

ATTACHMENT 3

1.0 CEQA FINDINGS

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FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090 AND 15091:

A. CONSIDERATION OF THE EIR

The Final Environmental Impact Report (FEIR), 03-EIR-02, was presented to the Board of Directors and all voting members of the Board have reviewed and considered the EIR, 03-EIR-02, and its appendices. In addition, the Board has reviewed and considered testimony and additional information presented at or prior to the public hearing on July 15, 2003.

B. FULL DISCLOSURE

The Board of Directors finds and certifies that the Final EIR constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA, and represents the independent judgement of the Board of Directors. The Board further finds and certifies the Final EIR has been completed in compliance with CEQA and is adequate for this project.

C. LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Deputy Director of the Water Resources Division, Santa Barbara County Public Works, located at 123 E. Anapamu St., Santa Barbara, CA 93101.

D. ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Pursuant to Public Resources Code Section 21081.6, the Board hereby adopts the approved project description and mitigation measures, with their corresponding mitigation monitoring requirements, as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation and mitigation or avoidance of significant effects on the environment.

E. FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final EIR for the Carpinteria Salt Marsh Enhancement Plan identifies no environmental impacts which cannot be fully mitigated. Therefore, a Statement of Overriding Considerations is not included in these findings.

F. FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR (03-EIR-02) identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1. Air Quality

Ground disturbance and heavy equipment operation during construction and maintenance activities would produce short-term PM10 emissions as well as combustive NOx and ROC emissions. APCD standard dust mitigation measures as well as standard practices to reduce construction and maintenance equipment emissions will be followed. These mitigation measures will reduce impacts to air quality to a less than significant level.

2. Biological Resources

Excavation of the new tidal inlet channel would affect upland habitat containing non-native vegetation, cause turbidity and sedimentation in the adjacent channel and temporarily affect least terns and their habitat. Scheduling construction activities to avoid the least tern post breeding season foraging from July to August will reduce impacts to least terns to a less than significant level.

Excavation of the new tidal inlet channel, increasing the elevation of the Franklin Creek berm, and construction of flood control structures in the South Marsh would remove salt marsh vegetation. Salt marsh revegetation, restoration, and enhancement at a 3:1 ratio in Basin 1 and the South Marsh will be implemented. This mitigation measure will reduce impacts to salt marsh vegetation to a less than significant level.

Sediment removal would result in a loss of individual tidewater gobies present where dredging occurs and a loss of food items (invertebrates) for any fish that survive. Prior to sediment removal, the channels will be surveyed for tidewater gobies. If any are found, they will be relocated to areas where no sediment removal is scheduled. This mitigation measure will reduce impacts to tidewater gobies to a less than significant level.

Construction activities associated with flood control structures have the potential to adversely impact rare, threatened or endangered species. Revegetation of salt marsh, native grassland, coastal scrub, and transition habitats will be implemented. In addition, construction activities and ground disturbance will be scheduled to avoid the Belding's

savannah sparrow breeding season. Surveys will also be conducted immediately prior to construction to make sure none are present. These mitigation measures will reduce impacts to Belding's savannah sparrows to a less than significant level.

3. Cultural Resources

Construction of the floodwall along the north side of Del Mar Avenue could result in the disturbance of unknown cultural resources. All earth disturbances associated with construction of the floodwall shall be monitored by a qualified archaeologist and Native American representative. This mitigation measure will reduce the impacts of disturbing unknown cultural resources to a less than significant level.

Project construction activity could increase short-term access to archaeological artifacts and unauthorized collection. A pre-construction workshop shall be conducted by a qualified archaeologist and Native American representative for anyone associated with construction of the floodwall. This mitigation measure will reduce the impact of unauthorized access to and collection of archaeological artifacts to a less than significant level.

4. Geologic Processes

Project grading, excavating, and stockpiling associated with construction of the berms and floodwall would result in short-term increase in the amount of soil exposed to wind and water erosion. The Final Grading and Drainage Plan shall include requirements for sediment and turbidity control, revegetation or restoration of nonpaved areas, conveyance of surface runoff per approved drainage plans, and a prohibition of grading during the wet season from December 1 to April 15 unless erosion control devices are implemented. These mitigation measures will reduce impacts associated with project grading, excavating, and stockpiling to a less than significant level.

Changes in topography would occur as a result of the project. Channel slopes shall be graded to a stable angle of repose (2:1 to 3:1). This mitigation measure would reduce impacts due to changes in topography to a less than significant level.

The proposed dredge material may not be suitable for beach or surfzone disposal. Dredged or excavated sediment shall be tested in accordance with U. S. Army Corps of Engineers requirements to determine if the sediment is suitable for beach or surfzone disposal. This mitigation measure will reduce potential impacts to the marine ecosystem to a less than significant level.

