

***Substitute Environmental Document for Proposed Basin Plan  
Amendments***

**Remove Fecal Coliform Objectives for Water Contact Recreation (REC1) for Bays and Estuaries; Remove Fecal Coliform TMDL for REC1 for Newport Bay; Revise Compliance Schedule for Fecal Coliform TMDL for Shellfish Harvesting (SHEL) in Newport Bay; Add Certain Waters to Table 3-1 and Designate Beneficial uses for those Waters; Revise Table 4-1 to include Added Waters; Revise SHEL Beneficial Use Definition; Add Antidegradation Targets for REC2 Only Waters; Add Introductory Narrative for Chapter 6 Total Maximum Daily Loads**

**Santa Ana Regional Water Quality Control Board**

**October 14, 2016**

## ACRONYMS

BMP – Best management practice  
BPA – Basin Plan Amendment  
Caltrans – California Department of Transportation  
CEQA – California Environmental Quality Act  
COMM - Commercial and sportfishing beneficial use  
CWA – Clean Water Act  
EIR –Environmental Impact Report  
EST - Estuarine Habitat Beneficial Use  
MAR - Marine habitat  
NAV – Navigation  
ND – Negative Declaration  
OAL – Office of Administrative Law  
RARE - Rare, threatened, or endangered species beneficial use  
REC1 - Water contact recreation  
REC2 - Non-contact water recreation  
SARWQCB – Santa Ana Regional Water Quality Control Board  
SED – Substitute environmental document  
SHEL =Shellfish harvesting beneficial use  
SPWN - Spawning, reproduction, and development beneficial use  
SWAMP – Surface Water Ambient Monitoring Program  
SWRCB – State Water Resources Control Board (State Board)  
TMDL – Total maximum daily load  
UAA – Use Attainability Analysis  
USEPA – United States Environmental Protection Agency  
USFWS – United States Fish and Wildlife Service  
WILD - Wildlife habitat beneficial use

## 1.0 INTRODUCTION

The California Regional Water Quality Control Board, Santa Ana Region (Regional Board) proposes to amend the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan; Santa Ana Regional Water Quality Control Board [SARWQCB] 1995, updated 2016) to incorporate the following changes:

1. Delete the fecal coliform objectives for REC1 for Enclosed Bays and Estuaries and Establish Averaging Period for Enterococcus Objective for REC1 Promulgated by USEPA (CHAPTER 4 WATER QUALITY OBJECTIVES);
2. Remove the Fecal Coliform TMDL for REC1 (Water Contact Recreation) for Newport Bay (CHAPTER 5 IMPLEMENTATION);
3. Revise the Compliance Schedule for the Fecal Coliform TMDL for SHEL (Shellfish Harvesting) for Newport Bay (CHAPTER 5 IMPLEMENTATION);
4. Update the Santa Ana Region's Basin Plan's Beneficial Use Table 3-1 and the Water Quality Objective Table 4-1. Waters not previously identified would be added with designated beneficial uses (Table 3-1). Table 4-1 would be revised to include the added waters. In addition, the beneficial uses of Rare, Threatened, or Endangered (RARE), Spawning, Reproduction, and Development (SPWN), Commercial and Sportfishing (COMM), and Estuarine Habitat (EST) would be added to certain waters already listed in the Basin Plan;
5. Revise the Shellfish Harvesting Beneficial Use (SHEL) definition in CHAPTER 3 BENEFICIAL USES to be consistent with the statewide definition;
6. Add Antidegradation Targets for *E. coli* for Temescal Creek Reach 1a/1b and Santa Ana-Delhi Channel Reach 1/2; and, Cucamonga Creek Reach 1 (CHAPTER 5 IMPLEMENTATION); and,
7. Add Introductory narrative for a new CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLS).

The proposed amendments are described in detail in the Staff Report accompanying the Basin Plan amendment, and are shown in the proposed draft Basin Plan amendment. The Staff Report, draft Basin Plan amendment and other relevant documentation can be found at the Regional Board's website at: [http://www.waterboards.ca.gov/santaana/water\\_issues/programs/basin\\_plan/bpa\\_fc\\_rec1.shtml](http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/bpa_fc_rec1.shtml)

As described in detail in Section 1.1, the Regional Board is required to comply with the California Environmental Quality Act (CEQA) when considering amendments to the Basin Plan. Accordingly, this Substitute Environmental Document (SED), which includes an Environmental Checklist (Checklist) and analysis of the findings in the Checklist, has been prepared to address the potential environmental effects of adoption and implementation of the proposed Basin Plan amendments (the Proposed Project).

A summary description of the Proposed Project is provided in Section 2 of this SED. Section 3 describes the environmental and regulatory setting for the Proposed Project. The Environmental

Checklist and analysis of the findings in the Checklist are provided in Section 4. Section 5 includes a discussion of alternatives to the Proposed Project.

Based on the analysis of the findings in the Checklist, Regional Board staff concludes that the implementation of the reasonably foreseeable methods of compliance with the proposed amendments will have no impact on the environment.

