STATEMENT OF OVERRIDING CONSIDERATIONS

SAN DIEGUITO LAGOON W-19 RESTORATION PROJECT
SCH: 2014081095
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Background

Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section15091 of the State CEQA Guidelines, as explained in the Findings Regarding Significant Impacts, the San Dieguito River Park Joint Powers Authority (JPA) found that changes or alterations have been required in, or incorporated into, the San Dieguito Lagoon W-19 Restoration Project (proposed project) that minimize or reduce the significant impacts, but not to a less than significant level for certain impacts, as explained in the findings below, or changes or mitigation measures were considered but identified as infeasible due to specific economic, legal, social, technological, or other considerations, as explained in the findings below. Thus, the following impacts would remain significant and unavoidable:

- Traffic, Access, and Circulation (temporary and cumulative)
- Noise Impact to Sensitive Residential Receptors (temporary)
- Biological Resources (temporary)

Traffic, Access, and Circulation (temporary and cumulative)

Despite the implementation of all feasible and reasonable mitigation, lagoon restoration and maintenance-related activities would result in a temporary significant impact to traffic. Traffic routed over certain freeway segments and arterial roadway sections would exceed the existing roadway capacity during the 3-month intensive construction period and cause a temporary increase in the volume-to-capacity ratios on many of the nearby freeway segments.

Implementation of Mitigation Measure Coastal Processes-2 may also result in significant impacts on local roads currently operating at capacity and other roadways within the region. Material placement per Mitigation Measure Coastal Processes-2 would require transportation on neighborhood roads to access the placement sites. Congestion on local roadways currently at capacity would increase temporarily as material is transported to the beach and is considered a significant impact. Potential sand sources vary and could include upland quarries as well as opportunistic reuse of material generated from construction excavation or other regional wetland/river dredging. Because the source locations have not been identified, the specific roadways that may be impacted, beyond the local roadways analyzed within the Final Environmental Impact Report (Final EIR), cannot be predicted with certainty. Due to the uncertainty of which sand source will be utilized, the temporary impact to traffic, access, and

circulation from Mitigation Measure Coastal Processes-2 is presumed to be significant and unavoidable (temporary).

Upon completion of lagoon restoration, these temporary traffic impacts would be eliminated and traffic operations would revert to their previous conditions, with the exception of maintenance activities following large storm events, and the implementation of Mitigation Measure Coastal Processes-2, which would be temporary and infrequent. Alterations in the proposed project have been required that avoid or substantially lessen this impact. During construction, traffic is primarily onsite, reducing impacts to local roadways and freeway segments. For offsite impacts, Mitigation Measure Traffic-1 requires advanced notification to motorists that delays and traffic congestion will occur at freeway segments (Interstate 5 and Interstate 805, south of the merge) and arterial roadway sections (Via de la Valle and El Camino Real) during the construction period and will encourage roadway users to consider other transportation modes or alternative routes during peak hours. Notifications may be accomplished via information and detour routes available on the project website; traffic details included in notifications to local residents; traffic and alternative route information published in local media; and physical traffic control measures, such as temporary signage located at various distances from the impacted areas. Mitigation Measure Traffic-1 also requires coordination with the El Camino Real Bridge/Road Widening Project operations and/or other applicable local projects to reduce projected traffic, if project schedules overlap. Because it is speculative to predict the extent to which Mitigation Measure Traffic-1 would reduce traffic impacts, and due to the already-congested state of the roadways in question, the temporary impact to traffic would remain significant and unavoidable (temporary).

Other traffic mitigation options were considered as detailed in Section 5.8.5 of the Final EIR, but many measures that would mitigate impacts would be permanent in nature, such as roadway reconfiguration, restriping, roadway widening, etc. Also considered were measures to reduce construction-generated traffic on impacted roadways such as alternative routes between the restoration site and the placement sites; however, the limited number of alternative roadways restricts the possibilities of alternative routes and those alternate routes would be nearly twice as long and result in secondary impacts. Therefore, no additional mitigation measures were found feasible or reasonable for lagoon restoration activities and maintenance-related traffic impacts. Implementation of the proposed mitigation measure will reduce temporary traffic impacts; however, impacts would remain significant and unavoidable.

