Species Act consultation</p> | <ul style="list-style-type: none"> • Wildlife/Treatment Wetlands (Phase 1b) | Prior to construction of Phase 1b | <ul style="list-style-type: none"> – City shall conduct surveys in areas affected by designs – City shall coordinate with regulatory agencies as needed to and comply with necessary permits |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>requirements, and shall implement the proposed mitigation ratio of at least 1:1, or such higher ratio as may be required by USFWS and CDFW.</p> <p>Onsite mitigation within the treatment wetlands would be accomplished by establishment of riparian habitat at the edges of the treatment cells or within designed islands. If additional riparian acreage is required beyond that which can be incorporated into the treatment wetlands design, then riparian habitat may be established offsite within the SCRE, since the modeling of discharge reductions predicts a substantial increase in riparian habitat within the SCRE as a result of hydrological changes associated with discharge reductions proposed for Phase 1a and Phase 1b.</p> <p>To achieve mitigation credit for new riparian habitat established pursuant to BIO-8,</p> | | | |

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| | <p>whether onsite or offsite, the City shall document the increase in riparian habitat at the mitigation site(s) as compared to existing conditions over a period of five years. The City would establish that the new riparian habitat is suitable for least Bell's vireo occupation based on standard metrics regarding the acreage of canopy cover, complexity of sub-canopy vegetation structure, and opportunity for new vegetation recruitment. The City may document the new riparian habitat acreage and ecological values created by mitigation performed within the Natural Treatment Wetlands pursuant to a 5-year Habitat Management and Monitoring Plan, and may document new riparian habitat acreage and ecological values created within the SCRE as part of the Monitoring, Assessment, and Adaptive Management Plan (MAAMP) to be implemented as Mitigation Measure BIO-6.</p> | | | |

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| | In the event that sufficient riparian habitat to mitigate for all losses is not created onsite and/or within the SCRE, the City shall provide additional mitigation necessary to attain the ratio of at least 1:1 through the purchase of mitigation bank credits and/or the creation of additional riparian habitat, as determined through consultation with USFWS and CDFW. | | | |
| | BIO-9: If the Harbor Site is selected as the location for the AWPF, the City shall comply with all requirements of the California Coastal Act, including compensation for any environmentally sensitive habitat area (ESHA) that has been documented on the Harbor Boulevard site since the enactment of the Coastal Act (1977). Compensation shall include replacement of ESHA at a minimum ratio of 1:1 locally within the coastal zone, or as required by the CCC. The replacement site | <ul style="list-style-type: none"> • Advance Water Purification Facility | Prior to Construction | – City shall comply with permit requirements |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | may be the City-owned property to the south of the Harbor Site or another nearby site. | | | |
| BIO 3.4-2: The proposed projects could have a significant impact if they would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or USFWS. | Implement BIO-7 | <ul style="list-style-type: none"> • Concentrate Discharge Facility | Plan: Prior to Construction Implementation: During Construction | – City shall implement measures |
| BIO 3.4-3: The proposed projects could have a significant impact if they would have a substantial adverse effect on | Implement BIO-5, BIO-6 and BIO-7 | <ul style="list-style-type: none"> • AWPF • Concentrate Discharge Facility | Plan: Prior to Construction Implementation: During Construction | – City shall implement measures |

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| federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. | | | | |
| CUL 3.5-1: The proposed projects could result in a significant impact if they would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. | CUL-1: Prior to the start of any ground disturbing activity, a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior 2008) shall be retained by the City to carry out all mitigation measures related to archaeological resources. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-1 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>CUL-2: Cultural resources survey shall be conducted prior to any ground disturbing activities associated with unsurveyed portions of the project area. The portions of the area of the proposed projects not surveyed include the Harbor Boulevard, Transport Street and Portola Road AWPf sites, the parcels within which groundwater Well Sites 2 and 3 would be located, and the portions of the proposed water conveyance pipeline located on private lands. Any resources identified during the survey that would be impacted as a result of the proposed projects should be evaluated for listing in the NRHP and CRHR. Avoidance and preservation in place shall be the preferred manner of mitigating impacts to historical resources under CEQA.</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRf Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Prior to Construction During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-2 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>CUL-3: Prior to any ground disturbing activities associated with the project, the Qualified Archaeologist should conduct cultural resources sensitivity training for all construction personnel. Construction personnel should be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The City should ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-3 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>CUL-4: Prior to the start of ground-disturbing activities associated with the proposed projects, including development, preparation and implementation of project related geophysical surveys and other offshore data collection and construction activities, an archaeological monitor working under the supervision of the Qualified Archaeologist and a Native American monitor associated with the Barbareño/Ventureño Band of Mission Indians, or other locally affiliated tribe, shall monitor all project-related ground-disturbing activities within previously undeveloped project parcels, offshore areas, all jack-and-bore receiving pits, and all pot-holing activities within existing road rights-of-way. Previously undeveloped parcels requiring monitoring include the Harbor Boulevard, Transport Street, offshore areas, and Portola Road AWPf sites, as well as the new treatment wetlands parcel, and groundwater Well Sites 1, 2, and 3. For the</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRf Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-4 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>pipeline alignments to be installed within existing road rights-of-way, a monitoring plan shall be prepared by the Qualified Archaeologist outlining the locations and timing of monitoring based on level of disturbance identified during pot-hole monitoring, as well as any geotechnical report to be prepared as part of project implementation. Prior to implementing offshore geophysical surveys, the City shall provide the survey methods and plans to the Barbareño/Ventureño Band of Mission Indians for their information as part of the consultation.</p> <p>Based on observations of subsurface soil stratigraphy or other factors during initial ground-disturbing activities across the project area, and in consultation with the City and Native American monitor, the Qualified Archaeologist may reduce or discontinue monitoring as warranted if the Qualified Archaeologist determines that the possibility of encountering archaeological</p> | | | |
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| | <p>deposits is low in a given area or during a given activity. Archaeological monitors shall maintain daily logs documenting their observations. Monitoring activities shall be documented in a Monitoring Report to be prepared by the Qualified Archaeologist at the completion of construction and shall be provided to the City and filed with the SCCIC within 6 months of construction completion.</p> | | | |
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| | <p>CUL-5: In the event of the unanticipated discovery of archaeological materials during implementation activities associated with the proposed projects, including offshore data collection and construction activities, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified archaeologist. In the event that cultural resources are discovered on state lands, including discoveries made during any offshore activities, the California State Lands Commission shall also be notified. Construction shall not resume until the qualified archaeologist and, for offshore activities, the California State Lands Commission, has conferred with the City on the significance of the resource. If it is determined that the discovered archaeological or cultural resource constitutes a significant resource, avoidance and preservation in place is the preferred manner of mitigation. Preservation in</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Prior to Construction; During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-5 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with City and Barbareño/Ventureño Band of Mission Indians, or other locally affiliated tribe, that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource.</p> | | | |
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| | <p>CUL-6: Prior to development of the new outfall and the Phase 2 Ocean Desalination ocean intake system, the City should retain a qualified archaeologist, defined as meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (U.S. Department of the Interior 2008), to conduct a cultural resources assessment of the ocean intake system that includes: a records search at the South Central Coastal Information Center; a Sacred Lands File search at the California Native American Heritage Commission; a desktop geoarchaeological review of onshore and offshore components; a shipwrecks database review for offshore components; a paleontological resources records check conducted by the Los Angeles County Natural History Museum, a pedestrian field survey for onshore components; recordation of all identified archaeological resources on California</p> | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-6 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>Department of Parks and Recreation 523 forms; and preparation of a technical report documenting the methods and results of the study. All identified cultural resources should be assessed for the ocean intake system's potential to result in direct and/or indirect effects to those resources. Cultural resources that will be directly and/or indirectly affected and cannot be avoided should be evaluated for their potential significance prior to the City's approval of the ocean intake system plans and publication of subsequent CEQA documents. The qualified archaeologist should provide recommendations regarding archaeological and Native American monitoring, protection of avoided resources, and/or recommendations for additional work or treatment of significant resources (i.e., resources that qualify as historical resources or unique archaeological resources under CEQA or resources that</p> | | | |
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| | qualify as historic properties pursuant to Section 106 of the NHPA) that will be affected by construction of the ocean intake system. | | | |
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| CUL 3.5-2: The proposed projects could result in a significant impact if they would cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5. | Implement Mitigations Measure CUL-1 through CUL-6. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction; During Construction | <ul style="list-style-type: none"> – City shall implement measures |
| CUL 3.5-3: The proposed project could result in a significant impact if they would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. | CUL-7: Prior to the start of project-related ground-disturbing activities, the City shall retain a qualified paleontologist meeting the Society for Vertebrate Paleontology's professional standards (2010) to carry out all mitigation measures related to paleontological resources. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-7 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>CUL-8: Prior to the start of project-related ground-disturbing activities, the qualified paleontologist shall conduct a paleontological resources sensitivity training for all construction personnel working on the project. This may be conducted in conjunction with the archaeological resources training required by Mitigation Measure CUL-2. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources. The City shall ensure that construction personnel are made available for and attend the training and retain</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Prior to Construction During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-8 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | documentation demonstrating attendance. | | | |