### **1.1. Requirements for Environmental Impact Analysis**

Pursuant to §15251(g) of the CEQA Guidelines (California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, §15000 *et seq.*), the Water Quality Control (Basin)/Section 208 Planning Program of the State and Regional Water Boards has been certified by the Secretary for Resources as exempt from the requirement to prepare an Environmental Impact Report (EIR), Negative Declaration (ND) or Initial Study. However, an environmental analysis is to be presented in a substitute document that includes at a minimum:

1. A description of the proposed activities; and,
2. Either (a) or (b):
  - (a) Alternatives to the activities and mitigation measures to avoid or reduce any significant or potentially significant effects that the proposed project may have on the environment; or,
  - (b) A statement that the proposed project would not have any significant or potentially significant effects on the environment, supported by a checklist or other documentation.<sup>1</sup>

Additionally, the Regional Board must comply with the State Water Resource Control Board's regulations for implementation of CEQA for exempt regulatory programs when amending basin plans (CCR, Title 23, § 3775-3781). These regulations require early public consultation (Section 1.1.1) and the completion of a Substitute Environmental Document (SED), consisting of a written report containing an environmental analysis of the project and a completed Environmental Checklist. The issues identified in the Environmental Checklist must be evaluated in the checklist or elsewhere in the SED. Other documentation may also be included.

The SED must include:

1. A brief description of the proposed project;
2. Identification of any significant or potentially significant adverse environmental impacts of the proposed project;
3. An analysis of reasonable alternatives to the proposed project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and,

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<sup>1</sup> CEQA Guidelines, §15252.

4. An environmental analysis of the reasonably foreseeable methods of compliance. This environmental analysis must include, at a minimum, all of the following:
  - a) an identification of the reasonably foreseeable methods of compliance with the project;
  - b) an analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance;
  - c) an analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts; and,
  - d) an analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance.

In preparing the environmental analysis of reasonably foreseeable methods of compliance, the Regional Board may utilize numerical ranges or averages where specific data are not available; however, the Board is not required to engage in speculation or conjecture.

The environmental analysis must take into account a reasonable range of environmental, economic and technical factors, population and geographic areas and specific sites, but the Board is not required to conduct a site-specific project level analysis of the methods of compliance, which CEQA may otherwise require of those agencies who are responsible for complying with the revised Basin Plan when they determine the manner in which they will comply.

For each of the significant or potentially significant adverse environmental impacts of the project or reasonably foreseeable methods of compliance with the project that are identified (if any), the SED must contain findings as described in the CEQA Guidelines §15091, and, if applicable, a statement of overriding considerations as described in CEQA Guidelines §15093.

The environmental analysis for the Basin Plan amendments must also comply with §15187 of the CEQA Guidelines. Section 15187 establishes requirements for rules and regulations requiring the installation of pollution control equipment, establishment of performance standards<sup>2</sup>, and establishment of a treatment requirement by the State Water Resources Control Board (SWRCB or State Board) and regional water quality control boards (among other agencies). The requirements established in §15187 are mirrored in the State Water Resources Control Board's regulations. Specifically, pursuant to §15187, the environmental analysis for such a rule or regulation must include at least the following:

1. An analysis of reasonably foreseeable environmental impacts of the methods of compliance;
2. An analysis of reasonably foreseeable feasible mitigation measures relating to those impacts; and
3. An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation, which would avoid or eliminate the identified impacts.

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<sup>2</sup> The term "performance standard" is not defined in CEQA but in the rulemaking provisions of the Administrative Procedures Act (Government Code §11340-11359). A "performance standard" is a regulation that describes an objective with the criteria stated for achieving the objective (Government Code §11342(d))

Once again, the analysis must consider a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites. Where specific data are not available, the Santa Ana Water Board may utilize numerical ranges and averages but is neither required nor encouraged to engage in speculation or conjecture. A project-specific level analysis is not required, nor is it feasible.

Pursuant to Water Code §13360, the Santa Ana Water Board is prohibited from specifying the design, location, type of construction, or particular manner of compliance with waste discharge requirements or other orders. Instead, those entities subject to the proposed Basin Plan amendments are responsible for identifying compliance strategies, and conducting the required CEQA analysis of implementation of the selected strategies at the project-level. Thus, the Santa Ana Water Board cannot conduct project-level CEQA analyses of strategies that would be implemented by others, nor is it required to do so.

This document analyzes the potential environmental effects of implementing reasonably foreseeable methods of compliance on a Programmatic Level. Consistent with the CEQA Guidelines and Water Code Sections identified above, the environmental analysis contained herein includes a written analysis that identifies a reasonable range of reasonably foreseeable compliance strategies (Section 4), presents an Environmental Checklist and evaluates reasonably foreseeable environmental effects and mitigation measures, if applicable (Section 4), and discusses alternatives to the Proposed Project (Section 5). This analysis takes into consideration a reasonable range of environmental and economic factors, population and geographic areas and specific sites.