If construction or maintenance trips associated with the proposed project were to occur simultaneously with other cumulative projects that add traffic, require lane closures, or change the traffic flow in the immediate area, most specifically the I-5 North Coast Corridor Project or widening of Via de la Valle, it is possible that the resulting changes in traffic volumes and roadway capacities could combine to create greater congestion and traffic impacts. It is difficult to anticipate if cumulative projects would overlap because of unknown timing of project construction schedules; however, it is possible that some portion of the projects would overlap, resulting in significant cumulative impacts. Mitigation Measure Traffic-1 requires coordination

with the El Camino Real Bridge/Road Widening Project operations and/or other applicable local projects to reduce projected traffic, if project schedules coincide. This mitigation measure will help to mitigate cumulative traffic impacts; however, if construction is simultaneous, the impact would not be mitigated to a level below significant. Additional mitigation measures to reduce the cumulative traffic congestion were considered, but none were found feasible to mitigate the temporary traffic impacts due to construction traffic. The limited number of roads servicing the area creates challenges in identifying feasible mitigation options. For this reason, implementation of the proposed project would make a cumulatively considerable contribution to a temporary significant cumulative traffic impact if adverse traffic impacts from various projects were to occur concurrently. As described above, additional mitigation measures detailed in Section 5.8.5 of the Final EIR were found infeasible at a project level. No additional feasible cumulative mitigation measures have been identified to further reduce the cumulative traffic impacts.

Noise (temporary)

Despite the implementation of all feasible and reasonable mitigation, significant temporary noise impacts have been identified during the placement of material on the beach during initial construction, maintenance activities, and implementation of Mitigation Measure Coastal Processes-1 and 2. Mitigation Measures Noise-2, 3, and 4 have been incorporated into the proposed project to reduce the noise impact at local residential receptors; however, the temporary noise impact during beach placement activities will remain significant and unavoidable. The mitigation requires that, during initial construction, maintenance, and implementation of Mitigation Measure Coastal Processes-1 and 2, the construction contractor will provide written notification to residences within 100 feet of the construction zones prior to the commencement of construction activity; establish a telephone hot-line, which will be provided in the written notification to nearby residents, for use by the public to report any perceived substantial adverse noise conditions associated with the construction of the proposed project; document, investigate, evaluate, and attempt to resolve construction-related noise complaints; and implement typical field techniques and equipment selection for reducing noise from construction activities with the purpose of reducing aggregate construction noise levels at nearby noise-sensitive receptors (e.g., adjust audible back-up alarms, install intake and exhaust mufflers, minimize equipment and vehicle engine idling time). No additional potential mitigation measures are feasible to minimize these temporary impacts, as detailed in Section 5.10.5 of the Final EIR. The use of noise walls was considered as an option for noise reduction, but the continually moving nature of construction equipment during material placement would require that the barriers be mobile and moved frequently, and the elevated location of the residential properties would make the barriers less effective. In addition, the barriers would cause additional access restrictions for beach users. For these reasons, these potential measures are not considered feasible. Because mitigation is not available to eliminate or reduce these temporary noise impacts, they would remain significant and unavoidable.

Biological Resources (temporary)

Despite the implementation of all feasible and reasonable mitigation, restoration activities associated with implementation of the proposed project would temporarily impact approximately 142 acres during vegetation removal, sediment removal, and grading activities. Temporary significant habitat impacts would include jurisdictional wetlands and sensitive habitats. Because the proposed project may temporarily disturb sensitive resident species habitats, this short-term direct impact to wildlife species is considered significant, as described in Section 5.6.3 of the Final EIR. Additionally, the proposed project could temporarily impact non-listed special-status mammal species and wildlife movement. Construction noise could temporarily indirectly affect special-status species and these impacts would be considered significant. Wetlands maintenance activities may require the use of heavy machinery and temporary disturbance of some areas within the W-19 site. Similar impacts to jurisdictional wetlands and sensitive habitats and indirect noise impacts to special-status species would result during future maintenance activities.

