

M E M O R A N D U M

DATE: December 8, 2009
TO: Jill Griffiths
FROM: Ashley Davis
SUBJECT: Draft EIR Errata

As a result of preparing the Draft EIR Response to Comments this week, LSA Associates, Inc. (LSA) noted the following typographical errors/errata in the Draft EIR that we would like to clarify for the record. Please see revised text below. Please include this memorandum in the project file and CEQA Administrative Record for the project. This errata does not change the level of significance of any impacts or conclusions in the EIR.

The following text is excerpted from page 4.2-35:

Fugitive Dust. Fugitive dust emissions are generally associated with land clearing, exposure, and cut-and-fill operations. Dust generated daily during construction would vary substantially, depending on the level of activity, the specific operations, and weather conditions. Nearby sensitive receptors and on-site workers may be exposed to blowing dust, depending upon prevailing wind conditions. Fugitive dust would also be generated as construction equipment or trucks travel on unpaved areas of the construction site. Only the site preparation phase prior to paving the parking lots is anticipated to generate any measurable emissions of fugitive dust. PM₁₀ and PM_{2.5} emissions from grading operations during the site preparation phases are based on the LST analysis techniques published by the SCAQMD (see Appendix B). The PM₁₀ and PM_{2.5} emissions are included in construction emissions listed in Table 4.2.E. As shown, the emissions would not exceed the SCAQMD's thresholds. Therefore, no mitigation measures would be required. However, to endure that impacts related to construction related fugitive dust remain less than significant, and to ensure project compliance with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403, Mitigation Measures 4.2-1 and 4.2-5 have been proposed.

The following text is excerpted from page 4.2-38:

The project will comply with all Title 24 requirements, thereby increasing the energy efficiency of all on-site restrooms. Therefore, the proposed project is not expected to result in a long-term increase in GHG emissions. Further, Mitigation Measures 4.2-4~~2~~ and 4.2-5~~3~~ have been proposed and will require the Marine Bureau to incorporate CO₂ reduction measures in order to reduce CO₂ emissions associated with building design and building operation/maintenance to improve energy efficiency or reduce energy consumption. With implementation of Mitigation Measures 4.2-4~~2~~ and 4.2-~~35~~, operation of the proposed project would not conflict with implementation of the GHG reduction goals under AB 32 or other State regulations. In addition, the proposed project is a less intense continuation of an existing land use. Therefore, with mitigation, operational GHG impacts are considered less than significant.

The following text is excerpted from page 4.2-38:

Table 4.2.F shows that the calculated emissions rates for the proposed construction activities are below the localized significance thresholds for NO_x, CO, PM₁₀, and PM_{2.5}. Therefore, the proposed construction activities would not cause any short-term, localized, significant air quality impacts. The overall project construction is below thresholds, and each phase of project construction would also be below thresholds. However, as stated above, the analysis was based on information provided by the project engineer indicating that no more than 1 ac of parking lot repaving would occur at any one time. Therefore, Mitigation Measure 4.2-~~24~~ has been proposed requiring that repaving areas do not exceed 1 ac at any one time. With implementation of Mitigation Measure 4.2-24, emission rates for each phase of project construction would remain below the thresholds, reducing potential impacts to a less than significant level.

The following text is excerpted from page 4.3-28:

However, due to the potential for sea turtles to be present in the project area during the Marina renovation, Mitigation Measure 4.4~~3~~-2 has been proposed, requiring a biologist to monitor the site during construction and be empowered to stop construction to avoid negative effects on sea turtles. Implementation of Mitigation Measure 4.4~~3~~-2 would reduce potential construction impacts to sea turtles to a less than significant level.

The following text is excerpted from page 4.3-29

Mitigation Measure 4.3-~~2~~ 4.3-3, requiring 1,648 sf of eelgrass vegetation to be successfully transplanted in accordance with the SCEMP, is proposed to reduce potential impacts to eelgrass marine resources to a less than significant level. Additionally, Mitigation Measures 4.3-4 and 4.3-5 have been proposed to avoid potential impacts to marine biological resources from construction activities. Implementation of Mitigation Measures 4.4-~~2~~ 4.3-3 through 4.3-5 will reduce impacts related to eelgrass and biological resources during construction to a less than significant level.