To fulfill the basic functions of CEQA (to evaluate and inform the public and decision-makers of the potential adverse environmental impacts of a project, identify suitable alternatives and mitigation measures and provide for public participation), a CEQA review does not need to be exhaustive, nor do the CEQA documents need to be perfect. They need only be adequate, complete, and good faith efforts at full disclosure (CEQA Guidelines, § 15151). Nor does a CEQA analysis require unanimity of opinion among experts. The analysis is satisfactory as long as those opinions are considered (CEQA Guidelines, §15151).

This draft SED is intended to satisfy the standards for adequacy delineated in the CEQA Guidelines as they appear in CCR Title 14 §15000 *et seq.* and applicable case law. In this draft SED, the Regional Board staff has performed a good faith effort at full disclosure of the reasonably foreseeable environmental impacts that could accompany implementation of the reasonably foreseeable methods of compliance with the proposed amendments.

The Regional Board has made this draft SED available to the public for comment along with the Staff Report and the proposed Basin Plan amendment. These documents will be considered as a whole when evaluating the environmental impacts of implementing these amendments. When completed, this SED will also include a response to comments on the draft SED.

### **1.1.1 CEQA Scoping Meetings and Regional Board Presentation**

In accordance with the State Board's regulations for the implementation of CEQA (CCR Title 23, §3775.5), the Regional Board held a CEQA scoping meeting on October 4, 2016 at the City of Newport Beach (City), to initiate public participation in the development of this draft SED. A notice of the CEQA Scoping hearing was sent to potentially interested and affected parties. Input from all stakeholders and interested parties was solicited at this meeting for consideration in the development of the draft SED.

During the CEQA Scoping meeting, Regional Board staff identified and discussed the possible environmental impacts by deleting the Fecal Coliform REC1 Objective for Bays and Estuaries, the Fecal Coliform TMDL for REC1 for the Newport Bay and the other revisions to Water Quality Standards including applicable statutory and regulatory requirements.

## 2.0 PROJECT DESCRIPTION

The proposed amendments consist of the following:

- **Delete the fecal coliform objectives for REC1 for Enclosed Bays and Estuaries and Establish Averaging Period for Enterococcus Objective for REC1 Promulgated by USEPA (CHAPTER 4 WATER QUALITY OBJECTIVES)**

In 2004, the USEPA promulgated enterococcus objectives for REC1 (Water Contact Recreation) in coastal recreation waters, including the bays and estuaries in the Santa Ana Region. USEPA also encouraged states to remove fecal coliform objectives for REC1 in coastal recreation waters from their water quality standards, since USEPA had found that fecal coliform are not a reliable indicator of the health risk to swimmers, nor of the protection of the REC1 use. The proposed deletion of the fecal coliform objectives now specified in the Basin Plan for REC1 in bays and estuaries fulfills USEPA's recommendations.

- **Remove the Fecal Coliform TMDL for REC1 (Water Contact Recreation) for Newport Bay (CHAPTER 5 IMPLEMENTATION)**

In 1999, the Regional Board adopted a Fecal Coliform TMDL for REC1 for Newport Bay. The TMDL is based on the fecal coliform objectives established in the Basin Plan for bays and estuaries. If the deletion of these objectives is approved as recommended by these amendments, then the Fecal Coliform TMDL for REC1 for the Bay would no longer be justified, either scientifically or legally. Deletion of this TMDL for REC1 would be appropriate.

- **Revise the Compliance Schedule for the Fecal Coliform TMDL for SHEL (Shellfish Harvesting) for Newport Bay (CHAPTER 5 IMPLEMENTATION)**

In 1999, the Regional Board also adopted a Fecal Coliform TMDL for SHEL (shellfish harvesting) for Newport Bay. A compliance date of 'as soon as possible but no later than December 30, 2019' was established. Extension of this schedule is now proposed to accommodate an anticipated stakeholder process to review pathogen indicator matters in Newport Bay. This process is expected to result in recommendations for Basin Plan amendments that would materially affect the Fecal Coliform TMDL for SHEL. These recommended amendments may include the application of a reference system/antidegradation approach that would account for uncontrollable sources of pathogen indicator when assessing compliance with the TMDL and the applicable fecal coliform objectives. In light of the time necessary to consider the need for and nature of the amendments, and to see those amendments through the full approval process, it is appropriate to allow a three-year extension of the compliance schedule for this TMDL.

- **Update the Santa Ana Region's Basin Plan's Beneficial Use Table 3-1 and the Water Quality Objective Table 4-1. Waters not previously identified would be added with designated beneficial uses (Table 3-1) Table 4-1 would be revised to**

**include the added waters. The beneficial uses of Rare, Threatened, or Endangered (RARE), Spawning, Reproduction, and Development (SPWN), Commercial and Sportfishing (COMM), and Estuarine Habitat (EST) would be added to certain waters already listed in the Basin Plan**

Consistent with federal and State requirements for the periodic review of water quality standards and Basin Plans, Board staff has reviewed both Table 3-1 and Table 4-1 and other relevant information and now recommends that certain waters not currently identified explicitly be added to the Basin Plan. Beneficial use designations would be added for these “new” waters, and RARE, SPWN, COMM and EST uses would be added to waters already listed in the Basin Plan, as appropriate. Table 4-1 would be modified to apply appropriate water quality objectives to these waters.