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| | <p>Implement Mitigation Measure CUL-6.</p> <p>CUL-9: The qualified paleontologist, or a paleontological monitor working under the direct supervision of the qualified professional paleontologist, shall spot check open and visible excavations and/or spoil piles originating from construction activities exceeding depths of 20 feet. The qualified paleontologist shall review engineering plans to determine where ground disturbing activities will exceed 20 feet deep, and will coordinate with construction staff to determine the scheduling of spot checks. In the event that sensitive Quaternary older alluvial deposits are observed during spot check monitoring, the qualified paleontologist may make recommendations to modify the spot check protocols. Likewise, if monitoring observations suggest no potential for paleontological materials, the paleontologist may</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-9 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>recommend to reduce or to discontinue the spot checks. The paleontological monitor shall prepare daily logs. After construction has been completed, a report that details the results of the spot check monitoring will be prepared and submitted to the City.</p> | | | |
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| | <p>CUL-10: In the event of the unanticipated discovery of paleontological resources during project implementation, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by a qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-10 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | Construction shall not resume until the qualified paleontologist has conferred with the City on the significance of the resource. | | | |
| CUL 3.5-4: The proposed projects could result in a significant impact if they would disturb any human remains, including those interred outside of formal cemeteries. | Implement Mitigation Measures CUL-6 through CUL-10 CUL-11: If human skeletal remains are uncovered during project construction, all work within 100 feet of the find shall be immediately halted, and the Ventura County coroner shall be contacted to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • VWRP Treatment Upgrades • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure CUL-11 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>that the remains are Native American, the City shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC 5097.98 (as amended by AB 2641). The NAHC shall then identify a Most Likely Descendant (MLD) of the deceased Native American, who shall then help determine what course of action should be taken in the disposition of the remains.</p> <p>Per PRC 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the MLD regarding their recommendations, if</p> | | | |

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| | applicable, taking into account the possibility of multiple human remains. | | | |
| GEO 3.6-3: The proposed projects could result in a significant impact if they would expose people or structures to the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. | GEO-1: A soils report and geotechnical investigation report shall be prepared by a California licensed geotechnical engineer for all facilities with potential to encounter shallow groundwater or expansive soils. These reports shall evaluate various geotechnical characteristics including existing liquefaction risk, expansive soils, and soil stability, and whether the operation of the proposed projects would exacerbate an existing risk of liquefaction or soil instability or create a new risk. The reports shall provide recommendations for facility design per these findings; these recommendations shall be incorporated into facility design. | All Components | Prior to Construction | <ul style="list-style-type: none"> – City shall contract with a qualified geotechnical engineer to prepare report – City shall approve the report – City shall include recommendations of report into project designs – City shall review designs to ensure compliance |
| GEO 3.6-5: The proposed projects could result in a | GEO-2: For construction sites less than 1 acre, the following types of BMPs shall be | <ul style="list-style-type: none"> • Groundwater Wells • VWRP Treatment | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure GEO-2 in the Construction |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| significant impact if they would result in substantial soil erosion or the loss of topsoil. | implemented during construction: (1) preservation of existing vegetation to the maximum extent practicable, (2) implementation of erosion control and sediment control best management practices, (3) implementation of waste management best management practices, and (4) good housekeeping. The California Stormwater Quality Association Best Management Practices Handbook shall be consulted for implementation instructions for the aforementioned BMPs. The contractor shall identify a construction monitor prior to construction. The construction monitor shall inspect the installation and ongoing maintenance of the BMPs for the duration of the construction activities. | Upgrades <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | | Contract Specifications <ul style="list-style-type: none"> – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
| | GEO-3: During operation, all inactive (unmoved for 14 days) stockpiles shall be covered and contained within temporary perimeter sediment | <ul style="list-style-type: none"> • Wildlife/Treatment Wetlands | Operations | <ul style="list-style-type: none"> – City shall implement measure |

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| | barriers, such as berms, dikes, fiber rolls, or sandbag barriers. | | | <ul style="list-style-type: none"> – City shall inspect to ensure compliance |
| GEO 3.6-7: The proposed projects could result in a significant impact if they would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. | Implement Mitigation Measure GEO-1. | <ul style="list-style-type: none"> • All Components | Prior to Operation; During Operation | <ul style="list-style-type: none"> – City shall implement measure |
| HAZ 3.8-2: The proposed projects could result in a significant impact if they would create a significant hazard to the public or the environment through reasonably foreseeable upset or accident | HAZ-1: The City of Ventura shall prepare an Anchoring Plan that applies to all ships, barges, and other ocean-going vessels and describes procedures for deploying, using, and recovering anchorages. The City shall submit this plan to the California Coastal Commission Executive Director for review and approval prior to initiation of offshore activities. The | <ul style="list-style-type: none"> • Concentrate Discharge Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure HAZ-1 in the Construction Contract Specifications – City shall approve the plan – Construction Contractor shall implement measure |