5. Hydrology/Water Quality

Increased turbidity in the nearshore would arise from the operation of hydraulic dredges that discharge directly onto the beach. In addition, dredged sediment may contain contaminants. Construction monitoring of water quality will occur as directed by the RWQCB. This mitigation measure will reduce impacts associated with unacceptable levels of turbidity or contaminants to a less than significant level.

6. Noise

Noise generated by constructing berms and floodwalls, desilting operations along Franklin and Santa Monica Creeks, dredging or opening the mouth of the marsh, and the disposal of sediment, would temporarily exceed 65 dBA CNEL at residential areas within 500' as well as recreational and scientific use of the marsh and adjacent Nature Park. Construction activities shall be limited to the hours between 7 a.m. and 5 p.m., Monday through Friday. No construction shall occur on holidays. Construction equipment shall be limited to the same hours and be properly muffled. In addition, nearby residents and the manager of the Carpinteria Salt Marsh Reserve and Nature Park shall be notified two weeks in advance of construction activities. These mitigation measures will reduce impacts associated with noise to a less than significant level.

7. Risk of Upset/Hazardous Materials

Potential risks of desilting operations include the accidental discharge of fuels, lubricants, and hydraulic fluids onto the ground or into the marsh. Equipment fueling and maintenance shall be completed at least 100' from the nearest channel or wetland area. In addition, a spill containment and clean up plan shall be developed. All field personnel shall be trained in the appropriate procedures and field vehicles shall be equipped with spill clean up and containment kits. All contaminated areas shall be cleaned up. These mitigation measures will reduce impacts associated with the accidental discharge of contaminants into the marsh to a less than significant level.

8. Transportation

Construction activities could cause short-term safety impacts and inconvenience traffic along Sandyland Cove Road, Del Mar Avenue, and at the access roads' intersection with Carpinteria Avenue. Flagpersons and warning signs shall be used as needed to ensure the safe ingress and egress to Carpinteria Avenue and to facilitate the safe transit of those accessing the residential areas at the southern end of Sandyland Cove Road. Notice of construction activities shall be given to adjacent residents

prior to the onset of construction. These mitigation measures will reduce impacts associated with traffic to a less than significant level.

G. FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR, 03-EIR-02, prepared for the project evaluated 8 alternatives and a No Project alternative. Alternative 4 has three options (4a, 4b, 4c) and alternatives 5 and 6 have two options each (5a, 5b, 6a, 6c). The project descriptions for all of the alternatives, excluding the No Project alternative, have been divided into three components: 1) channel improvements, 2) berm removal, and 3) restoration.

The project alternatives have been screened based on the following criteria: 1) technical feasibility, 2) economic feasibility, 3) land and institutional considerations, 4) meeting the project objectives, and 5) environmental impacts.

Infeasible Alternatives:

1. Alternative 1:

Preliminary estimates determined that 6.36 acres of salt marsh habitat would be eliminated as a part of this alternative. The regulatory agencies that would permit this project typically require like-kind mitigation at a ratio of 3:1 thus requiring approximately 19 acres of salt marsh habitat creation. The Basin 1/South Marsh Plan identified 1.32 acres that are suitable for salt marsh habitat creation. Therefore, due to the lack of available area for salt marsh habitat creation and greater impacts to biological resources, this alternative was dismissed from further consideration in the EIR.

2. Alternative 2:

Preliminary estimates determined that 7.72 acres of salt marsh habitat would be eliminated as a part of this alternative. The regulatory agencies that would permit this project typically require like-kind mitigation at a ratio of 3:1 thus requiring approximately 23 acres of salt marsh habitat creation. The Basin 1/South Marsh Plan identified 1.32 acres that are suitable for salt marsh habitat creation. Therefore, due to the lack of available area for salt marsh habitat creation and greater impacts to biological resources, this alternative was dismissed from further consideration in the EIR.

3. Alternative 3:

Preliminary estimates determined that 7.65 acres of salt marsh habitat would be eliminated as a part of this alternative. The regulatory agencies that would permit this project typically require like-kind mitigation at a ratio of 3:1 thus requiring approximately 23 acres of salt marsh habitat creation. The Basin 1/South Marsh Plan identified 1.32 acres that are suitable for salt marsh habitat creation. Therefore, due to the lack of available area for salt marsh habitat creation and greater impacts to biological resources, this alternative was dismissed from further consideration in the EIR.

4. Alternative 4C:

This alternative includes a higher berm than Alternatives 4A and 4B. Construction of the higher berm would have a larger footprint and construction techniques, including importing core material, would cause greater disturbance to biological resources. The larger berm would also have greater visual impacts. Therefore, due to increased impacts to biological and visual resources, this alternative was dismissed from further consideration in the EIR.