- **Revise the Shellfish Harvesting Beneficial Use (SHEL) definition in CHAPTER 3 BENEFICIAL USES to be consistent with the statewide definition**

The current definition of SHEL is: “Shellfish Harvesting (SHEL) waters support habitats necessary for shellfish (e.g., clams, oysters, limpets, abalone, shrimp, crab, lobster, sea urchins, and mussels) collected for human consumption, commercial, or sport purposes”. This definition is not consistent with the statewide definition of this use employed in other regional board basin plans. Nor does it appropriately reflect the science underlying the fecal coliform objectives established to protect the SHEL use. The shellfish objective developed by federal and public health agencies is intended to protect those who consume filter feeding shellfish from illness caused by fecal contamination. The current definition contains several organisms (e.g., limpets, abalone, shrimp, crab, lobster, and sea urchins) which are not filter feeding shellfish and don’t accumulate fecal contamination. Revisions to the definition are recommended to conform to the statewide definition and to reflect the scientific basis of the established fecal coliform objective. The recommended, revised objective would read as follows: “Shellfish Harvesting (SHEL) waters support habitats necessary for filter feeding (e.g., clams, oysters, and mussels) collected for human consumption, commercial, or sport purposes.”

- **Add Antidegradation Targets for *E. coli* for Temescal Creek Reaches 1a/1b and Santa Ana-Delhi Channel Reaches 1/2; and, Cucamonga Creek Reach 1 (CHAPTER 5 IMPLEMENTATION)**

As part of the recreation standards Basin Plan amendments approved by the Regional Board in 2012, the REC1 designation for certain inland surface waters was deleted, leaving those waters designated REC2 (Non-Contact Water Recreation) only. The fecal coliform objectives applicable to REC2 inland surface waters were also removed, since there is no scientific basis for these or other pathogen indicator objectives to protect REC2. However, antidegradation *E. coli* targets were calculated for the REC2 only waters. The purpose of these targets is to serve as triggers for additional monitoring and investigation should data indicate that the targets are not being met and that water quality degradation may be occurring.

USEPA disapproved the recommended removal of the REC2 use for certain waters (Santa Ana Delhi Channel - Reach 1, Temescal Creek – Reach 1b, and Cucamonga Creek- Reach 1) that had been recommended by the Regional Board in the recreation standards amendments. Accordingly, antidegradation targets are being recommended



for these now designated REC2 only waters. For the Santa Ana-Delhi Channel and Temescal Creek, Reach 1 and Reach 1b, respectively, were combined with adjacent reaches of these streams (Reach 2 and Reach 1a, respectively), for which antidegradation targets had been previously established. Antidegradation targets for the combined reaches are now recommended to be added. The reaches were combined for the purposes of calculating the antidegradation targets on the basis of the limited available data and recognition of anticipated monitoring efficiencies and constraints. In the case of Temescal Creek, a prior error was also discovered when calculating the antidegradation target applicable to the combined reaches: data from upstream areas outside of Reach 1a had been used to calculate the antidegradation target for Reach 1a as part of the recreation standards amendments. These inappropriate data were eliminated from the calculation of the antidegradation target for the combined Reach 1a and 1b.

- **Add Introductory narrative for a new CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLS)**

Currently, all Regional Board established TMDLs are incorporated in the Basin Plan in CHAPTER 5 IMPLEMENTATION. As a matter of reader convenience and clarity, Board staff recommends that these TMDLs, and new TMDLs, be moved into a new CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLS). The proposed amendments include a narrative description of TMDLs as an introduction to this Chapter.

### **3.0 ENVIRONMENTAL AND REGULATORY SETTING**

#### **3.1 Environmental Setting**

The removal of the fecal coliform objectives for REC1 for bays and estuaries and the formal recognition of the USEPA promulgated enterococcus objective for REC1 for these coastal recreation waters pertain to the Region's bays and estuaries, including Newport Bay and Anaheim Bay/Huntington Harbor. Changes are proposed to the Fecal Coliform TMDL for Newport Bay: the fecal coliform TMDL for REC1 would be deleted and the compliance schedule for the fecal coliform for SHEL would be extended. The recommended revision of the SHEL beneficial use definition would affect all the Bays and Estuaries and ocean beaches of the Santa Ana Region where SHEL is a designated use. Updating the Basin Plan beneficial use Table 3-1 and the revision of the REC2 Targets relates to inland surface waters of the Santa Ana Region.

Newport Bay is a combination of two distinct water bodies - Lower and Upper Newport Bay, divided by the Pacific Coast Highway (PCH) Bridge. The Lower Bay, where the majority of commerce and recreational boating exists, is highly developed. The Upper Bay contains both a diverse mix of development in its lower reach and an undeveloped ecological reserve to the north.