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| conditions involving the release of hazardous materials into the environment. | <p>Anchoring Plan shall include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> • Training for the project manager for marine activities, vessel operators, field supervisors, and environmental monitors to ensure familiarity with the Anchoring Plan. • A brief overview of the project objectives. • Description of anchor set and anchor leg (wires, winches, and other support equipment). • Description of vessels to be anchored and support tugs to be used. • Description and delineation of safety zone and anchor zone, including identification and mapping all areas of kelp, seagrasses, and hard substrate found within the work area. • Identification of Contractor Vessels and Buoys, | | | <ul style="list-style-type: none"> – City shall inspect to ensure compliance |

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| | <p>including daylight and nighttime marking schemes.</p> <ul style="list-style-type: none"> • Anchoring procedures in compliance with Coast Guard Navigation Standards Manual. • Local notice to U.S. Coast Guard and mariners. <p>All elements of the Anchoring Plan shall be in compliance with U.S. Coast Guard regulations.</p> | | | |
| | <p>HAZ-2: Prior to any offshore construction, the contractor shall prepare a Marine Safety Plan. The Marine Safety Plan would apply to all marine construction activities that would take place for the construction of the concentrate discharge pipes. The purpose would be to provide a precise set of procedures and protocols that shall be used by the marine contractors during the marine portions of the construction work, with a focus on personal, environmental, and vessel safety. The Marine Safety Plan shall include, but</p> | <ul style="list-style-type: none"> • Concentrate Discharge Facility | <p>Prior to Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure HAZ-2 in the Construction Contract Specifications – City shall approve the plan – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

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| | <p>not be limited to, the following elements:</p> <ul style="list-style-type: none"> • A brief overview of the project objectives. • Distribution of Marine Safety Plan, which shall include the U.S. Coast Guard, each vessel involved in the marine activities, all environmental monitors, and all support radio operators. • Training for the project manager for marine activities, vessel operators, field supervisors, and environmental monitors to ensure familiarity with the Marine Safety Plan. • Description and maps depicting the marine project location. • Description of marine operations protocols. • Description of critical operations and curtailment plan, including offshore fueling procedures and storm procedures. | | | |

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| | <ul style="list-style-type: none"> • Marine communications plan. • Marine transportation plan for barges, tugboats, crew boats, and other vessels. • Navigational marking and lighting plan. | | | |
| HAZ 3.8-6: The proposed projects could result in a significant impact if they would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. | Implement Mitigation Measure TRAF-1. | <ul style="list-style-type: none"> • All Components | Prior to Construction | <ul style="list-style-type: none"> – City shall implement the measure |
| HYDRO 3.9-1: The proposed projects could have a significant impact if they would violate water quality standards or | HYDRO-1: Prior to construction of the proposed projects, the City shall conduct groundwater modeling within the potentially affected portions of the Oxnard Plain Basin to estimate the radius of influence for injected water | <ul style="list-style-type: none"> • Groundwater Wells | Prior to Construction | <ul style="list-style-type: none"> – City shall contract with professional engineer to conduct groundwater modeling |

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| waste discharge requirements or otherwise substantially degrade water quality. | <p>within the minimum retention time required to comply with Title 22. The City shall conduct a well survey within the radius of influence indicated by the results of the groundwater modeling to identify nearby active water supply wells that could be affected by the proposed ASR wells.</p> <p>Based on the groundwater modeling or tracer test results, in compliance with Title 22, the City shall demonstrate that no existing drinking water well or agricultural well would be adversely affected by injection and extraction of highly treated water. The City shall notify all well owners that could be affected by the operation of the ASR program as determined by the groundwater modeling. As required by Title 22, the City shall conduct groundwater monitoring to ensure injected water remains underground for a minimum of 2 months before being extracted.</p> | | | <ul style="list-style-type: none"> – City shall approve the groundwater modeling report – City shall include the recommendations of the report into the design of the project |

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| | <p>If existing potable wells are found to be potentially adversely affected by the ASR operations through a reduction in water quality or through impeding access to groundwater, the City shall conduct one, or a combination, of the following actions:</p> <ul style="list-style-type: none"> • Coordinate with the well owner to arrange for an interim or long term replacement water supply. • Repair or deepen the existing adversely affected well. • Improve well efficiency of existing extraction wells. • Construct a new well. | | | |
| <p>HYDRO 3.9-2: The proposed projects could have a significant impact if they would substantially deplete groundwater supplies or</p> | <p>Implement Mitigation Measure HYDRO-1.</p> | <ul style="list-style-type: none"> • Groundwater Wells | <p>Prior to Construction</p> | <p>– City shall implement the measure</p> |

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| interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. | | | | |

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| LU 3.10-1: The proposed projects could result in a significant impact if they would physically divide an established community. | LU-1: Prior to grading the new treatment wetlands property, the City shall coordinate with Turning Point Foundation to identify an appropriate area for the relocation or reconfiguration of the RiverHaven community. The new area shall provide enough area to accommodate a maximum of 25 individuals accommodated with temporary campground, bathrooms, showers, laundry facilities and a community building which can accommodate recreational vehicles and tents. The new area shall also be in a location where it would be feasible to obtain any necessary permits and entitlements. | <ul style="list-style-type: none"> • Treatment Wetland | Prior to Construction | <ul style="list-style-type: none"> – City shall determine if final designs affect Riverhaven community – City shall implement the measure if necessary |
| LU 3.10-2: The proposed projects could result in a significant impact if they would conflict with any applicable land use plan, policy, or regulation of an | Implement Mitigation Measures AES-1 through AES-3, AG-1, CUL-1 through CUL-6, and LU-1. | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • Concentrate | Prior to Construction | <ul style="list-style-type: none"> – City shall implement the measures |

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| agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. | | Discharge Facility • Ocean Desalination Facility | | |