5. Alternative 8:

This alternative would require constructing a floodwall around the Carpinteria Salt Marsh Nature Park. The floodwall would eliminate some of the recently created habitat at the Nature Park resulting in greater impacts to biological resources than the alternatives carried forward for analysis. Furthermore, the floodwall would completely obstruct public views of the Nature Park resulting in unmitigable impacts to visual resources. Therefore, due to increased impacts to biological and visual resources, this alternative was dismissed from further consideration in the EIR.

Alternatives Considered in the EIR

6. Alternative 4B:

This alternative is equivalent to the Preferred Alternative 4A except that it doesn't achieve the flood control project objectives as well. The floodwall along Del Mar Avenue would be constructed to an elevation of 8' msl instead of 10' msl and therefore would provide slightly less than the 100-year level of protection that is one of the flood control project objectives. This alternative was not considered the preferred alternative as it would provide slightly less than the 100-year level of protection and therefore is rejected.

7. Alternative 5A:

This alternative meets the all of the project objectives but results in greater impacts to biological resources. Constructing a berm along Del Mar Avenue in lieu of a floodwall would result in impacts to salt marsh habitat of approximately 0.82 acres as opposed to 0.26 acres for alternatives 4A/4B. This alternative was not considered the preferred alternative as it would result in more severe biological impacts and is therefore rejected.

8. Alternative 5B:

This alternative is equivalent to Alternative 5A except that it doesn't achieve the flood control project objectives as well. The berm along Del Mar Avenue would be constructed to an elevation of 8' msl instead of 10' msl and therefore would provide slightly less than the 100-year level of protection that is one of the flood control project objectives. This alternative would result in impacts to salt marsh habitat of approximately 0.64 acres which is less than Alternative 5A but greater than Alternatives 4A/4B. This alternative was not considered the preferred alternative as it would provide slightly less than the 100-year level of protection, would have greater impacts to biological resources than the preferred alternative, and therefore is rejected.

9. Alternative 6A:

This alternative meets the all of the project objectives but results in greater impacts to biological resources. Constructing a berm along the south side of the Main Channel in lieu of a floodwall along Del Mar Avenue would result in impacts to salt marsh habitat of approximately 1.00 acres as opposed to 0.26 acres for alternatives 4A/4B. This alternative was not considered the preferred alternative as it would result in more severe biological impacts and is therefore rejected.

10. Alternative 6B:

This alternative is equivalent to Alternative 6A except that it doesn't achieve the flood control project objectives as well. The berm along the south side of the Main Channel would be constructed to an elevation of 8' msl instead of 10' msl and therefore would provide slightly less than the 100-year level of protection that is one of the flood control project objectives. This alternative would result in impacts to salt marsh habitat of approximately 0.82 acres which is less than Alternative 6A but greater than Alternatives 4A/4B. This alternative was not considered the preferred alternative as it would provide slightly less than the 100-year level of protection, would have greater impacts to biological resources than the preferred alternative, and therefore is rejected.

11. Alternative 7:

This alternative meets all of the project objectives except the flood control objective of providing 100-year level of protection. Although it would impact only 0.04 acres of salt marsh habitat, it doesn't meet the main flood control project objective of providing 100-year level of protection and therefore is rejected.

12. No Project Alternative

This project was not selected because it would not meet any of the project objectives, including the restoration objectives. Portions of the City of Carpinteria would continue to be subject to flooding and the opportunity to significantly enhance the Carpinteria Salt Marsh would be lost. The No Project Alternative would not achieve the project objectives of providing 100-year level of protection, sediment management, and major salt marsh restoration and therefore is rejected.

H. FINDINGS THAT ALTERNATIVE 4A IS THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 4A will be modified to allow the floodwall component along Del Mar Avenue to be designed to an elevation between 8' and 10' mean sea level. Alternatives 4A (as modified), 5A, and 6A meet all of the project objectives. Alternatives 5A and 6A have greater impacts to biological resources than Alternative 4A (as modified). Impacts associated with other resources, except for the potential to impact cultural resources impacts associated with Alternative 4A (as modified), would be comparable among these three alternatives. The project area, however, contains no known cultural resources. Therefore, Alternative 4A (as modified) is the Environmentally Superior Alternative that meets all the project objectives, and it is the preferred alternative.

I. FINDINGS THAT THE MODIFICATION OF ALTERNATIVE 4A DOES NOT REQUIRE RECIRCULATION OF THE EIR

Modifying Alternative 4A to allow the floodwall along Del Mar Avenue to be designed to an elevation of 8' to 10' mean sea level does not require recirculation of the EIR. The modification does not constitute "significant new information" pursuant to CEQA Section 15088.5 and therefore, recirculation of the EIR is not required.