Important freshwater drainages to Upper Newport Bay, together covering 49 square miles, include the San Diego Creek, Santa Ana-Delhi Channel, Big Canyon Wash, Costa Mesa Channel and other local drainages.

San Diego Creek is the largest contributor (95%) of freshwater flow into Upper Newport Bay, followed by Santa Ana-Delhi Channel (~5%) (ACOE 2000).

## Upper Newport Bay

Upper Newport Bay contains one of the highest quality wetland areas remaining in Southern California. The Upper Bay estuary contains a State Ecological reserve in the upper half with habitat designated for sensitive species, including several endangered bird species including the Light-footed Ridgway's rail, (*Rallus longirostris levipes*), the California least tern (*Sterna antillarum*), Least Bell's vireo (*Vireo bellii pusillus*), and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*). Historical water uses for Upper Bay included water skiing, commercial and sport fishing, shellfish harvesting, preservation of rare species, marine habitat and recreation including kayaking, boating and bird watching. The Newport Dunes Recreational Vehicle Park and the Newport Aquatic Center, located outside of the Ecological Reserve, are very popular locations for water contact recreation such as swimming, beach play, and kayaking.

## Lower Newport Bay

The Lower Newport Bay area, including Lido and Balboa Islands, is highly urbanized and residential. The Lower Bay also includes a number of marinas and mooring areas that contain approximately 10,000 boats, and approximately 5 boatyards. The entire Newport Bay up to the mouth of San Diego Creek is subject to tidal influence.

Ninety percent (90%) of annual rainfall occurs between November and April, with minor precipitation during summer months. The Upper Bay is an estuary with mostly saline water during dry weather, and heavy freshwater inflow from San Diego Creek and Santa Ana-Delhi Channel during major storms, which mostly occur in winter. Lower Bay waters are dominated by saline waters (30 to 35 parts per thousand (ppt)) due to twice-daily ocean tides which enter the Bay via the jetty entrance.

## Other Bays and Estuaries

The other Bays and Estuaries of the Santa Ana Region include (from the north to the south) the San Gabriel River Mouth, Los Cerritos Wetlands, Anaheim Bay-Outer Bay, Anaheim Bay-Sea Beach National Wildlife Refuge, Sunset Bay-Huntington Harbor, Bolsa Bay, Bolsa Chica Ecological Reserve, Huntington Beach Wetlands, Santa Ana River Tidal Prism, Santa Ana River Tidal Prism and Newport Slough, Santa Ana River Salt Marsh, and Tidal Prisms of the Greenville Banning Channel and the Santa Ana Delhi Channel. These Bays and Estuaries are found along the approximately 21-mile coast of the Santa Ana Region which stretches from the Los Angeles County Line to almost the Laguna Beach City limits in Crystal Cove State Park.

Several of the estuaries are protected as nature reserves and include the Seal Beach National Wildlife Refuge, Los Cerritos Wetlands, Bolsa Bay, Bolsa Chica Ecological Reserve, Huntington Beach Wetlands, and the Santa Ana River Salt Marsh. Sunset Bay-Huntington Harbor is developed with homes and boat docks surrounding the bay.

The Huntington Beach Wetlands and Bolsa Chica Ecological Reserve have in recent years undergone significant restoration. Plans are under way to restore the Los Cerritos Wetlands. These wetlands along with the Santa Ana River Salt Marsh provide existing or potential habitat for several listed species such as the light-footed Ridgway's rail, (*Rallus longirostris levipes*), the California least tern (*Sterna antillarum*), and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*).

## Santa Ana Region

The proposed revision of Tables 3-1 and 4-1 in the Basin Plan and the addition of antidegradation targets for certain REC2 only waters are associated with areas in the Santa Ana Region other than Bays and Estuaries. The Santa Ana Region covers western Riverside County, Southwest San Bernardino County, and all of Orange County from and including the San Diego Creek Drainage to the Los Angeles County line. The Region stretches from the Big Bear Lake drainage to the Orange County Coast and includes all of the Santa Ana River and San Jacinto River Watersheds. In Orange County the Region's south west boundary is the Los Angeles County line. The area of Orange County near the Los Angeles County line is not part of the Santa Ana River drainage and drains into the San Gabriel River watershed. The climate of much of the Santa Ana Region is classified as Mediterranean: generally dry in the summer with mild, wet winters. However, the mountainous areas surrounding the Orange County coastal plain and interior valley areas of southwest San Bernardino and Western Riverside Counties receive much more precipitation and cooler winters than the lower areas of the Region.

### **3.2. Regulatory Setting**

The Basin Plan specifies the water quality standards applicable to surface (and ground) waters in the Santa Ana Region. Water quality standards include the designated beneficial uses to which waters are or may be put (Basin Plan CHAPTER 3), water quality objectives intended to protect those uses (Basin Plan (CHAPTER 4), and an antidegradation policy. The requirement for an antidegradation policy is satisfied by State Board Resolution No. 68-16<sup>3</sup>, which is incorporated in the Basin Plan by reference.