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| <p>MARINE 3.11-1: The projects could have a significant impact, either directly or through habitat modifications, if they would cause direct disturbance, removal, filling, hydrological interruption, or discharge, on any species, natural community, or habitat, including candidate, sensitive, or special-status species identified in local or regional plans, policies, regulations or conservation plans (including protected wetlands or waters, critical habitat, EFH) or as identified by</p> | <p>Implement Mitigation Measure HAZ-1. MARINE-1: The City of Ventura shall prepare a Marine Oil Spill Response Plan that would apply to all powered vessels used in support of the concentrate discharge construction activities. The purpose would be to provide a precise set of procedures and protocols that would be utilized in the event of an offshore fuel, oil, or hazardous materials spill resulting from construction activities (e.g., marine fuel and oil). The Marine Oil Spill Response Plan shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> • A brief overview of the project objectives. • Definition of major and minor spills. • Description of spill sources. • Description of spill response team and equipment. • Agreements with Spill Response Organizations. | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure MARINE-1 in the Construction Contract Specifications – City shall approve the plan – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| the CDFW, USFWS, or NMFS. | <ul style="list-style-type: none">• Notification requirements, including names and phone numbers of agencies to be notified, along with an information checklist of the incident.• Description of marine spill scenarios and response procedures. <p>All elements of the Oil Spill Response Plan shall be in compliance with U.S. Coast Guard regulations, and the City shall implement the Oil Spill Response Plan through the required NPDES General Permit for Vessel Incidental Discharges discussed in Section 3.9.2.</p> | | | |

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| | <p>MARINE-2: Prior to the initiation of any offshore pile driving activities for the project, the City of Ventura shall prepare a Construction Plan that outlines the details of the piling installation approach. The information provided in this plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> • The type of piling and piling size to be used. • The method of pile installation to be used. • Noise levels for the type of piling to be used and the method of pile driving (vibratory or impact). • Calculation of potential underwater noise levels that could be generated during pile driving using methodologies outlined in Caltrans 2015 and NOAA 2016b. • A schedule of when pile-driving would occur. <p>If calculated noise levels are > 183 dB at ≤ 10 meters or >120 dB at a distance of ≤ 500 meters, the City of Ventura</p> | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure MARINE-2 in the Construction Contract Specifications – City shall approve the plan – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>shall develop a NMFS-approved sound attenuation reduction and monitoring plan. This plan shall detail the sound attenuation system, detail methods used to monitor and verify sound levels during pile-placement activities, and describe all BMPs undertaken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 and 120 dB at distances of 10 meters and less, and 500 meters and less, respectively. These performance standards assure compliance with NMFS cumulative SEL and peak SPL acoustic metrics. The sound-monitoring results shall be made available to NMFS. The Construction Plan shall be presented to the NMFS Environmental Review Officer prior to commencement of construction for review and approval.</p> <p>The plan shall incorporate, but not be limited to the following BMPs, which have been shown to reduce underwater noise levels and possible</p> | | | |
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| | <p>impacts to fish and marine mammals:</p> <ul style="list-style-type: none">• Pile -driving shall be conducted only between June and November to avoid gray whale migration, unless NMFS in their Section 7 consultation with the USACE determines that the potential effect to marine mammals is less than significant.• At least 1,600-foot (500-meter) safety zone (or as otherwise required by NMFS) shall be established and visually monitoring around the sound source for the protection of marine mammals and sea turtles in the event that construction sound levels are predicted to be harmful to marine mammals:<ul style="list-style-type: none">- A NMFS-approved biological monitor will conduct daily surveys | | | |
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| | <p>before and during impact hammer pile driving to inspect the work zone and adjacent waters for marine mammals. The monitor will be present as specified by NMFS Fisheries during the pile-driving phases of construction.</p> <ul style="list-style-type: none"> - Work activities shall be halted when the biological monitor observes that a marine mammal or sea turtle enters the established safety zone and shall cease until the mammal has been gone from the area for a minimum of 15 minutes. - A “soft start” technique shall be used in all impact hammer sourced pile driving, giving marine mammals an | | | |
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| | <p>opportunity to vacate the area.</p> <p>Other BMPs will be implemented if the biological monitor determines they are necessary, such as bubble curtains or an air barrier, to reduce underwater noise levels to the performance standards applicable pursuant to Table 311-5A, or at those more stringent thresholds established by NMFS for acute and chronic levels 10 meters and 500 meters, or such other more stringent distances as may be established by NMFS. Alternatively, to meet these noise criteria, the City of Ventura may consult with NMFS directly and submit evidence to the satisfaction of the Environmental Review Officer. In such case, City of Ventura shall comply with NMFS recommendations and/or requirements to meet the noise criteria. The BMPs listed above provide examples of measures that are normally</p> | | | |
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| | used to reduce noise impacts to below the noise criteria. | | | |
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| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>MARINE-3: Entrainment of fish and invertebrate larvae resulting from outfall discharge turbulence, regardless of magnitude, will result in some loss of marine ecosystem productivity, species diversity, and trophic level energy transfer. As part of, and in support of, the Water Code Section 13142.5(b) determination process with the RWQCB, the City will work with the RWQCB to calculate APF estimates for the Phase 2 project discharge if it includes ocean desalination. This loss will be compensated for by either direct or indirect habitat restoration consistent with California Ocean Plan Chapter III.M.2.e.(3) or by providing monetary payments to an appropriate State-approved fee-based mitigation program consistent with California Ocean Plan Chapter III.M.2.e.(4), or a combination</p> | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – City of Ventura |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>of the two. If elected by the project, habitat restoration will occur at a location of sufficient marine acreage or alternative coastal lagoon/estuary acreage, and in a manner acceptable to the RWQCB as part of the Project's permitting process. Final determination of the appropriate mitigation shall be determined by the RWQCB with consideration for: (1) existing level of wetland function at the site prior to mitigation; (2) resulting level of wetland function expected at the mitigation site after the project is fully successful; (3) length of time before the mitigation is expected to be fully successful; (4) risk that the mitigation project may not succeed; and (5) differences in the location of the lost wetland and the mitigation wetland that affect the services and values they have the capacity and opportunity to generate,</p> | | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | consistent with the OPA. If the RWQCB determines that an appropriate fee-based mitigation program has been established by a public agency, however, and if that payment of a fee to the mitigation program will result in the creation and ongoing implementation of a mitigation project that meets the requirements of California Ocean Plan Chapter III.M.2.e.(3), the City shall pay a fee to the mitigation program in lieu of completing a mitigation project as an alternative. | | | |
| MARINE 3.11-4: The projects could have a significant impact if they would introduce or spread an invasive non-native species. | MARINE-4: All project barges shall have underwater surfaces cleaned before entering Southern California waters and immediately prior to transiting to the project offshore construction area. Additionally, and regardless of vessel size, ballast water for all project vessels must be managed consistent with | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure MARINE-4 in the Construction Contract Specifications – Construction Contractor shall implement measure |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | California State Lands Commission (CSLC) ballast management regulations, and Biofouling Removal and Hull Husbandry Reporting Forms shall be submitted to CSLC staff. | | | <ul style="list-style-type: none"> – City shall inspect to ensure compliance |
| <p>NOISE 3.13-1: The proposed projects could result in a significant impact if they would expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p> | <p>NOISE-1: Prior to construction, the City of Ventura shall ensure that the contractor specifications stipulate that:</p> <ul style="list-style-type: none"> • All construction equipment, fixed or mobile, is equipped with properly operating and maintained mufflers and other state-required noise attenuation devices. • When feasible, construction haul routes shall avoid noise-sensitive uses (e.g., residences, convalescent homes). • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from the | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Conveyance Pipeline • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to Construction | <ul style="list-style-type: none"> – Include Mitigation Measure NOISE-1 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>nearest noise-sensitive receptors.</p> <ul style="list-style-type: none">• The project shall provide noise blanket/temporary noise barriers between the active areas and residential buildings | | | |