The following text is excerpted from page 4.3-30

However, to ensure that potential impacts to the great blue heron as well as other California species of concern listed above are reduced to a less than significant level, Mitigation Measure 4.4-~~5~~ 4.3-6 has been proposed, restricting the removal of trees and vegetation during the nesting season and requiring surveys, as necessary, prior to construction. Implementation of Mitigation Measure 4.4-~~5~~ 4.3-6 would ensure that potential impacts to migratory birds are reduced to a less than significant level.

The following text is excerpted from Mitigation Measure 4.3-2 on page 4.3-31 and 4.3-32:

- 4.3-2** Prior to the start of any construction or dredging activities, the Marine Bureau Manager shall verify that the following measures have been incorporated into the final project plans and construction contract in order to further reduce any potential impacts to green sea turtles and marine mammals:

- A qualified marine biologist shall be on site during the construction period to monitor the presence of endangered species and marine mammals. The on-site biological monitor shall have the authority to halt construction operations and shall determine when construction operations can proceed.
- Construction crews and work vessel crews shall be briefed on the potential for this species and marine mammals to be present and will be provided with identification characteristics of sea turtles, since they may occasionally be mistaken for seals or sea lions.
- If a marine mammal is observed within a radius of 1,200 ft (366 meters) from the dredge operation, then activities shall not be initiated until the animal has passed out of the project area. If an animal is periodically but not constantly observed during this period, dredging activities shall not be initiated for a period of 15 minutes, which is the estimated amount of time for a seal lion or other marine mammal to transit out of the project area.
- In the event that a sea turtle is sighted within 100 meters of the construction zone, all construction activity shall be temporarily stopped until the sea turtle is safely outside the outer perimeter of construction. The on-site biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.
- The biological monitor shall prepare an incident report of any marine mammal or green sea turtle activity in the project area and shall inform the construction manager to have his/crews be aware of the potential for additional sightings. The report shall be provided within 24 hours to the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS).
- In the event of a watercraft collision with a marine mammal or sea turtle the NMFS Stranding Coordinator shall be contacted within 24 hours.

The following text is excerpted from Mitigation Measure 4.3-4 on page 4.3-33.

4.3-4

Prior to issuance of any demolition or construction permits, the Marine Bureau Manager shall provide verification that the following provision has been included in the contract for project construction: that a qualified biologist has been retained to implement the following measures, which shall be incorporated during all phases of construction in order to minimize impacts on eelgrass and other biological resources:

- Impacts to eelgrass beds shall be avoided where practical and feasible. A project marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone. To assist the construction crew in avoiding unnecessary damage to eelgrass, the project marine biologist shall meet with the construction crews prior to dredging to review areas of eelgrass to avoid and to review proper construction techniques.
- Barges and work vessels shall avoid impacts to eelgrass beds in the immediate vicinity of Basins 2 and 4 6-South. Barges and work vessels shall be operated in a manner to ensure that eelgrass beds are not impacted through grounding,

propeller damage, or other activities that may disturb the seafloor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.

- A qualified marine biologist shall monitor the construction process on a weekly basis to ensure that all water quality best management practices (BMPs) are implemented and to assist the project engineer in avoiding and minimizing environmental effects to benthic communities, including eelgrass. Within 30 days after the project is completed, a post-construction marine biological survey shall be conducted to determine the extent of any construction impacts on eelgrass habitat. The survey report will be completed within 30 days and shall be submitted to the California Coastal Commission and the United States Army Corps of Engineers.

The following text is excerpted from Mitigation Measure 4.6-3 on page 4.6-14:

4.6-3 Soil Management Plan: The Office of Environmental Health Hazard Assessment (OEHHA) shall review the dredge materials removal workplan and shall list any additional requirements. Development of the dredge materials workplan shall also be coordinated with the Southern California Dredged Material Management Team and the Los Angeles Region Contaminated Sediments Task Force. Implementation of the workplan shall be overseen by the OEHHA for compliance with local, State, and federal regulations. Any additional sampling or contaminant material removal shall be subject to these same regulations. As part of the soil management plan, all disposal material will be characterized prior to disposal at a State landfill site. All hazardous waste will be disposed of in a Class I landfill. All other soils or solid waste will be disposed of at an unclassified landfill. In addition, during construction activities of the potentially impacted soils on site, monitoring will be required by the South Coast Air Quality Management District (SCAQMD).

After removal of the contaminated materials from Basin 1 and during the drying process of these sediments/soils, a mixture of Simple Green and water (10:1) shall be lightly applied to the excavated sediments/soils. Simple Green accelerates the decomposition process and will have the overall result of shortening the duration of odor emissions.