

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
JANUARY 6, 2009**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CLEAN BEACHES INITIATIVE PROGRAM (CBI) CITY OF LONG BEACH (CITY) COLORADO LAGOON BEACHES PROJECT (PROJECT)

DISCUSSION

In accordance with the authority established in the Clean Beaches Program of the *Watershed, Clean Beaches, and Water Quality Act (Act)*, Public Resources Code, § 30901 et seq., (Proposition 40), the State Water Resources Control Board (State Water Board) entered into an agreement with the City to construct the Project pursuant to the CBI grant process. No work identified in the agreement that is subject to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) may proceed until the City has received environmental clearance from the State Water Board.

The Colorado Lagoon is an 11.7-acre tidal water body that has multiple functions and provides public contact and non-contact water recreation. The Colorado Lagoon is a sensitive estuary with wetlands and wildlife habitats. During the summer months the lagoon's two beaches, North Beach and South Beach, receive approximately 50,000 visitors a year. It also collects stormwater runoff from the surrounding urban watershed and conveys it to the Pacific Ocean through an 860 foot culvert.

The State Water Board approved a grant for \$3.824 million of Proposition 40 CBI grant funds on September 6, 2006, ([Resolution No. 2006-0057](#)) for the City's Project. The Project will install a combined low flow diversion pump station, with trash separation devices, for three large storm drain outfalls that discharge runoff into the lagoon. Also, included in this implementation Project is the installation of vegetated bioswales for four storm drain outlets to treat local drainage. In addition to this work, the existing 860-foot culvert (12' x 8') that connects the Colorado Lagoon to nearby Marine Stadium, and the Pacific Ocean, will be cleaned to improve tidal flushing.

The draft Environmental Impact Report (EIR) for the Colorado Lagoon Restoration Project was filed with the State Clearinghouse (State Clearinghouse No. 2007111034) May 27, 2008, and the Notice of Availability (NOA) for the draft EIR was filed with the Los Angeles County Clerk on May 28, 2008. In addition, the NOA was posted at City Hall and was mailed to approximately 180 public agencies, private citizens, and groups that had requested to be notified of the availability of the draft EIR. The NOA was also mailed to approximately 1,200 property owners and /or tenants within a 300-foot (ft) radius of the Project site. The NOA was published in the Press Telegram on May 28, 2008, and in the Grunion Gazette on May 29, 2008. This draft EIR included the work described above that is being funded by the CBI grant, along with additional improvements that are being funded by other sources to complete a larger lagoon restoration project.

The City held several public meetings related to the proposed Project and environmental documentation, including 1) the Public Scoping Meeting on November 14, 2007, 2) the Colorado Lagoon Public Outreach Meeting on June 18, 2008, 3) the Long Beach Parks and Recreation Commission Meeting on June 19, 2008, and 4) the Long Beach Planning Meeting on June 19, 2008.

The draft EIR was circulated for public review and comment for a period of 45 days, from May 28, 2008, to July 11, 2008, as required. Forty-five comment letters were received during the public review period. Comments were received from federal, state, and local agencies, organizations, interested parties, and private citizens. Thorough responses were provided for all comments that addressed environmental issues.

As part of the EIR, the City adopted a Statement of Overriding Considerations, noting significant and unavoidable effects due to construction activities. The Statement of Overriding Considerations addressed impacts such as noise, dust, odors, and NOx emissions, which are all related to construction activities. In the Statement of Overriding Considerations, the City made findings supporting the necessity of the Project components that would have the potential to cause significant and unavoidable effects. Even though mitigation measures will lessen and reduce the Project's impacts to the extent feasible, some of these potential impacts are expected to remain significant and unavoidable during construction activities. Environmental impacts will be temporary.

The City's City Council certified the final EIR for this Project with Mitigation Measures addressing the Statement of Overriding Considerations for significant and unavoidable impacts during construction on October 14, 2008. The next day (October 15, 2008) the City filed a Notice of Determination with the Los Angeles County Clerk.

State Water Board staff concurs that the Project will result in significant and unavoidable effects during the construction of the Project. Staff also agrees with the City's findings that 1) the Project as depicted in the EIR provides for reasonable and feasible work necessary for the restoration of the Colorado Lagoon and the improvement of the Colorado Lagoon's water quality and 2) the environmental and public benefits of the Project override and offset any remaining significant and unavoidable construction activity impacts after mitigation. State Water Board staff has determined that the specific environmental, social, technological, and environmental benefits of the Project outweigh the unavoidable adverse environmental impacts during construction.

POLICY ISSUE

Should the State Water Board:

Adopt a Statement of Overriding Considerations regarding the City's Project?

FISCAL IMPACT

None

REGIONAL BOARD IMPACT

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) has reviewed the Project and determined that it is consistent with existing water quality control plans. The Project will not have an effect on Los Angeles Water Board resources.

STAFF RECOMMENDATION

The State Water Board should:

Adopt the Statement of Overriding Considerations regarding the City's Project.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.2 to manage urban runoff volume to reduce pollutant loadings, reduce wet weather beach postings by 75% by 2020, eliminate dry weather beach closures and postings by 2012, and, where applicable, explore opportunities for using management techniques to promote sustainable water supplies.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2009-

ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CLEAN BEACHES INITIATIVE PROGRAM (CBI) FOR THE CITY OF LONG BEACH (CITY) COLORADO LAGOON BEACHES PROJECT (PROJECT)

WHEREAS:

1. The City prepared a draft Environmental Impact Report (EIR) that addresses a Restoration Project for the Colorado Lagoon. The draft EIR was filed with the State Clearinghouse on May 27, 2008, (SCH No. 2007111034) and was circulated through the Clearinghouse for public review;
2. A Notice of Availability for the draft EIR was filed with the Los Angeles County Clerk on May 28, 2008;
3. The City adopted a Statement of Overriding Considerations (SOC) to substantiate its decision to approve the Colorado Lagoon Restoration Project despite the following significant unavoidable impacts:
 - a. Temporary increases in air quality exceedances during construction including dust, NO_x emissions, and odors.
 - b. Temporary noise increases during construction.
4. The City certified the final EIR with Mitigation Measures addressing the SOC for significant and unavoidable impacts on October 14, 2008. The impacts include noise, dust, odors, and NO_x emissions, all associated with construction activities;
5. The City filed a Notice of Determination for the final EIR with the Los Angeles County Clerk on October 15, 2008;
6. State Water Resources Control Board (State Water Board) staff has reviewed and considered the EIR, and the associated documents, and determined that the Project will not have any significant adverse water quality impacts; and
7. State Water Board staff has determined that these social, technological, and environmental benefits of the Project outweigh the unavoidable adverse environmental impacts that will occur during construction:
 - a. Colorado Lagoon is on the State of California's 303(d) list for impaired water bodies. The Project will improve water quality by diverting runoff to the sanitary sewer and reducing discharges to the Lagoon.
 - b. The Project includes the installation of a bioswale to treat local drainage before entering the Lagoon, which will improve the Lagoon's water quality.
 - c. Culvert cleaning will improve water quality by increasing circulation into the Lagoon.

D R A F T

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

Adopts the Statement of Overriding Considerations for the significant, unavoidable impacts during construction of the City's Colorado Lagoon Restoration Project.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on January 6, 2009.

Jeanine Townsend
Clerk to the Board