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| | <p>NOISE-2: Throughout project construction and operation, the City of Ventura shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints as soon as possible.</p> <ul style="list-style-type: none"> • The City shall establish and disseminate a 24/7 hotline telephone number for use by the public to report any undesirable project noise conditions. If the telephone number is not staffed 24 hours per day, the City shall include an automatic answering feature with date and time stamp recording to answer calls when the phone is unattended. • The City shall designate a Noise Disturbance Coordinator during construction and permanently once the facility is operational. The Noise Disturbance Coordinator shall assist in resolving noise complaints to minimize impacts while maintaining the objectives of the construction and operation | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Conveyance Pipeline • Concentrate Discharge Facility • Ocean Desalination Facility | <p>During Construction During Operation</p> | <ul style="list-style-type: none"> – Include Mitigation Measure NOISE-2 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
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| | <p>of the facility. The Noise Disturbance Coordinator shall report all noise complaints to the City program manager.</p> <ul style="list-style-type: none">• For construction noise complaints received outside of the construction hours and days allowed (Monday through Friday, between the hours of 7:00 a.m. and 8:00 p.m.), the Noise Disturbance Coordinator shall take immediate steps to determine whether project construction is causing the noise and, if so, to reduce the noise level of that activity or take other appropriate action to remedy the complaint as quickly as possible.• For construction activities near local residences, the Noise Disturbance Coordinator shall have the authority to require the installation of a temporary noise barrier to reduce noise impacts to the closest sensitive receptors. The noise barriers shall be tall enough to effectively block | | | |
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| | <p>sight-lines of the construction to the closest residences. The contractor shall install noise barriers as directed by the Noise Disturbance Coordinator to minimize construction noise and resolve noise complaints.</p> <p>Deliveries to the site normally shall not occur before 7:00 a.m. or after 10:00 p.m. on weekdays or between 9:00 a.m. and 6:00 p.m. on Saturdays, and are not allowed on Sundays. Oversized loads and other heavy-duty vehicles would primarily get to and from the site using main traffic conduits. If for reasons of critical operational needs these hours must be violated, the City shall notify adjacent residences of the unusual circumstance at least 2 days in advance.</p> | | | |
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| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>NOISE-3: Residents of properties shall be offered noise mitigation measures (e.g., hearing protection, sound proofing, white noise machines, etc.) acceptable to the residents or relocation for the duration of nearby HDD drilling for new outfall construction, which would generate construction noise levels at their property in excess of 45 dBA, L_{eq} during nighttime hours, for the duration of time that 24-hour activity occurs. Based on the analyses presented in this EIR, this shall apply to residences located within the first two rows of homes to the north and/or south and within approximately ,200 feet of the outfall drilling activity (i.e. homes along Greenock Lane and Nathan Lane).</p> | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to and during Construction | <ul style="list-style-type: none"> – Include Mitigation Measure NOISE-3 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | NOISE-4: The project shall provide noise attenuation housings rated for up to a 10 dBA reduction for generator sets operating near sensitive receptors during new outfall HDD drilling operations. | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | Prior to and During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure NOISE-4 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |
| NOISE 3.13-2: The proposed projects could result in a significant impact if they would expose persons to or generate excessive groundborne vibration or groundborne noise levels. | NOISE-5: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 45 feet of existing residential structures. Instead, small construction equipment such as small rubber-tired bulldozers, small rubber-tired excavator, etc., not exceeding 150 horsepower shall be used within this area during demolition, grading, and excavation operations. | <ul style="list-style-type: none"> • All Components | During Construction | <ul style="list-style-type: none"> – Include Mitigation Measure NOISE-5 in the Construction Contract Specifications – Construction Contractor shall implement measure – City shall inspect to ensure compliance |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| <p>POP 3.14-2: The proposed projects could result in a significant impact if they would displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.</p> | <p>Implement Mitigation Measure LU-1.</p> | <ul style="list-style-type: none"> • Treatment Wetland | <p>Prior to Construction</p> | <ul style="list-style-type: none"> – City shall implement measure |
| <p>TRAF 3.17-1: The proposed projects could result in a significant impact if they would conflict with an applicable plan, ordinances or policy establishing measures of effectiveness for the performance of the circulation</p> | <p>TRAF-1: Prior to the start of construction facilities that would occur within a roadway right-of-way, the City of Ventura shall require the construction contractor to prepare a Traffic Control Plan. The Traffic Control Plan will show all signage, striping, delineated detours, flagging operations, and any other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the</p> | <ul style="list-style-type: none"> • Advanced Water Purification Facility • Water Conveyance System • Groundwater Wells • Wildlife/Treatment Wetlands • Concentrate Discharge Facility • Ocean Desalination Facility | <p>Prior to Construction; During Construction</p> | <ul style="list-style-type: none"> – Include Mitigation Measure TRAF-1 in the Construction Contract Specifications – City shall approve the plan – Construction Contractor shall implement measure |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| <p>system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.</p> | <p>construction area and allow for adequate access and circulation to the satisfaction of the City's Public Works Director and Fire and Police Chiefs. The Traffic Control Plan shall be provided to the County Transportation Department for review prior to commencement of construction. When construction activities disrupt travel on major collectors or arterials, electronic signs shall be used to provide the public, on all transportation modes, with current construction information and the availability of alternate travel routes.</p> <p>The Traffic Control Plan shall be prepared in accordance with the City of Ventura's traffic control guidelines and will be prepared to ensure that access will be maintained to individual properties and that emergency access will not be restricted. Additionally, the Traffic Control Plan shall also include a scheduling plan showing the hours of operation</p> | | | <ul style="list-style-type: none"> – City shall inspect to ensure compliance |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>to minimize congestion during the peak hours and special events. Haul routes will be identified based on County-approved truck routes. The scheduling plan will ensure that congestion and traffic delay are not substantially increased as a result of the construction activities. Further, the Traffic Control Plan will include detours or alternative routes for bicyclists using on-street bicycle lanes as well as for pedestrians using adjacent sidewalks.</p> <p>In addition, the City shall provide written notice at least 2 weeks prior to the start of construction to owners/occupants along streets to be affected during construction. During construction, the City will maintain continuous vehicular and pedestrian access to any affected residential driveways from the public street to the private property line, except where necessary construction precludes such continuous</p> | | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | <p>access for reasonable periods of time. Access will be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, the City shall notify the owner or occupant of the closure of the driveway at least 5 working days prior to the closure. The Traffic Control Plan shall include provisions to ensure that the construction of the proposed projects do not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services. The Traffic Control Plan shall identify that damage to the condition of the roadways due to the use of construction related vehicles including soil haul trucks be repaired pursuant to County Transportation Department standards.</p> <p>The City shall also notify local emergency responders of any planned partial or full lane closures or blocked access to</p> | | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| | roadways or driveways required for construction of the proposed project facilities. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the proposed project area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow for emergency response providers adequate time to prepare for lane closures. | | | |
| TRAF 3.17-5: The proposed projects could have a significant impact if they would result in inadequate emergency access. | Implement Mitigation Measure TRAF-1. | <ul style="list-style-type: none"> • All Components | Prior to Construction; During Construction | <ul style="list-style-type: none"> – Oversight: – City of Ventura – Implementation: – City of Ventura – Construction Contractor |
| TRAF 3.17-6: The proposed projects could result in a significant impact | Implement Mitigation Measure TRAF-1 | <ul style="list-style-type: none"> • All Components | Prior to Construction; During Construction | <ul style="list-style-type: none"> – City shall implement measure |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| if they would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. | | | | |
| CUL 3.18-1: The proposed projects could result in a significant impact if they would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Section 21074 as either a site, feature, place, cultural landscape that is | Implement Mitigation Measures CUL 4 and CUL-5 | <ul style="list-style-type: none"> • All Components | Prior to Construction | City shall implement measure |
| | Implement Mitigation Measure CUL 6 | <ul style="list-style-type: none"> • Concentrate Discharge Facility • Ocean Desalination Facility | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| <p>geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>a) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Section 5020.1(k), or</p> <p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant</p> | | | | |