- **Delete the fecal coliform objective for REC-1 for Bays and Estuaries, Establish Averaging Period for Enterococcus Objectives**

Pursuant to the federal Clean Water and the California Water Code, the Regional Board is required to establish water quality standards for the waters in the Region. These standards are specified in the Basin Plan.

Water quality objectives are to be established based on sound science and are to assure the reasonable protection of beneficial uses. Water quality objectives (and beneficial uses) are to be reviewed periodically and revised if and as necessary.

The proposed deletion of the fecal coliform objectives for REC1 for the bays and estuaries of the Region is consistent with these directives. USEPA promulgated enterococcus objectives for coastal recreation waters, including the bays and estuaries in the Santa Ana Region, in 2004 (40CFR131.41), based on updated scientific evidence and guidance that found that enterococcus are the appropriate pathogen indicator organism to protect REC1 in marine waters. USEPA found that fecal coliform are not a reliable indicator of health risk to swimmers, nor to the protection of the REC1 use.

The proposed amendments would include language in CHAPTER 4 WATER QUALITY OBJECTIVES, Pathogen Indicator Bacteria, *Bays and Estuaries*, to take formal notice of the enterococcus objectives established for bays and estuaries in the Santa Ana Region by USEPA's 2004 promulgation.

- **Remove Fecal Coliform TMDL for REC1 in Newport Bay**

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<sup>3</sup> [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/1968/rs68\\_016.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf)

Under Section 303(d) of the federal Clean Water Act (CWA) and implementing regulations, states are required to develop lists of impaired surface waters and to develop Total Maximum Daily Loads (TMDLs) to correct the impairments to surface (and ground) waters in the Santa Ana Region. A TMDL is the maximum amount of a pollutant, such as indicator bacteria, that a water body can receive and still meet water quality standards.

USEPA has oversight authority for the 303(d) program and is required to review, and approve or disapprove TMDLs submitted by states. If USEPA disapproves a TMDL submitted by a state, USEPA is required to instead establish the TMDL for that water body. The removal of a TMDL from the Basin Plan would require USEPA approval.

TMDLs are generally established in California through the basin planning process, (i.e., an amendment to the basin plan is adopted by the Regional Board and subsequently approved by the State Water Board, Office of Administrative Law (regulatory provisions) and the USEPA) that incorporates the TMDL(s). In California, TMDLs incorporated in the Basin Plan must include an implementation plan.

In 1999, the Regional Board established a Fecal Coliform TMDL for Newport Bay for REC1 and SHEL. The TMDL is based on the fecal coliform objectives for bays and estuaries that are currently in the Basin Plan to protect REC1 and SHEL uses of the Bay. If, as recommended (see above), the fecal coliform objectives for REC1 for bays and estuaries are removed from the Basin Plan, it would be appropriate to remove the fecal coliform TMDL for REC1 for the Bay. Subsequent investigation will be necessary to determine whether or not a TMDL for the enterococcus objective applicable to the Bay is necessary. (Impairment analyses conducted to date by the County of Orange in accordance with the State Water Board's 303(d) Listing Policy indicate that there is no impairment of the Bay with respect to enterococcus.)

- **Revise the Compliance Schedule for Fecal Coliform TMDL for SHEL in Newport Bay**

Regional Board staff expects to be a key participant in an upcoming stakeholder effort to investigate pathogen indicator bacteria quality issues in Newport Bay and to recommend solutions. These solutions may include the consideration of a reference system/antidegradation or natural source exclusion approach to assure that uncontrollable sources of bacteria inputs are accounted for in determining whether there is evidence of water quality impairment and whether and where additional control actions are necessary. (This stakeholder process is also expected to consider whether an enterococcus TMDL to protect REC1 is necessary and, if so, to make recommendations regarding the development of that TMDL and its implementation schedule and strategies.)

This stakeholder process may lead to recommendations for Basin Plan amendments to add or revise TMDLs, to incorporate new or revised implementation strategies, etc. These recommendations may, and in fact are likely to materially affect the SHEL TMDL. In light of the time it will take to conduct and complete the stakeholder process and, thereafter, to adopt appropriate Basin Plan amendments and/or other regulatory strategies to implement the stakeholder process recommendations, it is appropriate to extend the date for compliance with the SHEL TMDL for Newport Bay. Regional Board staff believes that a three year extension, until December 31, 2022 is appropriate. The change in the compliance date must be accomplished via a Basin Plan amendment that is approved by the Regional Board, State Water Board, Office of Administrative Law (regulatory provisions) and the USEPA.

- **Add Waters and Beneficial Uses to Table 3-1; Revise Table 4-1 to Include Added Waters**

Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 2, §13050), waters are to be designated with beneficial uses to be protected. The Federal Water Quality Standards Regulation (40CFR § 131.10) states “Each State must specify appropriate water uses to be achieved and protected. The classification of the waters of the State must take into consideration the use and value of water for public waters supplies, protection and propagation of fish, shellfish, and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation.”