Noise generated by proposed project construction would be temporary and vary dependent on the work phase. Removal of vegetation outside of the breeding season, as described in PDF-19 (Table 3-4 of the Final EIR), would limit nesting and species occurrences within the W-19 site during noise-generating construction activities. Additionally, if vegetation is removed outside of breeding season, when species seek out their habitat for breeding, the adjacent habitat would be available and more suitable for nesting conditions, while being at a greater distance from noise-generating activities. During excavation and construction, noise generated by earth-moving equipment is mobile and would continually move throughout the site. The dynamic nature of the noise-generating construction equipment throughout the proposed project site would limit the length of time any certain area is exposed to increased noise levels. Additionally, construction noise levels are typically not constant as the typical duty cycle of the equipment is varied due to times when it is not functioning at full engine power, such as worker breaks, change in construction activities, and maintenance.

The temporary impacts would cease at the end of construction or maintenance activities or as the new wetland and upland habitats establish. However, potential mitigation measures to further minimize these temporary impacts are not available. Mitigation measures to reduce or minimize the temporary construction impacts were considered, including noise walls and restriction of construction activities to outside the breeding season. Because equipment would be moving through the biological study area throughout construction, and the habitat of concern includes adjacent marsh, an intervening noise wall would have to be continually mobile or constructed in unstable soil conditions along the river edge. The impacts associated with construction of the noise walls and the introduced barrier would reduce or eliminate the value of this mitigation measure or cause additional secondary impacts. To minimize the duration of temporary impacts, proposed project construction has been designed to occur as quickly as possible; thus, minimization of biological impacts by avoiding breeding seasons is not feasible. The proposed project is designed to enhance the W-19 site and contribute to the ecological function of the San

Dieguito Lagoon system, and periodic maintenance is necessary to maintain the wetlands conditions and habitat types. Because mitigation is not available to eliminate or reduce these temporary impacts, they would remain significant and unavoidable.

Because this proposed project is an enhancement effort focused on improving the W-19 site and improving the ecological function of the San Dieguito Lagoon system as a whole, substantial time and effort went into the planning for, and avoidance of, short-term and long-term impacts to species and their habitats through proposed project design features (Table 3-4 of the Final EIR). Generally, permanent impacts associated with habitat conversion would be intentional to increase higher value/functioning habitat at the expense of lower-quality habitat currently existing onsite; thus, many of the habitat-based impacts are necessary with no immediate mitigation, but as new habitat establishes, impacts would cease. Because immediate mitigation is not available to eliminate or reduce these temporary impacts, they would remain significant and unavoidable.

Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, when the lead agency approves a project that may result in the occurrence of significant impacts that are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

The JPA has adopted Findings Regarding Significant Impacts for the proposed project that identify certain significant impacts of implementing the proposed project that are unavoidable even after incorporation of feasible mitigation measures.

The JPA finds that the remaining unavoidable significant impacts are acceptable due to each of the specific economic, legal, social, technological, or other benefits that will result from approval and implementation of the proposed project as listed below. These benefits are based on the facts set forth in the Findings Regarding Significant Impacts, the Final EIR, and the record of proceedings for the proposed project. Each of these benefits is a separate and independent basis that justifies approval of the proposed project, so that if a court were to set aside the determination that any particular benefit will occur and justifies approval of the proposed project, the JPA determines that it would stand by its determination that the remaining benefit(s) is or are sufficient to warrant project approval.

Overriding Benefits

The JPA finds that the proposed project would have the following substantial overriding benefits:

1. Improved Habitat Quality and Biological Conditions

Within the W-19 site, the proposed project establishment of approximately 60 acres of tidal salt marsh (post-restoration acreages of low-high salt marsh, mudflat, and open water and approximately 15 acres of brackish marsh) would result in permanent post-restoration net gain of approximately 64 acres of wetland. In addition, the gain in wetland habitat would result in a corresponding decrease of bare ground/disturbed habitats.

The proposed project is designed to enhance the W-19 site and contribute to the ecological function of the San Dieguito Lagoon system as a whole. Although impacts would occur as identified in the Impact Analysis, they would occur in order to increase the overall habitat value of the site and to increase wetlands within San Dieguito Lagoon as a whole. Some permanent impacts associated with habitat conversion would be intentional, to increase higher value/functioning habitat at the expense of lower-quality habitat currently existing onsite. Within 5 to 10 years following restoration, habitats are expected to have substantially recovered and matured.