| Environmental Impact | Mitigation Measure | Project Components | Timing | Implementing Party Responsibilities |
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| pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | | | | |

EXHIBIT B – VENTURA WATER SUPPLY PROJECTS
CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use, to the City of San Buenaventura, for use of sovereign land associated with the proposed Ventura Water Supply Projects (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines¹, § 15381.) The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must issue a General Lease – Public Agency Use for the Project to go forward, and because the City of San Buenaventura (City), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The City analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2017111004) and, in October 14, 2019, certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings, and a Statement of Overriding Considerations. In addition, the City prepared an EIR Addendum and approved it on September 20, 2022. The EIR Addendum addresses changes to the project after the City completed a 60 percent design of the ocean outfall. The addendum addressed that the changes do not require a Subsequent EIR because the environmental impacts of the completed 60 percent design remained similar to those originally analyzed in the EIR.

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

The Project involves three segments. The horizontal directional drilling (HDD) Segment will begin in Marina Park and run in a boring below the seafloor to its exit point on the seafloor approximately 4,500 feet offshore from the entry point. The 2,083-foot-long Seafloor Segment, with attached reinforced concrete ballast weights, will be constructed within a 5-foot-deep trench in the existing seafloor. The Seafloor segment will be connected to the HDD Segment using flanges. The Seafloor Segment will then connect to a 208-foot-long Diffuser Segment, the third and ending segment of the Ocean Outfall. The Diffuser Segment will also be attached to the Seafloor Segment using flanges.

The City determined that the Project could have significant environmental effects on the following environmental resources:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Marine Biology
- Mineral Resources
- Noise
- Population, Housing, and Environmental Justice
- Transportation/Traffic
- Tribal Cultural Resources

Of the sixteen resources areas noted above, Project components within the Commission's jurisdiction (i.e., the ocean outfall) could have significant environmental effects on eleven of the resource areas, as follows:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Land Use and Planning
- Marine Biology
- Noise
- Transportation and Traffic
- Tribal Cultural Resources

In certifying the Final EIR and approving the Project, the City imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant for most resource areas. However, even with the integration of all feasible mitigation, the City concluded in the EIR that some of the identified impacts would remain significant. As a result, the City adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The City determined that, after mitigation, the Project may still have significant Noise impacts. Because some of these significant impacts may occur on lands under the jurisdiction of the Commission, the Commission also adopts the Statement of Overriding Considerations set forth in this exhibit as part of its approval.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit A as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Science, Planning, and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the City for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the

Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General Lease – Public Agency Use for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a General Lease – Public Agency Use, which would allow the construction of the Ocean Outfall, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Wherever Finding (3) is made, the Commission has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the Final EIR, discussed in the Responses to Comments, and explained below. Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the Commission finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

A. SUMMARY OF FINDINGS

Based on public scoping, the proposed Project will have No Impact on the following environmental issue areas:

- Tribal Cultural Resources

The EIR subsequently identified the following impacts as Less Than Significant:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Marine Biology
- Mineral Resources
- Population, Housing, and Environmental Justice
- Transportation/Traffic
- Utilities, Service Systems, and Energy

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts within CSLC jurisdiction identified identified in Table B-1 were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, several impacts were determined to be less than significant (LTSM).

However, even with the integration of all feasible mitigation, the City concluded in the EIR that the other identified potentially significant impacts will remain significant. Table B-1 identifies those impacts that the City determined would be, after mitigation, significant and unavoidable (SU).

Table B-1 – Significant Impacts by Issue Area

| Environmental Issue Area | Impact Nos. (LTSM) | Impact Nos. (SU) |
|---------------------------------|---------------------------------------------------|-------------------------|
| Aesthetics | AES 3.1-3 | |
| Agricultural Resources | AG 3.3-2 | |
| Air Quality | AQ 3.3-2 | |
| Biological Resources | BIO 3.4-1, BIO 3.4-2, BIO 3.4-3 | |
| Cultural Resources | CUL 3.5-1, CUL 3.5-2, CUL 3.5-3, CUL 3.5-4 | |

| | | |
|----------------------------------------|----------------------------------------------|---------------------|
| Geology, Soils, and Seismicity | GEO 3.6-3, GEO 3.6-5, GEO 3.6-7 | |
| Hazards and Hazardous Materials | HAZ 3.8-2, HAZ 3.8-6 | |
| Land Use and Planning | LU 3.10-2 | |
| Marine Biology | MARINE 3.11-1, MARINE 3.11-4 | |
| Noise | NOISE 3.13-2 | NOISE 3.13-1 |
| Transportation and Traffic | TRAF 3.17-1, TRAF 3.17-5, TRAF 3.17-6 | |
| Tribal Cultural Resources | CUL 3.18-1 | |

As a result, the Commission adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impacts.

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; however, the impacts were determined to be less than significant with mitigation (LTSM).

1. AESTHETIC

CEQA FINDING NO. AES 3.1-3

Impact: **Impact AES 3.1-3. Substantially degrade the existing visual character or quality of the sites and their surroundings.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to substantially degrade the existing visual character of the construction sites and their surroundings. MM AES-1 would require preparation of a Construction Management Plan that would identify staging areas and screening to minimize

public views to the maximum extent practicable. MM AES-2 would require that the structures be constructed of similar material or painted to match the character of the particular existing surrounding environment.