Table 3-1 of the Basin Plan lists the Region’s waters and beneficial uses designated. Not all Region waters have been listed in Table 3-1. Ten waters are proposed to be added to the Basin Plan and designated with beneficial uses in this amendment. In addition, RARE, SPWN, COMM and/or EST beneficial use designations are proposed to be added to certain waters already listed in the Basin Plan. These recommendations arise, in part, from the recommendations of the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS).

Table 4-1, which identifies any established numeric water quality objectives for the waters listed in Table 3-1, is proposed to be modified to include the waters added in Table 3-1. **No new water quality objectives are proposed.**

- **Revise Shellfish Harvesting (SHEL) Beneficial Use Definition**

As described previously, changes to the SHEL definition now included in the Basin Plan are recommended to assure statewide consistency. As with other changes to water quality standards, this modification must be approved by the State Water Board and USEPA.

- **Add Antidegradation Targets for REC2 only Waters**

Pursuant to the California Water Code (§13242), Basin Plans must include an implementation plan that identifies the actions necessary to achieve water quality objectives and a description of the monitoring to be conducted to determine compliance with objectives. As part of the recreation standards amendments adopted in 2012 (Resolution No. R8-2012-0001), the implementation chapter of the Basin Plan (Chapter 5) was amended to incorporate antidegradation *E. coli* targets for waters designated REC2 (Non-Contact Water Recreation) only. The intent of these targets is to provide a baseline measure of *E. coli* conditions against which water quality changes could be assessed to determine pathogen indicator quality degradation might be occurring. If there is an indication of declining water quality conditions, then additional monitoring and investigation would be triggered and the need for and nature of control actions determined. Additional *E. coli* antidegradation targets are now proposed to be incorporated in the implementation chapter in the Basin Plan and will serve the same purpose. Upon approval by the State Board and Office of Administrative Law (OAL) of the proposed Basin Plan amendments, the amendments will be forwarded to USEPA for review and approval. If USEPA approves then these amendments they will become regulatory measures of the Basin Plan.

- **Add Introductory narrative for a new CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLS)**

Consistent with the requirements for periodic review and update of the Basin Plan, and consistent with the priorities identified in the Regional Board’s adopted FY 2015-2016 Triennial

Review Priority List and Work Plan (adopted via Resolution No. R8-2015-0085), the proposed amendments recommend the inclusion of a new chapter in the Basin Plan (CHAPTER 6 TOTAL MAXIMUM DAILY LOADS (TMDLS) and the addition of introductory language to describe TMDLs. The intent is to provide greater clarity and ease of reference.

#### **4.0 ENVIRONMENTAL CHECKLIST AND IMPACT ANALYSIS**

This section presents the Environmental Checklist, identifying the potential adverse environmental impacts of implementing these amendments. This Checklist is based on consideration of the potential impacts of the reasonably foreseeable methods of compliance with the proposed amendments.

The proposed Basin Plan amendments are not expected to have a significant adverse environmental impact on the environment. In fact, since the proposed amendments are not expected to result in the need for additional or revised control actions that might have the potential to result in physical changes in the environment, the amendments are expected to have no impact:

- The proposed amendments to remove the fecal coliform objectives for REC1 for Newport Bay and other bays and estuaries in the Region would result in reliance on enterococcus objectives that were established in 2004 by the USEPA. Enterococcus, like fecal coliform, is a type of pathogen indicator bacteria. Control actions have been taken and are planned to address the Fecal Coliform TMDL for REC1. The same control actions also address compliance with enterococcus objectives, which is required pursuant to existing NPDES permit terms. No new or revised control actions are expected to be necessary to assure compliance with the enterococcus objectives.
- If, as recommended, the fecal coliform objectives for REC1 for bays and estuaries in the Santa Ana Region are deleted, then it is scientifically and legally appropriate to remove the Fecal Coliform TMDL for REC1 for Newport Bay. The removal of this TMDL would not affect the implementation of control measures, which, as discussed above, will continue to be necessary to meet already established enterococcus objectives.
- Revision of the compliance schedule for the Fecal Coliform TMDL for SHEL (shellfish harvesting beneficial use) in Newport Bay is intended to accommodate an anticipated stakeholder process that is expected to consider pathogen indicator bacteria issues in Newport Bay. It is expected that this process will result in recommendations for changes to the Fecal Coliform TMDL for SHEL, likely including the definition and application of a reference system/antidegradation approach comparable to that employed by other regional boards (e.g., the Los Angeles Regional Board). Given the time that is required to develop appropriate Basin Plan amendments to accomplish these changes, and given that these amendments will likely result in material changes to the SHEL TMDL and/or its associated implementation plan, it is appropriate to extend the TMDL compliance schedule. Extension of the compliance schedule will not necessitate new or revised control actions that might have an adverse impact on the environment. Control actions are already in place and planned to address the established Fecal Coliform TMDL (for REC1 and SHEL). The need for and nature of additional control actions, if necessary, will be determined when the implementation plan for a revised SHEL TMDL is developed. The environmental analysis of the proposed amendments is being conducted on a programmatic level. When and if specific projects to implement new/revised control

actions are proposed, the responsible agencies will need to conduct project-level CEQA review.

- The proposed amendments include the addition of waters not previously identified in the Basin Plan, the designation of beneficial uses for those waters (Table 3-1 of the Basin Plan). Table 4-1 would be modified to include the new waters added to Table 3-1. No new water quality objectives are proposed. While it is appropriate to take official notice of these waters in the Basin Plan, from a regulatory perspective, the explicit inclusion of these waters is not expected to have an appreciable effect that would necessitate new control actions. Under federal regulation implementing the Clean Water Act, all surface waters are presumed to be “fishable/swimmable”, i.e., with one or more aquatic-life related uses (e.g., Warm or Cold water aquatic habitat (WARM or COLD, respectively), as well as water contact recreation (REC1) uses. For surface waters, these types of uses typically drive waste discharge requirements and, in turn, the need for control actions. Since these uses are presumed, even though they may not be designated in the Basin Plan, the listing of these waters and designating the uses is not expected to trigger the need for control actions beyond those already required.

The proposed amendments also include the addition of RARE, SPWN, COMM and EST beneficial use designations for certain surface waters. The addition of these beneficial use designations is not expected to necessitate the implementation of control actions beyond those already required to protect presumed “fishable” uses.

- Revision of the definition of the SHEL beneficial use is intended solely to assure that the Basin Plan definition is consistent with that employed statewide. No changes to the environment would be triggered or required.
- Antidegradation targets for *E. coli* and/or enterococcus serve as triggers for additional monitoring and investigation in surface waters that are designated REC2 (non-contact water recreation) only. The de-designation of REC2 from certain waters that was recommended as part of the recreation standards amendments adopted by the Regional Board in 2012 (Resolution No. R8-2012-0001) were disapproved by USEPA. These waters therefore retain the REC2 designation. Antidegradation targets are proposed for these waters. Should additional monitoring and investigation (If necessary) indicate the need for control actions to address an identified problem, the responsible agency will need to conduct project-specific CEQA analysis that is outside the scope of this programmatic analysis.

#### 4.1 ENVIRONMENTAL CHECKLIST

The environmental factors checked below could be potentially affected by this project. See the checklist on the following pages for more details.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources        | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous       | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources         | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services           | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation           | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |



Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**1. AESTHETICS. Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 1. a – d. No impact.**

**Discussion:**

Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**2. AGRICULTURAL AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) 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 conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 2. a - e. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

3. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?
- e) Create objectionable odors affecting a substantial number of people?

**Answer: 3. a – e. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**4. BIOLOGICAL RESOURCES.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 DFG or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 DFG or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 4. a – f. No impact.**

Discussion:

Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**5. CULTURAL RESOURCES.** Would the project:

- | Issues:   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Answer: 5. a- d. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control

measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate. No impacts to Cultural Resources as denoted in a, b, c, and d above.

**6. GEOLOGY and SOILS.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 6. a – e. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**7. GREENHOUSE GAS EMISSIONS -- Would the project:**

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 7. a, b. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**8. HAZARDS and HAZARDOUS MATERIALS. Would the project:**

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 8. a – h. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**9. HYDROLOGY and WATER QUALITY.** Would the project:

- | Issues:   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   |                          |                          |                          |                                     |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  |                          |                          |                          |                                     |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 9. a – j. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.



**10. LAND USE AND PLANNING.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict 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 an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 10 a – c. No impact.**

Discussion : Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**11. MINERAL RESOURCES.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 11. a, b. No Impact**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

12. **NOISE.** Would the project result in:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 12. a – f. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

13. **POPULATION AND HOUSING.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 13. a- c. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**14. PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 14. a- e. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

15. **RECREATION.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Answer: 15. a, b. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

16. **TRANSPORTATION / TRAFFIC.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Answer: 16. a – f. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**17. UTILITIES AND SERVICE SYSTEMS.** Would the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

**Answer: 17. a – g. No impact.**

Discussion: Implementation of the proposed amendments will not have any impact on the environment since the amendments do not require the implementation of new or revised control measures. If changes to the Fecal Coliform TMDL for SHEL for Newport Bay are recommended as part of the anticipated stakeholder process, then any such changes that may be approved in the future through the Basin Plan process and that require physical changes to the environment would be subject to project-specific CEQA analysis beyond the scope of this programmatic analysis, and beyond the ability of this analysis to discern and evaluate.

**18. MANDATORY FINDINGS OF SIGNIFICANCE.**

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion: The project will have no impact on the quality of the environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable

when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Discussion: The project will have no impact on the quality of the environment.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion: The project will have no impact on the environment.

## **5.0 Alternatives**

The implementation of the proposed Basin Plan amendments is not expected to result in any adverse impact on the environment. Therefore, no alternatives to the proposed project have been identified.