Significant adverse biological impacts identified for the proposed project are temporary and are a result of the disturbance that must occur to alter elevations to achieve appropriate wetland conditions and enhance the overall habitat value of the site. The temporary disturbance of habitat within the proposed project site is unavoidable for implementation of the proposed project. The proposed project is designed to enhance the W-19 site and contribute to the ecological function of the San Dieguito Lagoon system, and periodic maintenance is necessary to maintain the wetlands conditions and habitat types.

In the long term, the biological habitat improvements, specifically with the establishment of wetland and riparian areas that would expand the functional San Dieguito Lagoon wetland complex, would be beneficial to certain wildlife species once revegetation has established. The proposed project would transform existing upland and disturbed habitats to sensitive wetland habitats. Lower value habitats such as coyote bush scrub, saltbush scrub, and bare ground would be graded and established as mudflat, brackish marsh, low salt marsh, mid-high salt marsh, transitional areas, riparian, and coastal sage scrub.

Within the W-19 site, the proposed project would result in permanent post-restoration net gain of approximately 64 acres of vegetated wetland and riparian habitats (see Table ES-1 of the Final EIR). As a result of the proposed project, an increase in overall acreage of high value vegetation communities and resources in the W-19 site would experience the benefits from the restored hydrologic connectivity to the historic lagoon complex. For example, the proposed project would directly benefit the light-footed Ridgway's rail, California least tern, least Bell's vireo, and Belding savannah sparrow as these species' nesting and foraging habitat would increase with implementation of the proposed project.

The majority of the disposal site has inconsistent habitat value and does not provide suitable foraging or nesting habitat for sensitive species. Post restoration, the entire disposal site would be revegetated with coastal sage scrub, a Tier II habitat, to provide functional habitat for the support of upland avian and mammal species. Specifically, the coastal California gnatcatcher nesting and foraging habitat would increase with revegetation of the disposal site and would provide connectivity with adjacent coastal sage scrub currently supporting the species.

2. Enhanced Wildlife Corridor Connectivity

San Dieguito Lagoon is identified as a regional wildlife corridor and provides a major east/west corridor for wildlife movement along the San Dieguito River. The lagoon is important in that it provides a large area of habitat for core populations of special-status wildlife and plant species. The proposed project would expand the functional wetland area of the lagoon and enhance connectivity along the river valley to promote functionality of the broader lagoon ecosystem and promote a sustainable system of native wetland and terrestrial vegetation communities.

3. Support Coastal Wetland Ecology

San Diego coastal lagoons have experienced substantial transformations over the past centuries due to human development and influence. As cited in the EIR, since about 1850 an overall loss of 48 percent of historical estuarine habitat types has occurred along the southern California coast (generally Ventura to the United States-Mexico border). Estuarine wetlands in the area (including both vegetated and unvegetated habitat types) have experienced a 75 to 78 percent loss of acreage. Coastal lagoons in San Diego provide critical functions in support of wildlife and plant species, including migratory shorebird habitat, habitat for various federal- and state-listed species, and nursery and refugia for fish species.

Historically, San Dieguito Lagoon supported a variety of habitats ranging from vegetated salt and brackish marsh to mudflats and sloughs. Existing lagoon habitat has experienced a conversion from a range of marsh habitats to upland disturbed communities. Development and infrastructure expansion into the watershed and immediate surrounding areas have degraded the lagoon from historical conditions. While the proposed project would create a substantial change to the existing lagoon environment, the modifications are considered to be an improvement and biologically beneficial as wetland habitats are a valuable resource that has historically decreased in the region. The proposed project would result in a net gain of more biologically productive habitat, with the restoration of approximately 142 acres to a functional mix of tidal salt marsh, brackish marsh, tidal wetlands, riparian, and transitional/upland habitats. Thus, overall changes to the natural environment as a result of the proposed project would be considered beneficial to the broader lagoon ecosystem.

4. Sea Level Rise Adaptation

Implementation of the proposed project and the associated adaptive maintenance and monitoring program would serve to improve the ability of the lagoon to adapt to anticipated future sea level rise. Currently, the generally flat terrain of the W-19 site and surrounding area would be subject to complete habitat conversion if sea levels were to rise. Grading of the W-19 restoration site to create slopes with a gradual habitat gradient will create opportunities both for near-term wetland function as well as future wetland function as sea level rises and habitats higher in elevation (e.g., transitional areas) convert to wetland. Thus, upland/transitional habitats created adjacent to the wetland habitat would support the near-term ecological function of the restoration project and also provide resiliency for future sea level rise through the ability of habitats to migrate upslope as water elevations rise. With this design, the proposed project aims to create a more resilient ecosystem that can accommodate future climate change scenarios, including sea level rise.