Implementation of MMs AES-1 and AES-2 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. AIR QUALITY

CEQA FINDING NO. AQ 3.3-2

Impact: **Impact AQ 3.3-2. Violate any air quality standard or contribute substantially to an existing or project air quality violation.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in violations of air quality standards or contribute substantially to an existing or projected air quality violation. MMs AQ-1 and AQ-2 will implement emission reduction strategies as required by Ventura County Air Pollution Control District for all construction activities.

Implementation of MMs AQ-1 and AQ-2 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO 3.4-1

Impact: **Impact BIO 3.4-1. Substantial adverse effect on any listed species.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in substantial adverse effects, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFW) or the United States Fish and Wildlife Service (USFWS). MMs BIO-1 through BIO-4 would require pre-construction surveys for nesting birds. MM BIO-6 would require a Santa Clara River Estuary (SCRE) monitoring and reporting program that would inform species use and habitat post-discharge condition in the SCRE.

Implementation of MMs BIO-1 through BIO-4 and MM BIO-6 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO 3.4-2

Impact: **Impact BIO 3.4-2. Substantial adverse effect on riparian habitat.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. MM BIO-7 requires that the City prepare a Drilling Fluid Mitigation Plan to ensure containment of any released drilling fluids.

Implementation of MM BIO-7 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO 3.4-3

Impact: **Impact BIO 3.4-3. Substantial adverse effect on federally protected wetlands.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. MM BIO-5 would require a Santa Clara River Estuary (SCRE) monitoring and reporting program that would inform species use and habitat post-discharge condition in the SCRE.

Implementation of MM BIO-5 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. CULTURAL RESOURCES

CEQA FINDING NO. CUL 3.5-1

Impact: **Impact CUL 3.5-1. Substantial adverse change in the significance of a historical resource.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a substantial adverse change in the significance of a historical resource. MMs CUL-1 through CUL-6 would ensure that un-surveyed portions of the project facilities are subject to cultural resources surveys, and protection and monitoring of significant resources during construction.

Implementation of MMs CUL-1 through CUL-6 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CUL 3.5-2

Impact: **Impact CUL 3.5-2. Substantial adverse change in the significance of a unique archaeological resource.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a substantial adverse change in the significance of a unique archeological resource. MMs CUL-1 through CUL-6 would ensure that un-surveyed portions of the project facilities are subject to cultural resources surveys, and protection and monitoring of significant resources during construction.

Implementation of MMs CUL-1 through CUL-6 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CUL 3.5-3

Impact: **Impact CUL 3.5-3. Impacts to unique paleontological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. MMs CUL-6 through CUL-10 would require a certified paleontologist to monitor any construction activities exceeding a depth of 20 feet and to provide for an evaluation and recording of significant discoveries.

Implementation of MMs CUL-6 through CUL-10 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CUL 3.5-4

Impact: **Impact CUL 3.5-4. Discovery of human remains.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the disturbance of human remains, including those interred outside of formal cemeteries. MMs CUL-6 through CUL-10 would require a certified paleontologist to monitor construction any activities exceeding a depth of 20 feet and to provide for an evaluation and recording of significant discoveries. CUL-11 would require work to cease within 100 feet of a discovery and ensure human remains would be handled appropriately.

Implementation of MMs CUL-6 through CUL-11 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

5. GEOLOGY, SOILS, AND SEISMICITY

CEQA FINDING NO. GEO 3.6-3

Impact: **Impact GEO 3.6-3. Expose people or structures to seismic-related ground failure.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in exposing people or structures to the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. MM GEO-1 would ensure that a soils report and a geotechnical investigation report would be prepared for all facilities at risk of liquefaction.

Implementation of MM GEO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO 3.6-5

Impact: **Impact GEO 3.6-5. Impacts to soil erosion or the loss of topsoil.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in substantial soil erosion or loss of topsoil. MM GEO-2 would ensure that erosion would be minimized during construction.

Implementation of MM GEO-2 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO 3.6-7

Impact: **Impact GEO 3.6-7. Impacts from expansive soil.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in creation of substantial risks to life or property if located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). MM GEO-1 would ensure that a soils report and a geotechnical investigation report would be prepared for all facilities at risk of liquefaction.

Implementation of MM GEO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. HAZARDS AND HAZARDOUS MATERIALS

CEQA FINDING NO. HAZ 3.8-2

Impact: **Impact HAZ 3.8-2. Impacts from hazardous materials.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in creating a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. MMs HAZ-1 and HAZ-2 would require the preparation of an Anchoring Plan and Marine Safety Plan to ensure marine vessels are moored effectively and safely, and cover safety measures needed for marine construction activities.

Implementation of MMs HAZ-1 and HAZ-2 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. HAZ 3.8-6

Impact: **Impact HAZ 3.8-6. Impacts to emergency response plans or emergency evacuation plans.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. MM TRAF-1 would require the City to prepare a traffic control plan.

Implementation of MM TRAF-1 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

7. LAND USE AND PLANNING

CEQA FINDING NO. LU 3.10-2

Impact: **Impact LU 3.10-2. Conflicts with land use plan, policy, or regulations.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating environmental effect. MM CUL-1 through MM CUL-6 would ensure that un-surveyed portions of the project facilities are subject to cultural resources surveys.

Implementation of MMs AES-1 and AES-2 and MMs CUL-1 and CUL-6 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

8. MARINE BIOLOGY

CEQA FINDING NO. MARINE 3.11-1

Impact: **Impact MARINE 3.11-1. Impacts to marine species and habitats.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a significant impact, either or directly or through habitat modifications, if they

would cause direct disturbance, removal, filling hydrological interruption, or discharge, on any species, natural community, or habitat, including candidate, sensitive, or special-status species identified in local or regional plans, policies, regulations or conservation plans (including protected wetlands or waters, critical habitat, Essential Fish Habitat) or as identified by the CDFW, USFWS, or National Marine Fisheries Service. MMs HAZ-1 and MARINE-1 would require the preparation and implementation of a Marine Safety Plan and a Marine Oil Spill Response Plan. MARINE-2 would require the City to prepare a Construction Plan that outlines the details of the piling installation approach. MARINE-3 would require the City to replace the habitat value for the losses associated with the project.

Implementation of MMs MARINE-1 through MARINE-3 and HAZ-1 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. MARINE 3.11-4

Impact: **Impact MARINE 3.11-4. Introduce invasive non-native species.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the introduction or spread of an invasive non-native species. MM MARINE-4 would require construction barges clean underwater surfaces before entering ocean waters and ballast water be managed according to applicable regulations.

Implementation of MM MARINE-4 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

9. NOISE

CEQA FINDING NO. NOISE 3.13-2

Impact: **Impact NOISE 3.13-2. Impacts from groundborne vibration or groundborne noise levels.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in exposing persons to or generating excessive groundborne vibration or groundborne noise levels. MM NOISE-5 requires that large construction vehicles be prohibited within 45 feet of existing residential structures.