5. Trail Connectivity and River Valley Access

Implementation of the proposed project would include a new trail that would provide a new north/south connection from the Dust Devil Nature Trail, designed for a future connection to the Coast to Crest Trail, expanding the existing recreational trail system of the lagoon by approximately 1 mile. This multi-use trail would provide new public access/recreation with opportunity for educational interpretation along the perimeter of the proposed project area and a future connection to the Coast to Crest Trail. The enhancement provided by the new trail (once the El Camino Real Bridge replacement is complete) will increase the functionality of the existing trail network by allowing local residents on the south side of the lagoon (El Camino Real area) to access the Coast to Crest Trail without a vehicle and to increase access to both trails and traverse the entire lagoon area.

6. Complements Existing Restoration Projects

Approximately 60 acres of tidal salt marsh (post-restoration acreages of low-high salt marsh, mudflat, and open water), 15 acres of brackish wetlands, and 4 acres of riparian habitat would be established, and 5 acres of riparian habitat would be enhanced with the proposed project (see Table ES-1 of the Final EIR). These acreages exceed the identified mitigation opportunities within the I-5 North Coast Corridor PWP/TREP and the El Camino Real Bridge/Road Widening Project EIR. Restoration would complement other recent restoration efforts by creating and maintaining additional wetland habitat within the larger lagoon system. The majority of the lagoon was restored between 2006 and 2011 with the Southern California Edison (SCE) San Dieguito Wetlands Restoration Project (SCE restoration project). The SCE project restored approximately 440 acres within the lagoon. This included creation of tidally influenced wetlands and returned much of the agricultural land within the lagoon to coastal sage scrub/native grassland vegetation. The Del Mar Fairgrounds South Overflow Lot Project restored approximately 14 acres of tidal wetlands. Project implementation would continue to expand the

connected lagoon system, increasing wetland functions and other services over the whole lagoon complex. Upstream to the east of the W-19 site, the planned Fairbanks Ranch Golf Course Remedial Mitigation Project would restore 4.7 acres of native wetland habitat, enhance 123 acres of existing wetland habitats, and restore 19.3 acres of transitional riparian habitat.

7. Employment Opportunity

Implementation of the proposed project would generate new construction employment opportunities over the multi-year construction period. Employment opportunities would continue during proposed project operation for maintenance. This would provide an economic benefit to the community, and potentially the region as a whole.

8. Implementation of the San Dieguito River Concept Plan and Park Master Plan

On February 18, 1994 the Board adopted the San Dieguito River Park Concept Plan to establish the vision and goals for preservation and restoration of the San Dieguito River Valley which stretches 55 miles from the ocean at Del Mar to the source at Volcan Mountain. One of the primary goals of the Concept Plan is to restore the San Dieguito Lagoon which has the largest watershed of the six San Diego coastal lagoons and is one of the few remaining coastal wetlands in California. The San Dieguito River Valley Concept Plan directs development of detailed master plans for each of fourteen defined landscape units along the San Dieguito River, one of which is Landscape Unit A - Del Mar Coastal Lagoon.

A detailed Master Plan for the Del Mar Coastal Lagoon Landscape Unit, entitled Park Master Plan for the Coastal Area of the San Dieguito River Valley Regional Open Space Park (Park Master Plan), was approved by the Board in January 2000 along with the certification of a Final EIR for the Park Master Plan. The purpose of the Park Master Plan was to provide the detailed structure and guidelines that lead to the restoration of the Del Mar Coastal Lagoon area of the San Dieguito River Valley into a well-functioning ecological unit comprising of a healthy estuary and associated uplands that support diverse and abundant plant and wildlife species, and in addition provide for public access and interpretation that lead to greater public understanding of the value of our coastal wetlands.

The SCE restoration project restored the majority of the area analyzed in the Park Master Plan (approximately 440 acres) between 2006 and 2011. However, designated areas remained identified for restoration but have not undergone efforts to improve the sites. This project furthers the vision and goals of the JPA by continuing the implementation of the River Park Concept Plan and the Park Master Plan.

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