Implementation of MM NOISE-5 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

10. TRANSPORTATION AND TRAFFIC

CEQA FINDING NO. TRAF 3.17-1

Impact: **Impact TRAF 3.17-1. Conflicts with traffic plans**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in conflicts with an applicable plan, ordinances, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycles paths, and mass transit. MM TRAF-1 would require the City to prepare a Traffic Control Plan.

Implementation of MM TRAF-1 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TRAF 3.17-5

Impact: **Impact TRAF 3.17-5. Inadequate emergency access.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in inadequate emergency access.

Implementation of MM TRAF-1 has been incorporated into the Project to reduce this impact to a less than significant level. TRAF-1 would require the City to prepare a Traffic Control Plan.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TRAF 3.17-6

Impact: **Impact TRAF 3.17-6. Impacts to public transit, bicycle, or pedestrian facilities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Implementation of MM TRAF-1 has been incorporated into the Project to reduce this impact to a less than significant level. TRAF-1 would require the City to prepare a Traffic Control Plan.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

11. TRIBAL CULTURAL RESOURCES

CEQA FINDING NO. CUL 3.18-1

Impact: **Impact CUL 3.18-1. Impacts to Tribal Cultural Resources**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a substantial adverse change in the significance of a tribal cultural resource. MMs CUL-4 through CUL-6 would ensure that un-surveyed portions of the project facilities are subject to cultural resources surveys.

Implementation of MM CUL-4 through MM CUL-6 has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

D. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following impacts were determined in the Final EIR to be significant and unavoidable. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

12. NOISE

CEQA FINDING NO. NOISE 3.13-1

Impact: **Impact Noise 3.13-1. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of

employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in noise that could impact sensitive receptors. New outfall construction may require 24-hour activity for several weeks and would exceed the nighttime ambient noise threshold. No feasible mitigation measures are available to avoid the noise impacts of 24-hour drilling that may be needed to complete drilling safely. Once pipe pullback begins for the HDD process, the drilling operation must be continuous until it is complete in order to avoid a potential collapse in the previously bored hole. Construction of the Ocean Outfall would exceed City nighttime noise standards of 45 decibels and cannot feasibly be mitigated to below a level of significance.

Implementation of MMs NOISE-1 through NOISE-4 has been incorporated into the Project and would reduce the severity of Impact Noise 3.13 - 1, although not necessarily to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

E. FINDINGS ON ALTERNATIVES

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000:

When it comes time to decide on project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible.... At this final stage of project approval, the agency considers whether '[s]pecific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].

The six alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project. These alternatives include:

- 1) Alternative 1: No Project Alternative

- 2) Alternative 2: Zero Diversion
- 3) Alternative 3: 60 Percent Diversion, with Ocean Desalination in Phase 1
- 4) Alternative 4: 100 Percent Diversion in Phase 1
- 5) Alternative 5: Conveyance of Tertiary Effluent to Oxnard Wastewater Treatment Plant and Construction of Ocean Desalination Facility
- 6) Alternative 6: Rehabilitation of Existing Fairgrounds Outfall

As presented in the EIR, the alternatives were described and compared with each other and with the proposed Project.

Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Based on the analysis contained in the EIR, Alternative 4 is the environmentally superior alternative.

The City independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the City's independent judgment as to alternatives. The City found that the Project provides the best balance between the Project goals and objectives and the Project's benefits. The six CEQA alternatives proposed and evaluated in the EIR were rejected as being infeasible for reasons provided in the City's Findings Regarding Alternatives ([11A-Ventura-Water-Supply-Projects-Final-Environmental-Impact-Report-Certification-and-Project-Approval](#)).

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined that the Project should be approved, subject to such mitigation measures (Exhibit A, Mitigation Monitoring Program).

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

This section addresses the Commission's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the Commission to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval related to the Ventura Water Supply Project against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, those effects may be considered

acceptable and the decision-making agency may approve the underlying project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does not prohibit the Commission from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

This Statement of Overriding Considerations presents a list of (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the City and Commission have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under one resource area: Noise (see Table B-2). This impact is specifically identified and discussed in more detail in the Commission's CEQA Findings and in City's Final EIR. While the Commission has required all feasible mitigation measures, this impact remains significant for purposes of adopting this Statement of Overriding Considerations.

Table B-2 – Significant and Unavoidable Impacts Identified for the Approved Project

| Impact | Impact Description |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Noise | |
| Noise 3.13-1 Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies | The proposed Ventura Water Supply Project would result in significant unavoidable construction-related adverse noise impacts, even after the implementation of feasible standard conditions and mitigation measures. While adherence to the City of Buenaventura noise rules and regulations and identified mitigation measures would reduce the impact, it would remain significant and adverse because new outfall construction may require 24-hour activity for several weeks and would exceed the nighttime ambient noise threshold. No feasible mitigation measures are available to avoid the noise impacts of 24-hour drilling that may be needed to complete drilling safely. Therefore, the noise impacts of the proposed Project would remain significant. |

B. BALANCING OF BENEFITS AND RISKS ASSOCIATED WITH LEASE APPROVAL

State CEQA Guidelines section 15093, subdivision (a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

C. COMMISSION ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

As noted above, under Public Resources Code section 21081, subdivisions (a)(3) and (b) and State CEQA Guidelines section 15093, subdivision (a), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve a project.

For purposes of CEQA, if these benefits outweigh the unavoidable significant environmental effects of a proposed project, the decision-making agency may approve the underlying project. CEQA, in this respect, does not prohibit the Commission from approving the Project, even if the activities authorized by that approval may cause significant and unavoidable environmental effects. This balancing is particularly difficult given the significant and unavoidable impacts on the resources discussed in the EIR and these Findings. Nevertheless, the Commission finds, as set forth below, that the benefits anticipated by implementing the Project outweigh and override the expected significant effects.

The Commission has balanced the benefits of the Project against the significant unavoidable impacts that will remain after approval of the lease associated with the Approved Project and with implementation of all feasible mitigation in the EIR that is adopted as enforceable conditions of the Commission's approval of the Project. Based on all available information, the Commission finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects, and considers such effects acceptable. The Commission adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above or described below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every significant unavoidable impact.

D. CONCLUSION

The Commission has considered the Final EIR and all of the environmental impacts described therein including those that cannot be mitigated to a less than significant level and those that may affect Public Trust uses of State sovereign land. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines sections 15096 subdivision (h) and 15093, the Commission has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's significant and unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. The Commission finds that the remaining significant unavoidable impacts of the Project are acceptable in light of these benefits. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the substantive and legal basis for this Statement of Overriding Considerations.

The Commission finds that to the extent that any impacts identified in the Final EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

Based on the above discussion, the Commission finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable.