

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

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Staff: KFS-LB
Staff Report: July 20, 2000
Hearing Date: August 8-11, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-144

APPLICANT: Orange County Sanitation District (OCSD), Attn: David Ludwin

AGENT: Paul Hoa Tran, Tran Consulting Engineers
Kris Lindstrom, K.P. Lindstrom, Inc.

PROJECT LOCATION: In the public right-of-way within Back Bay Drive between Newport Dunes and upper Back Bay Drive, then within Big Canyon between Back Bay Drive and Jamboree Road, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Rehabilitation and replacement of approximately 9,500 linear feet of sewer line, plus installation of a manhole, and reconstruction of existing storm drain inlets impacted by the proposed project.

SUMMARY OF STAFF RECOMMENDATION:

The major issues of this staff report are construction adjacent to environmentally sensitive habitat area, water quality and public access. Staff recommends **APPROVAL** of the proposed development subject to ten special conditions which require 1) approval from the California Department of Fish and Game; 2) preparation and adherence to a sensitive habitat protection plan; 3) preparation and adherence to a landscape plan; 4) limits on the timing of construction to avoid the breeding seasons of sensitive bird species; 5) adherence to construction related responsibilities; 6) identification of a debris disposal site; 7) a requirement to phase construction to minimize impacts upon public access; 8) a requirement to provide temporary public access signage; 9) a requirement to avoid construction during the peak summer season (which generally corresponds with the limits imposed under Special Condition 4); and 10) a requirement to demonstrate legal ability to undertake the development

LOCAL APPROVALS RECEIVED: City of Newport Beach approval-in-concept no. 1360-2000.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; Coastal Development Permit Application P-8-27-76-8715/Appeal 75-77, Coastal Development Permit P-80-7346/Appeal 332-80; *Preliminary Design Report, Replacement of Back Bay Trunk Sewer* by Tran Consulting Engineers dated February 18, 2000; *Final Adopted Mitigated Negative Declaration, Back Bay Drive Trunk Sewer Rehabilitation/Replacement Project* (SCH# 2000041074) adopted May 24, 2000, by the Orange County Sanitation District.

STAFF NOTE:

The subject application was placed on the July 2000 agenda. However, the applicant had difficulty during preparation of the newspaper notice which prevented the notice from being given at least 10 days prior to the public hearing. Therefore, the item was postponed from the July 2000 hearing.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-00-144 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

I. APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea and is in conformity with the public access and public recreation policies of the Coastal Act, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. CALIFORNIA DEPARTMENT OF FISH AND GAME APPROVAL:

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, applicant shall provide to the Executive Director a copy of a permit issued by the California Department of Fish and Game, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the California Department of Fish and Game. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. SENSITIVE HABITAT PROTECTION PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a plan for avoidance of encroachment into sensitive habitat areas. The plan shall be prepared in consultation with and shall be accompanied by evidence of endorsement by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

1. The plan shall specify that no encroachment into sensitive habitat area shall occur;
2. The plan shall demonstrate avoidance of encroachment into sensitive habitat areas and the methods and means of avoiding such encroachments using, for example, temporary fencing;
3. The plan shall include, at a minimum, the following components: a map or plan showing the location of the mechanism of preventing encroachment into sensitive habitat areas (e.g. fencing) with respect to the location of sensitive habitat and the limits of proposed construction, drawn to scale no less detailed than 1 inch = 40 feet;
4. The plan shall include a detailed plan, drawn to a scale no less detailed than 1 inch = 20 feet, of the proposed project area between Stations 55 and 57 showing the location of the mechanism of preventing encroachment into sensitive habitat areas (e.g. fencing) with respect to the location of sensitive habitat and the limits of proposed construction. The plan shall specify that an appropriately trained biologist monitor construction activity during construction of the proposed project between Stations 55 and 57 for disturbance to sensitive habitat area.

The biologist shall alert the applicant of any potential disturbance to sensitive habitat area. The applicant shall not undertake any activity which disturbs sensitive habitat area unless an approval for such disturbance has been obtained from the Coastal Commission as outlined in Section B of this special condition.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. **LANDSCAPE PLAN**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for landscaping to reduce adverse impacts from the removal of up to 100 square feet of non-native vegetation between Stations 55 and 57 as shown on Exhibit 2, page 7. The plan shall be prepared by a qualified professional in consultation with the California Department of Fish and Game.

1. The plan shall demonstrate that vegetation removed in order to install the proposed sewer line will be replaced with native vegetation compatible with surrounding native habitat;
2. The plan shall include, at a minimum, the following components:
 - (a) A plant palette showing the quantity and species of plants to be planted;
 - (b) Plantings shall be of southern California native plants;
 - (c) No permanent irrigation system shall be allowed. Only temporary irrigation to help establish the landscaping shall be allowed. The period of temporary irrigation (if necessary) shall be specified (e.g. number of months);
 - (d) The plantings established shall provide 90% cover in 90 days; and
 - (e) All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **TIMING OF CONSTRUCTION – ENVIRONMENTALLY SENSITIVE HABITAT AREA**

To avoid adverse impacts on the light footed clapper rail (*Rallus longirostris levipes*), California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii*

pusillus), salt marsh bird's beak (*Cordylanthus maritimus ssp. Maritimus*) and Belding savannah sparrow (*Passerculus sandwichensis beldingi*) construction shall not occur between February 15 through August 30 of any year.

5. STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Newport Bay; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged to coastal waters. Debris shall be disposed at the debris disposal site identified pursuant to Special Condition 6.

6. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

7. PHASING OF CONSTRUCTION – PUBLIC ACCESS

The applicant shall implement the proposed project in phases which allow for maximum public access along Back Bay Drive while at the same time ensuring safe public use of Back Bay Drive.

8. TEMPORARY PUBIC ACCESS SIGNAGE

During any construction which requires the obstruction of a road or trail used for public access the applicant shall provide temporary signage, placed in conspicuous locations, which identify alternative public access routes along Back Bay Drive and Upper Newport Bay which bypass the temporarily closed portions of Back Bay Drive.

9. TIMING OF CONSTRUCTION – PUBLIC ACCESS

To avoid adverse impacts on public access to Upper Newport Bay, construction shall not occur between the Memorial Day holiday weekend through the Labor Day holiday weekend, inclusive, during any year in which the proposed development is constructed.

10. LEGAL INTEREST

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to undertake the proposed development as conditioned herein. The applicant shall inform the Executive Director of any changes to the project required in obtaining such legal ability. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The Orange County Sewer District (OCSD) is proposing to rehabilitate 9,500 linear feet of sewer line. The project is located within Back Bay Drive and Big Canyon, adjacent to Upper Newport Bay (Exhibit 1). The proposed project is described as follows within the Environmental Assessment of the *Final Adopted Mitigated Negative Declaration, Back Bay Drive Trunk Sewer Rehabilitation/Replacement Project* (SCH# 2000041074) adopted May 24, 2000, by the Board of Directors of the Orange County Sanitation District:

The proposed project consist of rehabilitation and replacement of 9,500 feet of 24-inch diameter sewer line which lies buried from the upper portions of Big Canyon west of Jamboree Road down the canyon to Back Bay Drive and under Back Bay Drive to its intersection with Jamboree near the Newport Dunes.

The proposed project (Alternative B-1 of the Preliminary Design Report by Tran Consulting Engineers, February 2000) includes the rehabilitation of the 24-inch sewer line in the Big Canyon Area and the installation of two new HDPE pipes (along Back Bay Drive aligned parallel to the existing sewer line. The combined capacity of the two pipelines will be 6.6 million gallons a day (MGD) of peak wet weather flow (projected to occur in the year 2020). The construction cost was estimated to be \$5,500,000. This alternative has the best rating with regard to the lack of potential for sewage spills compared to the other alternatives evaluated. The construction work is scheduled to require 6 months due to complete and may be done in stages to comply with access limitations due to the presence of protected bird species (February 15

through July 15 nesting seasons) and anticipated permit requirements for construction along Back Bay Drive.

The project provides for rehabilitation of the existing pipeline along the upstream portion located in Big Canyon to avoid impacting an ecologically sensitive area. Robot technology will be used to grind the interior corrosive material to make the interior surface of the pipe smooth. This work will be completed during the nighttime low flow. A 22-inch diameter inverted liner will be used to optimize the hydraulic radius and to strengthen the structure of the existing 24-inch diameter DIP. Two additional manholes will be installed at locations near the dirt road in mid-Canyon and just off Back Bay Drive at the base of Big Canyon.

Aligning the remaining downstream sewer line will be accomplished by replacing the existing pipeline with two new pipelines and abandoning the old pipe in-[p]lace. The plan calls for the installation of two new High Density Polyethylene (HDPE) pipes (two 30-inch diameter), encased in 8-inch reinforced concrete with 4-inches between the pipes. The new pipes will be aligned in parallel to the existing sewer line. Both pipelines will connect to the upstream Big Canyon Area rehabilitated sewer line at a new junction box.

The two new HDPE pipes will run along the west side of the existing sewer line to a point in Back Bay Drive where the new pipeline must cross the existing sewer line and run along the center of the 46 foot wide road. A junction box will be constructed at this juncture. Bypass flow along the narrow portion of Back Bay Drive will be minimized or eliminated. Depth of alignment will match the existing sewer line.

The peak dry weather flow (PDWF) and peak wet weather flow (PWWF) are 5 MGD and 6.6 MGD, respectively. The new trunk sewer will be designed for gravity flow at 75% full. Currently, the existing Back Bay Trunk Sewer flowing full has a peak wet weather flow capacity of 8 MGD...

The existing pipeline is in need of rehabilitation and replacement due to severe corrosion. The portion of the sewer line within Big Canyon (approximately 2,700 linear feet) will be repaired by grinding away corrosion on the interior of the sewer line and reinforcing the pipe with a cured-in-place inverted liner (Exhibit 2, pages 9-12). The ground fines will be pumped into the downstream sewer system where it will be treated at the treatment plant prior to discharge with regular sewage discharges. The placement of the liner will not alter the service capacity of the line. Work on this section of the sewer line will require the temporary placement of a 14 inch diameter schedule 40 PVC bypass sewer line above ground upon an existing unpaved road which runs through Big Canyon and upon a section of the paved Back Bay Drive. The temporary pipeline will extend from a manhole at the upper end of Big Canyon near Jamboree Road to a new proposed junction box (#2) within Back Bay Drive (approximately 2,700 linear feet). According to plans submitted by the applicant, the temporary bypass line will be in place for no more than 15 calendar days. In addition, the applicant is proposing to install a new manhole to access the existing sewer line within the sewer line easement and existing approximately 10 foot wide unpaved road between "station" 76 and 77 on the sewer line (drawing C-14 on the plans). This proposed work is considered repair and maintenance activities that are exempt from coastal development permit requirements under Section

30610(d) of the Coastal Act and Section 13252(3)(B) of Title 14 of the California Code of Regulations.

The remaining 6,800 linear feet of 24-inch diameter corroded sewer line, located within Back Bay Drive between Big Canyon and Newport Dunes, will be abandoned in-place. As described above, this sewer line will be replaced by two 30 inch diameter PVC pipelines that are encased in concrete (Exhibit 2, pages 1 to 9).

The installation of the new replacement sewer line will require the demolition and reconstruction of existing storm drain inlets on Back Bay Drive. However, there is no proposed change to their capacity and the work will not affect the discharge outlets of the existing storm drains. There will be no change to the quantity of storm water discharges.

Also, the replacement of the sewer line and storm drains will require trenching, excavation and disposal of 17,000 cubic yards of soil and debris. The soil and debris will be placed directly onto a dump truck and hauled to a disposal facility. The applicant has not identified the location of soil disposal. However, no soil or debris will be stockpiled on site. In addition, once the new sewer lines are placed in the trench, the trench will be backfilled with concrete and resurfaced with asphalt. No backfill materials will be stockpiled on-site.

As proposed, the work is expected to take approximately 135 working days (6 months) to construct. According to the Mitigated Negative Declaration, work is proposed to begin August 9, 2000. The development will occur in three stages. During the first stage, the applicant will repair the 2,700 feet of sewer line within Big Canyon and install Junction Box #2 in Back Bay Drive. The second stage will be the installation of the replacement sewer line between Junction Box #2 and San Joaquin Hills Road. The third stage will be the installation of the sewer line between San Joaquin Hills Road and Newport Dunes. The applicant is proposing to avoid construction during the nesting season of the California gnatcatcher, Least Bell's Vireo and Light-footed clapper rail (from February 15 to July 15). The applicant has stated that they believe it may be feasible to accomplish all of the work in a single season between August 2000 and February 2001. However, in the event work must be spread over two seasons, stages 1 and 2 will occur during the first season, and stage 3 during the second season. As is noted in the following sections, the Commission is imposing Special Conditions 4 and 9, which combined prohibit construction between February 15th and Labor Day (September 4th this year). Therefore, it is likely that construction will need to be spread over two seasons.

B. PRIOR COMMISSION ACTIONS

1. Coastal Development Permit P-8-27-76-8715 and Appeal No. 75-77

On Marcy 21, 1977, the South Coast Regional Commission granted Coastal Development Permit P-8-27-76-8715 to the Orange County Sanitation District No. 5 for the construction of an 18 to 24 inch cast iron gravity sewer to replace an existing pump station at Jamboree Road. The sewer line was to run from the Pacific Coast Highway trunk at Dunes Park up Back Bay Drive, through the north side of Big Canyon to Jamboree Road in Newport Beach, California. The permit was subject to several conditions including compliance with

Department of Fish and Game conditions, the replacement of all willow trees removed, and the plugging of an abandoned sewer line within one year of completion of the project.

Coastal Development Permit P-8-27-76-8715 was appealed to the State Coastal Commission on Appeal No. 75-77. On appeal, the approval was denied on September 21, 1977. The permit was denied based on inconsistency with Section 30240 of the Coastal Act. The Commission cited adverse impacts upon the clapper rail due to proposed construction during the breeding season and the availability of alternatives which would avoid such impacts.

2. Coastal Development Permit P-80-7346 and Appeal No. 332-80

On November 10, 1980, the South Coast Regional Commission granted to the Orange County Sanitation District No. 5 Coastal Development Permit P-80-7346 for the abandonment of an existing sewage pump station and force main. The 3 MGD 14-18 inch force main was proposed to be replaced by a 9 MGD 18-24 inch gravity main running from the Pacific Coast Highway trunk at Dunes Park, up Back Bay Drive, and through the south side of Big Canyon to Jamboree Road in Newport Beach, California. The permit was subject to 20 special conditions including construction related requirements, inspection by Fish and Game, habitat restoration, and construction timing.

Coastal Development Permit P-80-7346 was appealed to the State Coastal Commission on Appeal No. 332-80. The project was approved on appeal on February 18, 1981, subject to additional conditions regarding restoration, habitat preservation through an offer of dedication, and conformance with the special conditions imposed by the Regional Commission.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREA

Section 30240(b) of the Coastal Act states:

a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project will occur adjacent to the Upper Newport Bay Ecological Reserve (UNBER) and within Big Canyon. Wetland, coastal sage scrub and associated habitat areas within UNBER and Big Canyon are environmentally sensitive habitat areas. The City's certified Land Use Plan addresses UNBER in the following manner:

The Reserve has been identified by the State Coastal Commission, State Department of Fish and Game, U.S. Fish and Wildlife Service, and the Southern California Association of Governments as a unique and valuable State resource. The upper bay is an integral part of the Pacific Flyway, and the saltwater marsh, bay waters, and upland of upper Newport Bay provide habitat for 158 species of birds, of which 81

species are wading or water-associated birds. Rare or endangered birds utilizing the Reserve include the California Black Rail, which nests in pickleweed, sedges, saltgrass, and bulrush; Belding's Savannah Sparrow, which nests in pickleweed; Light-footed Clapper Rail, which nests in pickleweed and cordgrass; California Least Tern, which lays its eggs in the sand; and California Brown Pelican, which occasionally visits the upper bay for purposes of resting and feeding. Also present in the Reserve are 18 species on the Audubon Blue List, a list of birds not considered rare or endangered, but which are showing evidence of non-cyclic population declines or range contractions. Over 60 species of fish and over 1,000 species of marine invertebrates have been reported in the bay.

The Land Use Plan goes on to state, in part:

Substantial sediment deposition has occurred in upper Newport Bay. Sources of sediment include...landslides, and construction projects. The occurrence of three extremely wet winters (1969, 1978, and 1980) resulted in the major transport of sediment to the bay. The extensive sedimentation that has occurred has adversely affected the Upper Newport Bay Ecological Reserve due to loss of tidal prism. In addition, suspended sediments can lead to reduction of photosynthetic activity and can interfere with filter feeding mechanisms of marine life-forms...the City of Newport Beach has participated in 208 planning studies to develop a solution to this problem. This solution involves utilization of Best Management Practices (BMP's) to retain...construction sediment on-site...

The proposed project includes the installation of 6,800 linear feet of new sewer line to replace an existing deteriorated sewer line within Back Bay Drive (Exhibit 2, pages 1 to 9). Back Bay Drive, between the entrance to Shellmaker Island and Big Canyon (Exhibit 2, pages 3 to 9), is approximately 18 to 20 feet wide between the edges of pavement (Exhibit 2, pages 14 and 15) and is adjacent to and in some cases runs through land that is a part of UNBER. Clearance between the edge of pavement and sensitive habitat areas varies between no clearance to several feet along the roadway. Open water, mudflats, and salt marsh habitat exist on the bay side of the roadway. On the inland side of the road there is a drainage swale which forms wetland habitat. In addition, there is native upland habitat such as coastal sage scrub and non-native ruderal vegetation. Finally, in the vicinity of Big Canyon there are freshwater wetlands and riparian habitat in addition to the other habitat types.

The *Mitigated Negative Declaration* submitted by the applicant states that the habitat areas adjacent to the proposed development support significant wildlife. Bird species are abundant and include herons, egrets, hawks, and falcons among many others. Legally protected species for which there is appropriate habitat in the area include California gnatcatcher (*Polioptila californica californica*), light footed clapper rail (*Rallus longirostris levipes*), and least Bell's vireo (*Vireo bellii pusillus*).

The proposed new replacement sewer line will be placed within the existing paved roadway between the bayside and inland habitats. In addition, the replacement of the existing storm drain inlets and the pipe connecting the drain inlet to the discharge points, will occur within the paved roadway. The applicant has indicated that the project is being sited and designed to prevent impacts upon adjacent sensitive habitats by avoiding encroachment into sensitive

habitat area and avoiding removal of native vegetation adjacent to Back Bay Drive. The applicant has stated that since no native vegetation removal is required, the proposed development would not have a direct impact upon sensitive habitat areas.

In order to maximize the distance between the proposed development and adjacent habitat areas, the proposed replacement sewer line is generally aligned along the centerline of Back Bay Drive. However, in one instance (between Stations 55 and 57, noted on Drawing No. C-11 of the plans submitted June 7, 2000 and on Exhibit 2, page 7), due to the curvature of the roadway and arc of the proposed sewer line, the proposed sewer line comes in very close proximity to the edge of the pavement and the adjacent sensitive habitat areas. This area is approximately 100 feet long by 1 foot wide. The Mitigated Negative Declaration indicates that construction activity in this area may encroach beyond the paved limits of the road resulting in the removal of some non-native grasses which do not provide significant habitat for any sensitive species. The applicant is proposing to restore any impacted non-native grass areas with native salt grass. In addition, in order to avoid inadvertent construction related impacts upon sensitive habitat areas beyond the non-native grass areas, the applicant is proposing to use fences or other temporary barricades to prevent encroachment into native habitat areas. Also, the applicant is proposing to have an appropriately trained biologist direct the placement of the temporary barricade(s) and monitor construction activity in the area to assure that equipment does not damage native vegetation.

In addition, construction activities generate noise and vibration which could disturb the foraging and breeding activities of nearby sensitive wildlife. The applicant has stated that breeding California gnatcatcher, California least tern, and least Bell's vireo are the sensitive species most susceptible to such impacts. Disturbance to these species during breeding season could have adverse impacts upon the reproduction of the species. In order to avoid impacts upon these sensitive species, the applicant is proposing to avoid construction activities between February 15th to July 15th.

The proposed development has been reviewed and commented upon by the U.S. Fish and Wildlife Service (USFWS) (Exhibit 3). In addition to the species identified in the Mitigated Negative Declaration, the USFWS has indicated that salt marsh bird's beak (*Cordylanthus maritimus* ssp. *Maritimus*) and Belding savannah sparrow (*Passerculus sandwichensis beldingi*) occur in the vicinity of the proposed project. The USFWS has indicated that no construction activity should occur between February 15th to August 30th to avoid impacts to the identified sensitive bird species (which is a month and a half longer than is proposed by the applicant). The USFWS has also recommended the following 1) that the applicant utilize temporary fencing along the entire construction route that is adjacent to sensitive habitat areas to avoid impacts to those areas; 2) that any vegetation removed along the edges of Back Bay Drive during construction be replaced using native seed mix appropriate to the habitat type in the area; 3) that all work in Big Canyon be accomplished on existing cleared roadways and pads; and 5) that if work occurs during the rainy season that silt fencing be used to prevent the transportation of sediment into Upper Newport Bay.

In addition, the California Department of Fish and Game (CDFG) has commented verbally to Commission staff on the proposed development. CDFG has indicated general support for the proposed project with provisions for avoidance of construction between February 15th and August 15th, presence of a biological monitor during construction of the project in the "John

Wayne Gulch" area (between Stations 55 and 57 shown on Exhibit 2, page 7) and during the construction of the manhole in the Big Canyon area (Exhibit 2, page 10). In addition to the verbal comments provided to Commission staff, the California Department of Fish and Game has indicated that it will provide written comments regarding endorsement of the project to the applicant. It is possible this endorsement may contain recommended changes to the proposed project upon which the endorsement is contingent. In order to assure that any changes recommended are consistent with the Commission's action the Commission must be notified of these changes. Therefore, the Commission imposes Special Condition 1 which requires the applicant to submit written evidence of review and approval or other endorsement of the project from the California Department of Fish and Game prior to issuance of the coastal development permit. Any changes recommended by CDFG which are not consistent with the Commission's approval may require an amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no additional Commission approval is required.

The measures proposed by the applicant to avoid impacts upon adjacent environmentally sensitive habitat areas are necessary to ensure that the proposed development is sited and designed to prevent impacts which would significantly degrade sensitive habitat areas, and are necessary to ensure that the development is compatible with the continuance of those habitat areas. In addition, the measures recommended by the USFWS and CDFG are necessary to prevent impacts upon sensitive habitat areas. Therefore, the Commission imposes Special Condition 2 which requires the applicant to submit a plan for review and approval of the Executive Director depicting the limits of the proposed work and the location of the proposed temporary barricades with respect to sensitive habitat areas for all portions of the proposed development (that is subject to CDP requirements) adjacent to and within UNBER and Big Canyon. The plan shall specify that no encroachment into sensitive habitat areas is to occur. The plan shall specify that an appropriately trained biologist monitor construction activity during construction of the proposed project between Stations 55 and 57 for disturbance to sensitive habitat area. The biologist shall alert the applicant of any potential disturbance to sensitive habitat area. The applicant shall not undertake any activity which disturbs sensitive habitat area without an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required. The plan shall be prepared in consultation with the USFWS and the CDFG and shall be submitted with evidence of endorsement of the plan by the USFWS and CDFG. The applicant shall perform work in accordance with the plan approved by the Executive Director. No deviations from the Executive Director-approved plan shall occur without an amendment to the coastal development permit or a new coastal development permit.

Also, since the applicant is proposing to remove non-native grasses and plant native plants, but has not submitted a landscape plan showing the restoration work, the Commission imposes Special Condition 3 which requires the applicant to submit a landscape plan for the proposed re-vegetation for review and approval of the Executive Director. The landscape plan is also necessary to ensure the compatibility of the proposed landscaping with the adjacent sensitive habitat. The plan shall demonstrate the replacement of vegetation removed in order to install the proposed sewer line with native vegetation compatible with surrounding native habitat; the plan shall include a plant palette showing the quantity and species of plants to be planted; and the plan shall specify that plantings shall be of southern California native plants; no permanent irrigation system shall be allowed. Only temporary irrigation to help establish

the landscaping shall be allowed and the period of temporary irrigation (if necessary) shall be specified (e.g. number of months); the plantings established shall provide 90% cover in 90 days; and all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

In addition, the applicant is proposing to avoid construction from February 15th to July 15th to avoid impacts to the light footed clapper rail, California gnatcatcher, and the Least Bell's Vireo. However, the CDFG has recommended that construction be avoided between February 15th and August 15th to avoid impacts to sensitive bird species. Furthermore, the USFWS has recommended that the applicant avoid construction activities between February 15th to August 30th to avoid impacts upon the California gnatcatcher, light-footed clapper rail, least Bell's vireo, salt marsh bird's beak, and Belding's savannah sparrow. In order to ensure that the proposed development does not adversely effect sensitive bird species the Commission imposes Special Condition 4 which prohibits construction of the proposed development between February 15th to August 30th of any year during which the project is constructed. The Commission imposes the longer term (i.e. through August 30th per USFWS rather than August 15th per CDFG) in order to afford maximum protection to sensitive bird species.

Therefore, as conditioned, the Commission finds that the proposed project is consistent with section 30240 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The development will include trenching, loading debris onto a transport truck and transportation of the debris off-site, use of heavy construction equipment for placing the new sewer line, pouring concrete to encase the pipeline and construct the replacement storm drain inlets, and placement of a temporary above ground sewer bypass line. These proposed activities will occur adjacent to Upper Newport Bay and UNBER, which includes several sensitive habitat areas including wetlands.

If not properly controlled, the proposed activities could have adverse impacts upon water quality resulting in impacts to biological productivity. For instance, trenching and stockpiling of debris or construction material could have adverse impacts if the debris or construction material is allowed to enter adjacent wetlands. Also, the movement of heavy equipment could result in inadvertent encroachments into adjacent sensitive habitat areas. Storage or maintenance of heavy equipment could result in the release of fuel, oil, lubricants, and other materials which could enter and pollute adjacent coastal waters. Washing out cement trucks could result in the discharge of polluted rinsate to coastal waters. De-watering could result in the discharge of polluted water to sensitive habitat. Finally, the improper handling of sewer bypass lines could result in the release of sewage waste to coastal waters.

Also, the applicant is proposing to construct the proposed project between August and February of 2000. If the project cannot be finished within that time period, the applicant is proposing to finish any remaining parts of the project between August and February of 2001. These proposed construction periods include the winter season when rain is most likely. If rain occurs, construction debris can be discharged into coastal waters during rain events causing turbidity impacts.

The applicant is proposing measures to ensure the protection of the water quality and marine resources. The applicant is proposing to avoid impacts related to the stockpiling of debris and construction materials by using methods which require no stockpiling. Trenching debris will be loaded directly onto a waiting truck and transported immediately to a proper disposal facility. No backfill materials will be stockpiled on the project site because no loose backfill materials will be used. Instead, the applicant will backfill the trench with concrete placed directly from a mixing truck. The applicant is proposing to avoid impacts from de-watering discharges by de-watering directly into the sewer system where it will be processed at the downstream treatment plant. In order to minimize hazards related to sewage spills, the applicant is proposing to implement the bypass when sewage flows are low. The temporary bypass structure includes a temporary secondary enclosure surrounding the bypass connection point to contain any unanticipated leaks from the bypass connection point. In addition, the applicant is proposing to have a tank truck available to handle any unanticipated wastewater discharges. Finally, the applicant has indicated that the majority of the proposed construction period is prior to the period of heaviest rains which tend to begin in December.

The Mitigated Negative Declaration states that construction-related impacts upon water quality will be mitigated through the implementation of National Pollution Discharge Elimination System (NPDES) Best Management Practices. However, the Mitigated Negative Declaration states that the project involves less than 5 acres and therefore the OCSD would not be required to obtain a storm water permit from the RWQCB. In addition, since de-watering discharges will be discharged into the sewer system and not into an adjacent water body, no permit is needed from the RWQCB for the de-watering.

The measures proposed by the applicant are necessary to ensure that the proposed project has no adverse impact upon water quality and biological productivity. Therefore, the Commission imposes Special Condition 5 which requires the applicant to implement the proposed mitigation measures. In addition, in order to avoid impacts related to the discharge of sediment from the construction area, Special Condition 5 requires the applicant to use measures such as sand bags or hay bales to prevent the discharge of sediment from the construction area to coastal waters.

Finally, since the applicant is unable to identify the location of the debris disposal site at this time, Special Condition 6 requires the applicant to identify a debris disposal site prior to issuance of the coastal development permit and informs the applicants that use of a disposal site within the coastal zone will require an amendment or new coastal development permit.

Only as conditioned for appropriate storage of construction materials and equipment, identification of a debris disposal site does the Commission find that the proposed development is consistent with Section 30230 and 30231 of the Coastal Act.

E. PUBLIC ACCESS

1. First Public Roadway and Maximum Access

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the first public road and the sea include a specific finding regarding the conformity of the proposed development with the public access and recreation policies of Chapter 3 of the Coastal Act. Portions of the proposed development are located between the first public road and the sea.

Section 30210 of the Coastal Act requires that maximum public access and recreation opportunities be provided. Section 30210 states as follows:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby.

Back Bay Drive between the entrance to Shellmaker Island and Big Canyon is open to one-way vehicle traffic. In addition, there is a bicycle and pedestrian lane on this part of Back Bay Drive. The one-way vehicle road, and the pedestrian/bicycle lane continues north of the project site along the edge of Upper Newport Bay. This one-way road and bicycle/pedestrian

lane is popular with cyclists, joggers, hikers, education groups, among others wishing to view the wildlife and vistas available along Upper Newport Bay.

The proposed work is expected to take approximately 135 working days (6 months) to construct and is proposed to only occur between August and February. As described previously, the proposed project will occur in stages beginning with installation of the pipe liner and manhole in the Big Canyon portion of the project, followed by installation of the replacement sewer line between Big Canyon and San Joaquin Hills Road, finished by the last leg of the project from San Joaquin Hills Road to Newport Dunes. This project will require the temporary closure of the respective segments of Back Bay Drive. This closure will have impacts upon public access along Upper Newport Bay.

Back Bay Drive is used for recreation and public access year round. Therefore, the closure of Back Bay Drive during any part of the year will have an adverse impact upon public access. In order to reduce this impact, the applicant did consider keeping Back Bay Drive open to pedestrian and bicycle traffic during the proposed project. However, due to the narrow width of the roadway and the location of the project down the centerline of the road, the proximity between the proposed work and pedestrian and bicycle traffic would be hazardous to the roadway users. Therefore, the applicant is proposing to implement the project in phases so that only a portion of Back Bay Drive within the project area is closed at any single moment. Since the road will be closed in segments, alternate routes to access Back Bay Drive will remain. For instance, when the Big Canyon segment of the project is implemented, Back Bay Drive will remain accessible from San Joaquin Hills Road. Implementation of the second phase will require closure of this access from San Joaquin Hills Road, however, since the Big Canyon phase will be finished, pedestrians and cyclists will be able to access Back Bay Drive via the unpaved road which runs through Big Canyon. Implementation of the third phase will require closure of Back Bay Drive between San Joaquin Hills Road and the access to Shellmaker Island. However, access to Back Bay Drive north of San Joaquin Hills Road will be open since that portion of the project will be completed. Alternative vehicle access exists along Jamboree Road, therefore, impacts to vehicle access are minimal. The applicant is proposing to provide signage to roadway users showing these alternate routes to access Back Bay Drive.

Also, the heaviest public access use period occurs between Memorial Day and Labor Day weekends (i.e. between late May and early September). As proposed, access impacts will be further minimized by implementing the project between August and February, outside the heaviest use period. As noted below, access impacts will be further minimized through Special Condition 9 which prohibits construction between Memorial Day and Labor Day inclusive.

The proposed project results in the temporary closure of Back Bay Drive, a road providing public access to Upper Newport Bay. The proposed project will not result in long term closure of any portion of Back Bay Drive. However, closure of Back Bay Drive even temporarily would have adverse impacts upon public access unless the measures proposed by the applicant are implemented. Therefore, the Commission imposes Special Condition 7 and 8 which requires the applicant to implement the proposed measures.

In addition, the Commission imposes Special Condition 9 which requires that construction

shall not occur between the Memorial Day holiday weekend through the Labor Day holiday weekend, inclusive, during any year in which the proposed development is constructed (i.e. between late May and early September). The Commission notes that Special Condition 4 implements a time restriction between February 15th to August 30th to protect sensitive bird species. Special Condition 9 slightly lengthens the period when construction is prohibited by approximately another week (i.e. through September 4th this year).

Only as conditioned does the Commission find the proposed development is consistent with Section 30210 and 30212 of the Coastal Act.

2. Growth Inducement

Section 30254 of the Coastal Act states, in relevant part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division...

The existing sewer line was designed with an 8.5 million gallons a day (MGD) capacity (under pressure). The portion of the pipe in Big Canyon was designed to operate at 75% full, while the remainder of the pipe in the project area was designed to operate under pressure with the same capacity. The proposed project will change the sewer line to operate at a Peak Wet Weather Flow capacity of 6.7 MGD at 80% capacity (not under pressure). The applicant has indicated that the elimination of operation of any portion of the sewer line under pressure reduces spill potential. The replacement sewer line will service an area that is built out within the coastal zone. Also, the reduced service capacity meets anticipated needs through the year 2020 based upon the district's strategic plan. Since the replacement sewer line results in a reduction in capacity which will adequately service development through 2020, the applicant indicates that the replacement sewer line will not be growth inducing in the coastal zone. Therefore, the Commission finds the proposed development will not be growth-inducing and is consistent with Section 30254 of the Coastal Act.

F. LEGAL ABILITY TO UNDERTAKE DEVELOPMENT

The proposed development includes construction of sewer line along Back Bay Drive. This proposed sewer line will occur within an easement obtained by the applicant. The easement has been obtained from the various property owners who own the fee title to the land and include the Irvine Company, Newport Dunes, California Department of Fish and Game, California State Lands Commission, City of Newport Beach, Wyndham International, Newport Dunes Partnership, and Gerson Baker & Associates. The applicant has invited each of these property owners to join as co-applicant. However, as of the date of this staff report, none of the property owners has requested to join. In some cases, changes to the existing easement are necessary to accommodate the proposed project and/or encroachment permits are required to implement the project. The applicant is in the process of obtaining the necessary easement adjustments and approvals. However, the final documentation has not been provided. Section 30601.5 of the Coastal Act requires states in part,

...prior to the issuance of a coastal development permit, the applicant shall

demonstrate the authority to comply with all conditions of approval.

The applicant has been working with the appropriate property owners to obtain the needed approvals and does not anticipate any problems. However, in the event approvals are not obtained as required, the alignment of the project may need to be modified. Due to the close proximity of the project to sensitive coastal resources, such modifications must be reviewed by the Commission for consistency with the Coastal Act. Therefore, the Commission imposes Special Condition 10 which requires the applicant to demonstrate legal ability to undertake the development prior to issuance of the permit. The applicant shall inform the Executive Director of any changes to the project required in obtaining such legal ability. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

As conditioned the Commission finds the proposed project is consistent with Section 30601.5 of the Coastal Act.

G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned for consistency with the marine resource protection policies of Section 30230 of the Coastal Act. Mitigation measures, in the form of special conditions require 1) approval from the California Department of Fish and Game; 2) preparation and adherence to a sensitive habitat protection plan; 3) preparation and adherence to a landscape plan; 4) limits on the timing of construction to avoid the breeding seasons of sensitive bird species; 5) adherence to construction related responsibilities; 6) identification of a debris disposal site; 7) a requirement to phase construction to minimize impacts upon public

access; 8) a requirement to provide temporary public access signage; 9) a requirement to avoid construction during the peak summer season; and 10) a requirement to demonstrate legal ability to undertake the development will minimize all adverse effects. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

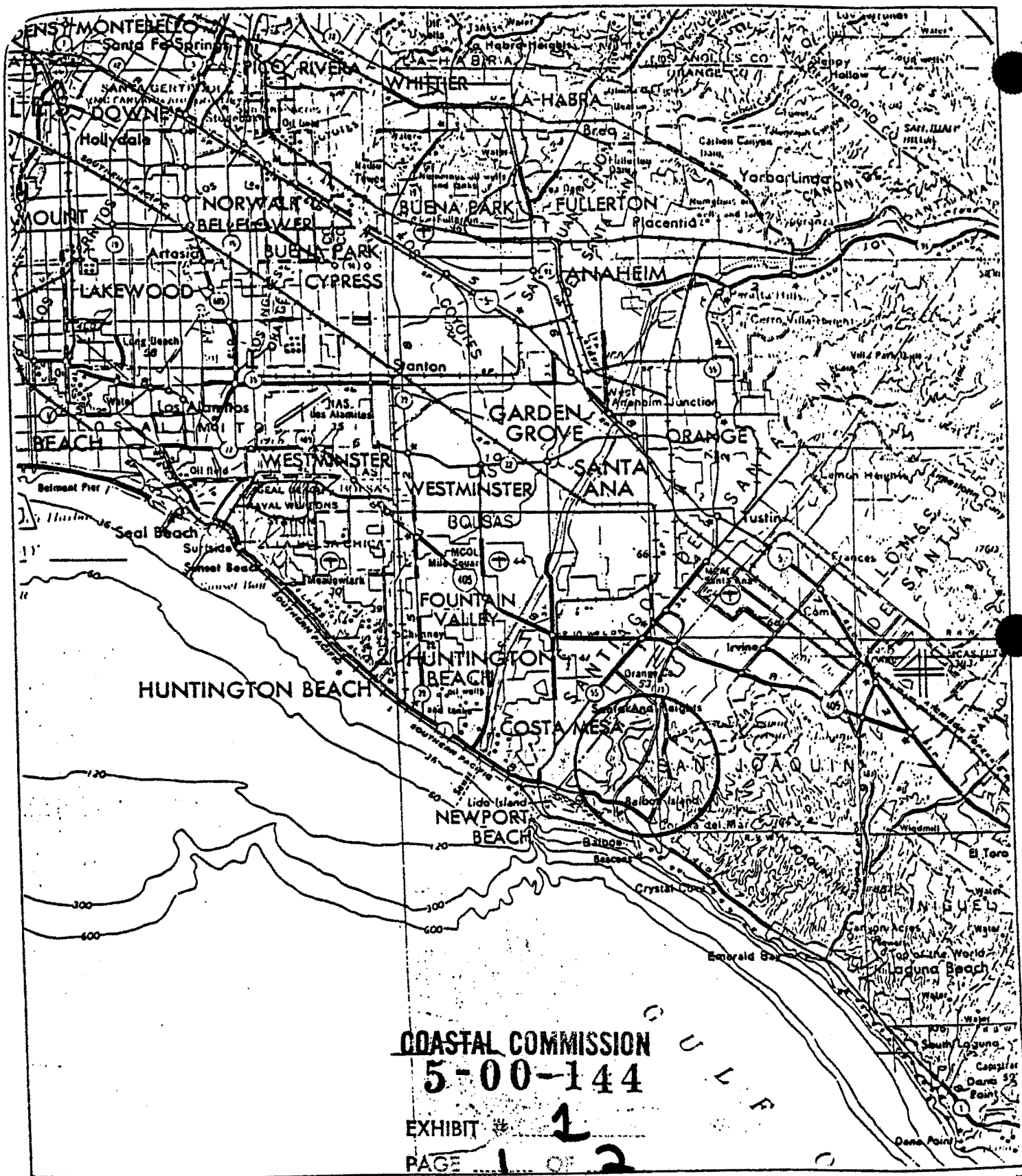
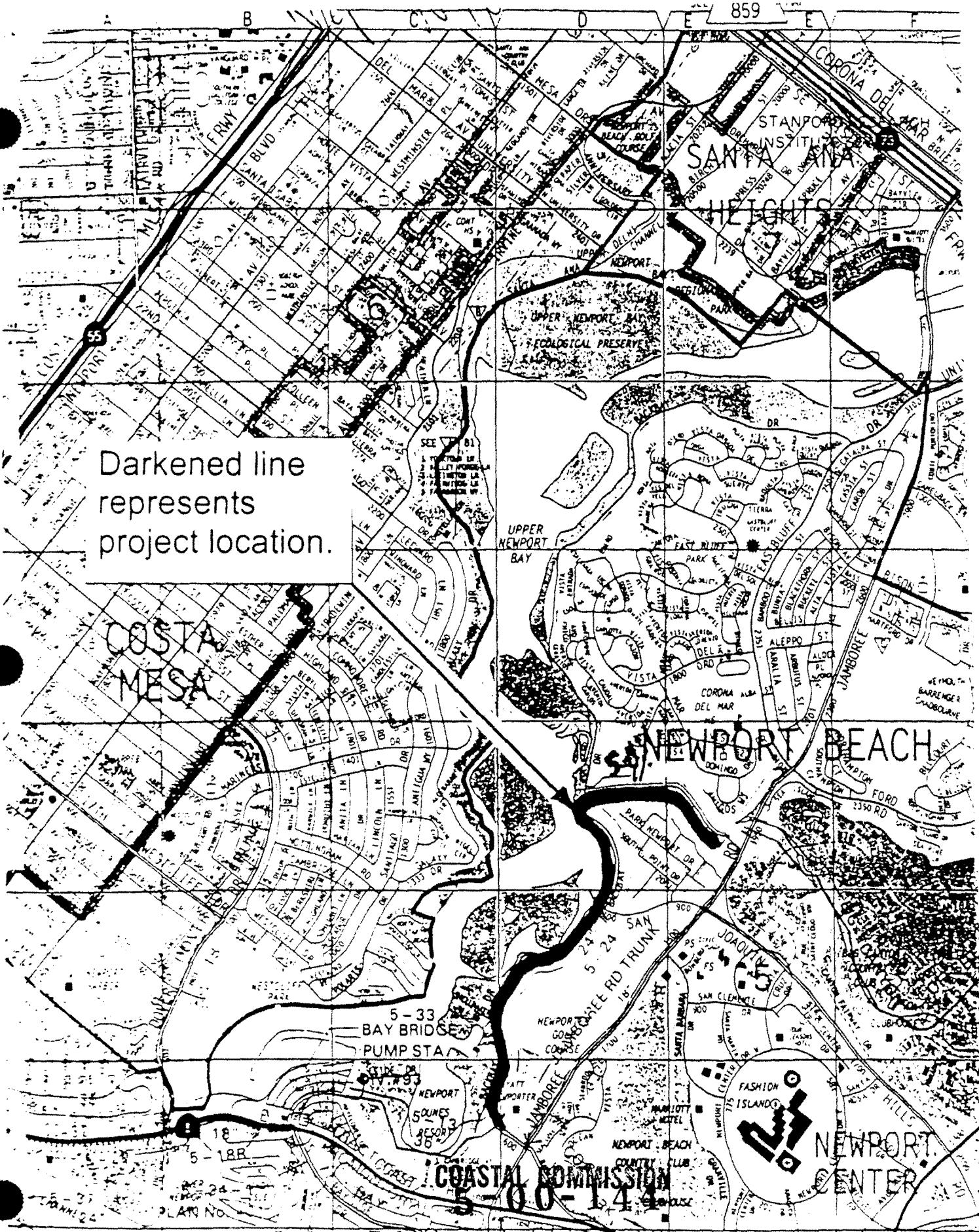
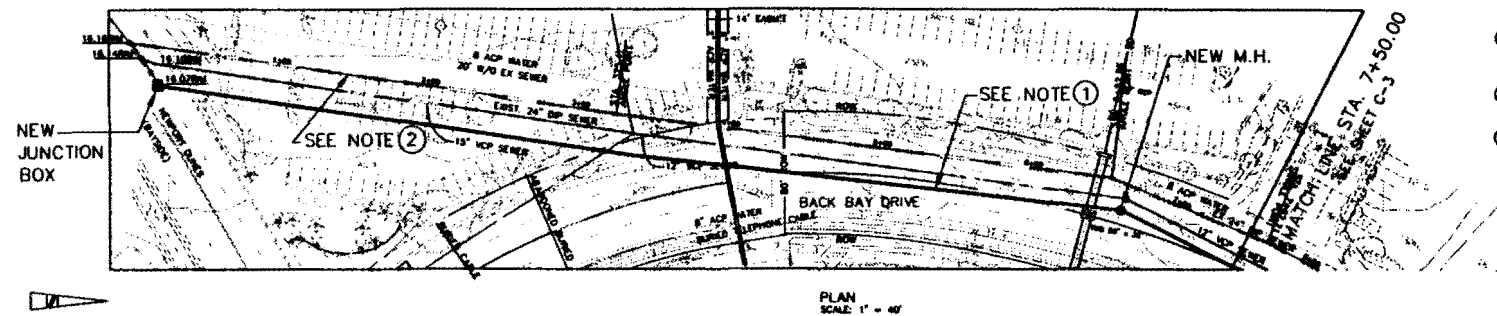
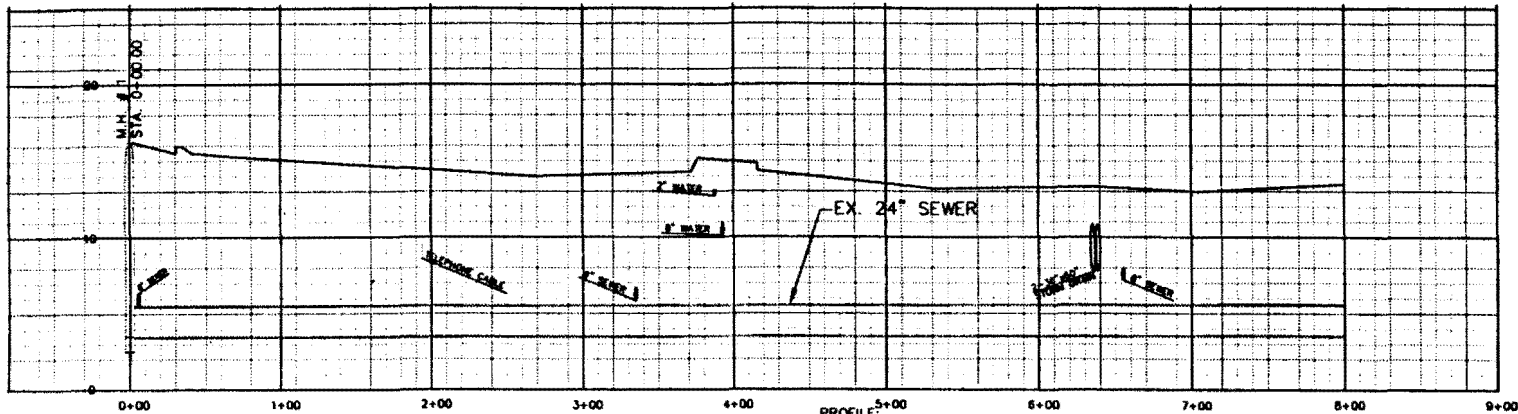


Figure 1: General Location of Project Area from USGS Santa Ana Quad (1969) Western United States Series 1:250000.

Darkened line
represents
project location.





NOTES:

- ① FOR ALT. A-1, B-1 INSTALL 2 x 33" Ø NEW PIPE.
FOR ALT. A-2, B-2, INSTALL 1 x 33" Ø NEW PIPE.
- ② FOR ALT. A-1, B-1 ABANDON EX. SEWER IN PLACE.
FOR ALT. A-2, B-2 INSTALL 22" Ø HDPE SLIP LINER.
- ③ NEW PIPE SHALL HAVE THE SAME INVERT
AS THE EXISTING PIPE SHOWN IN PROFILE

COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 1 OF 15

NO.	DESCRIPTION	BY	DATE

DESIGNER	AM
CHECKER	PMB
DATE	11/20/90

TRAN CONSULTING ENGINEERS

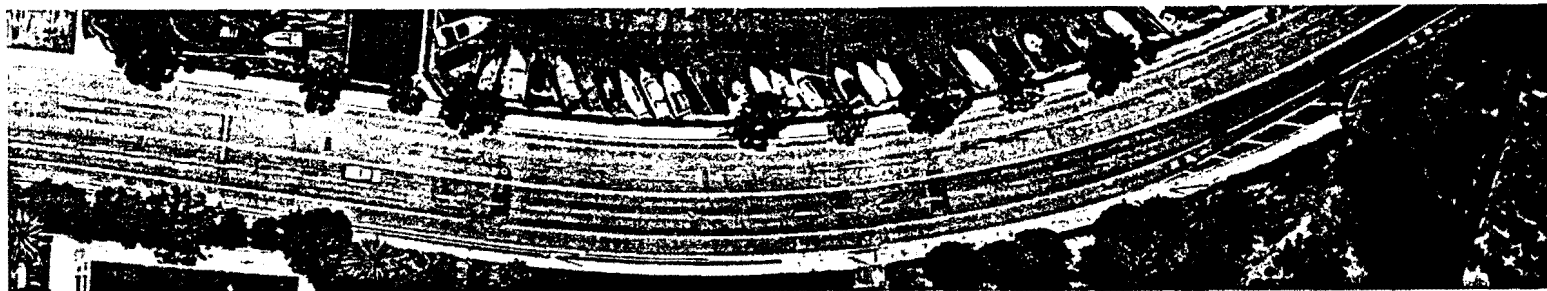
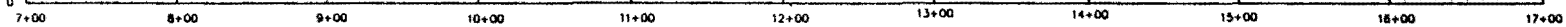
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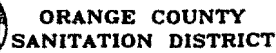
ORANGE COUNTY
SANITATION DISTRICT

BACK BAY TRUNK SEWER LINE
STA. 0+00.00 TO STA. 8+00.00

PROJECT NO.	C-2
SHEET NO.	2 OF 15



APPROVED BY _____ PAGE, NDA CMC 1200



C-3

10

3. 1

COASTAL COMMISSION
5-00-144

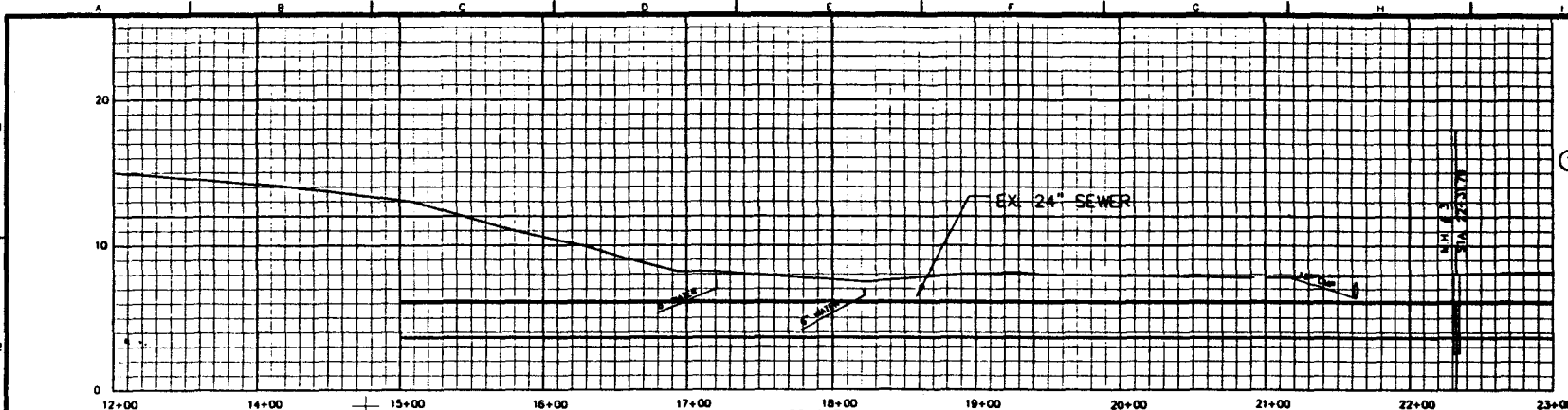
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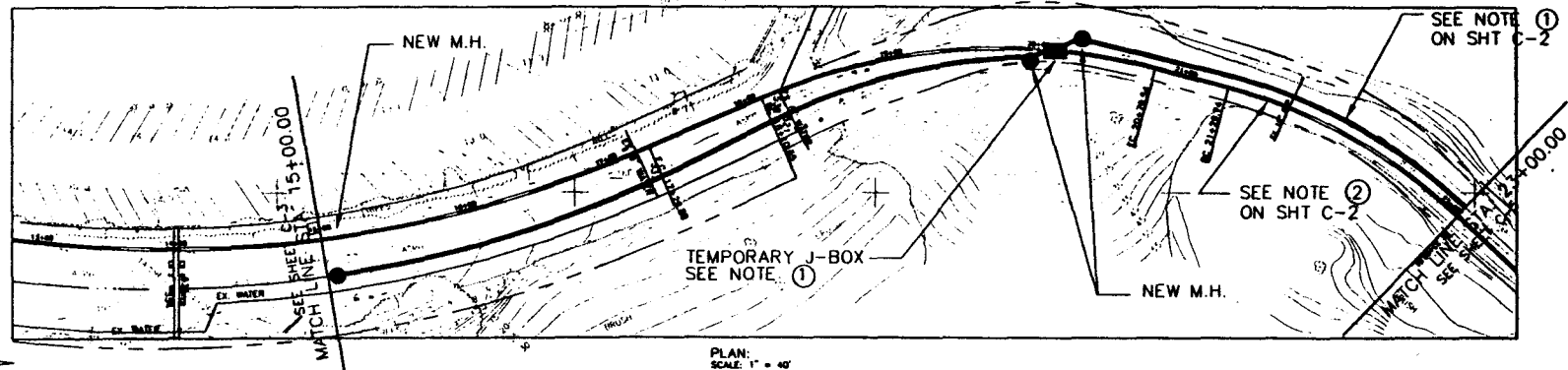
ONE INCH
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DATE: 11/20/99

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NOTES:
 ① INSTALL JUNCTION BOX
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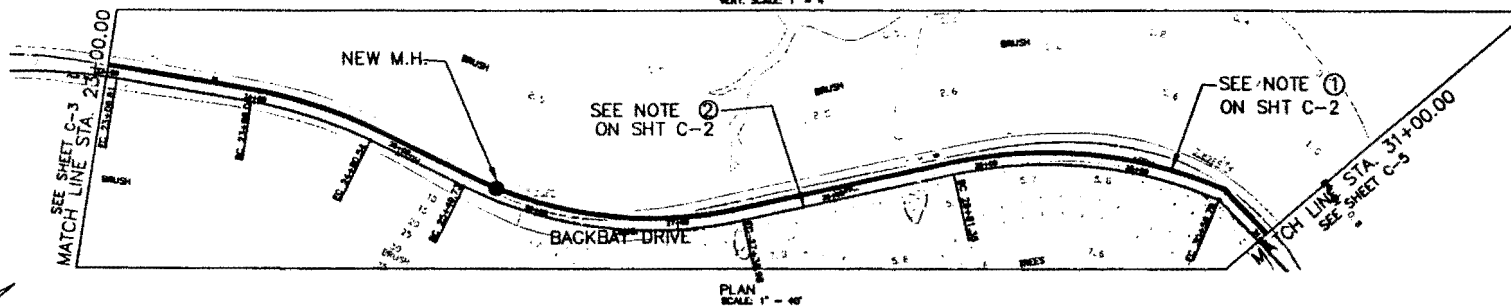
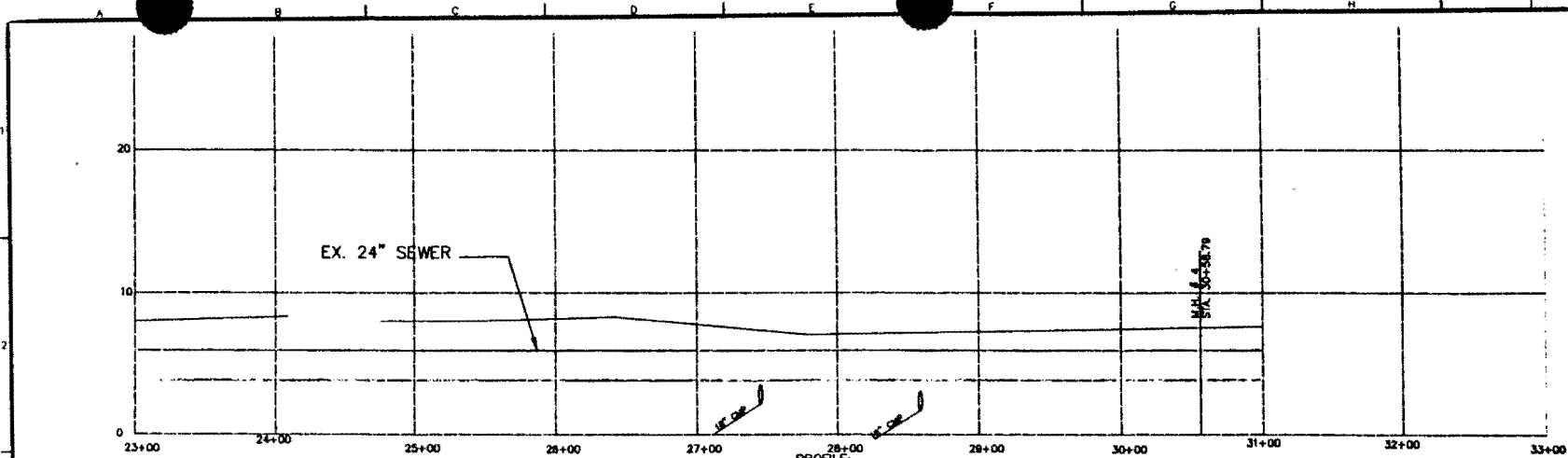
COASTAL COMMISSION
 5-00-144
 EXHIBIT # 2
 PAGE 3 OF 15



NO. DESCRIPTION BY DATE REVISIONS		HONEY SCALE 1" = 40' 11/24/90	DESIGNED BY CHECKED BY DATE 11/24/90	TRAN CONSULTING ENGINEERS APPROVED BY: PAUL HON BAC TRAN	ORANGE COUNTY SANITATION DISTRICT	BACK BAY TRUNK SEWER LINE STA. 15+00.00 TO 23+00.00	SHEET NO. C-4 OF 15
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*Narrow of
 portion of
 Back Bay
 Drive B.C.
 here
 to
 Shellman
 Island*





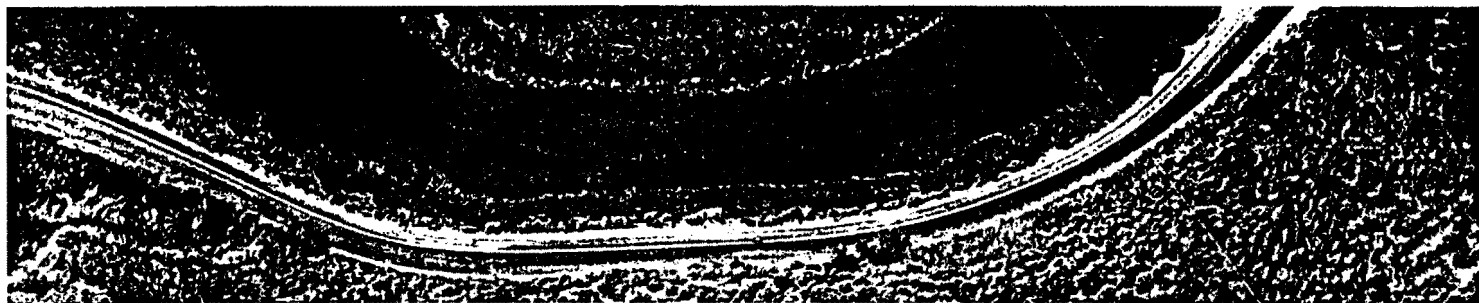
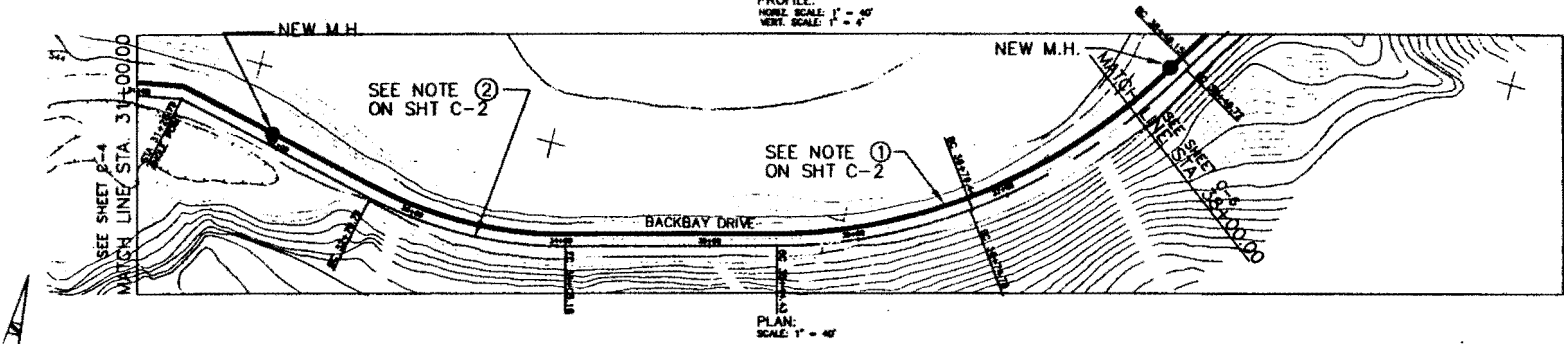
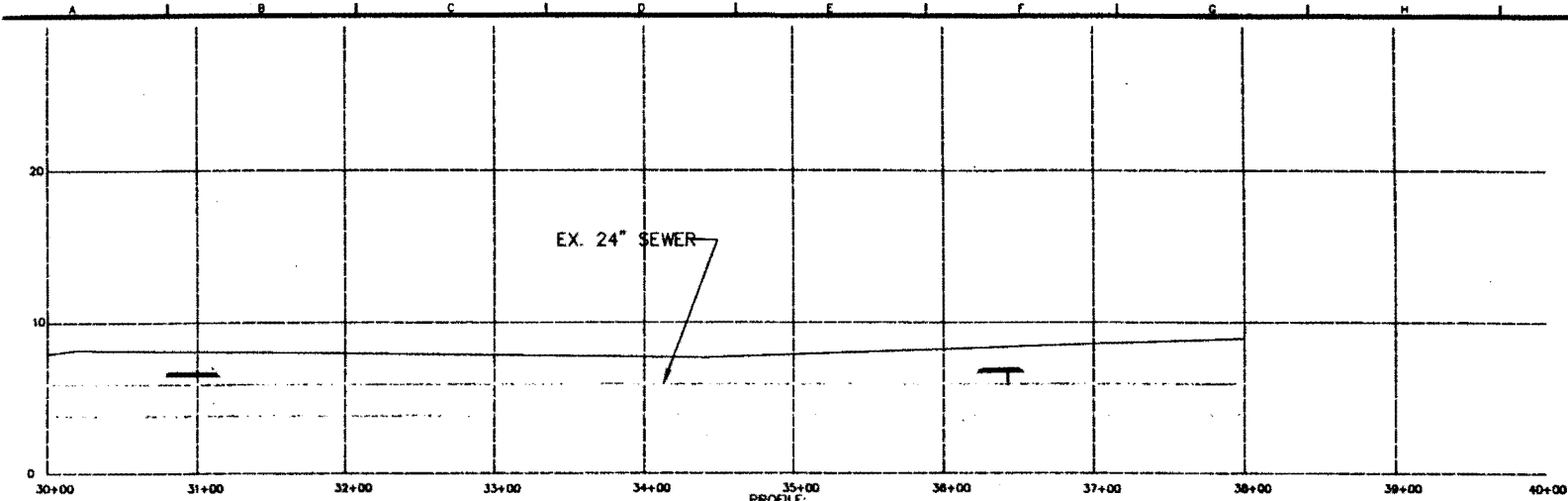
COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 4 OF 15

NO.	DESCRIPTION	BY	DATE

TRAN CONSULTING ENGINEERS
APPROVED BY: PHE, MSA, SAC, TRAN
DATE: 11/28/76

ORANGE COUNTY
SANITATION DISTRICT

BACK BAY TRUNK SEWER LINE
STA. 23+00.00 TO STA. 31+00.00

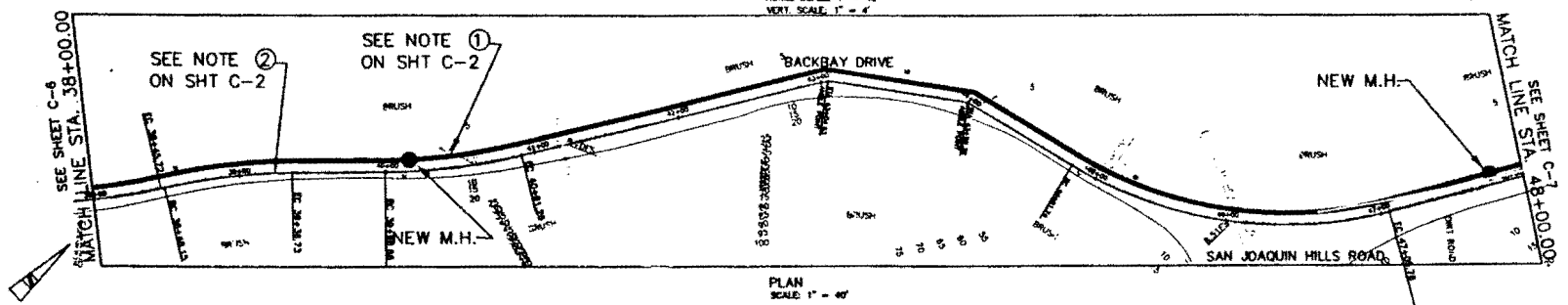
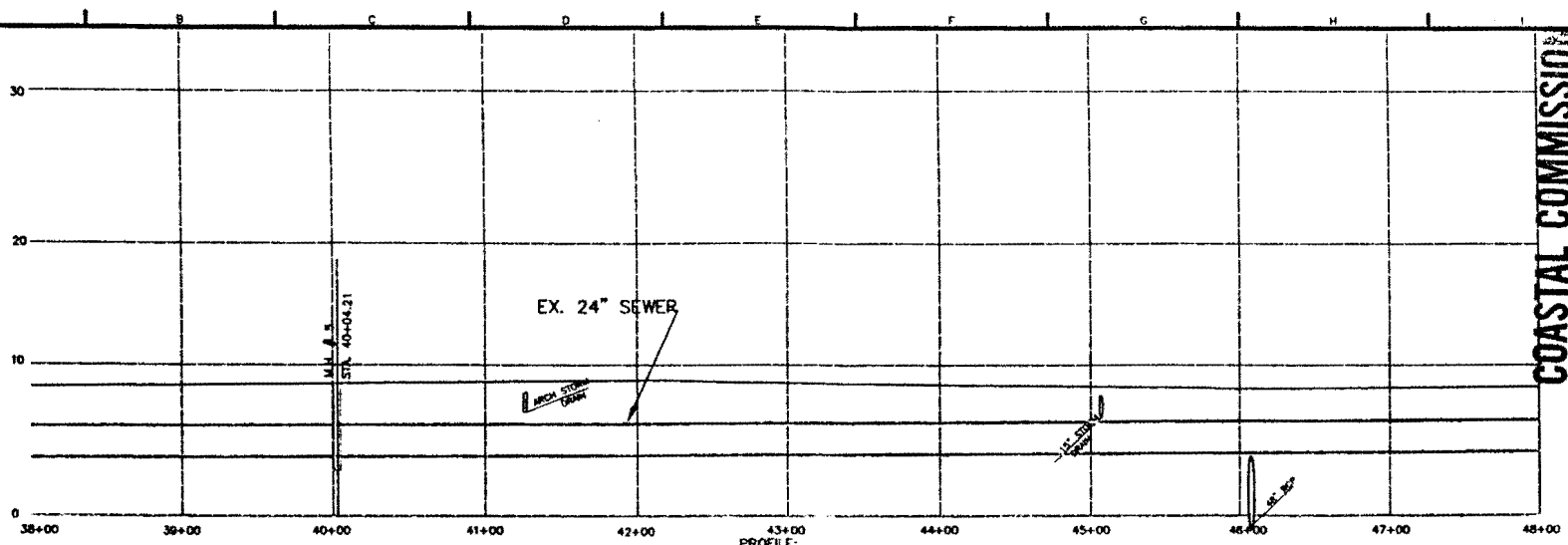


COASTAL COMMISSION
 5-00-144
 EXHIBIT # 2
 PAGE 5 OF 15

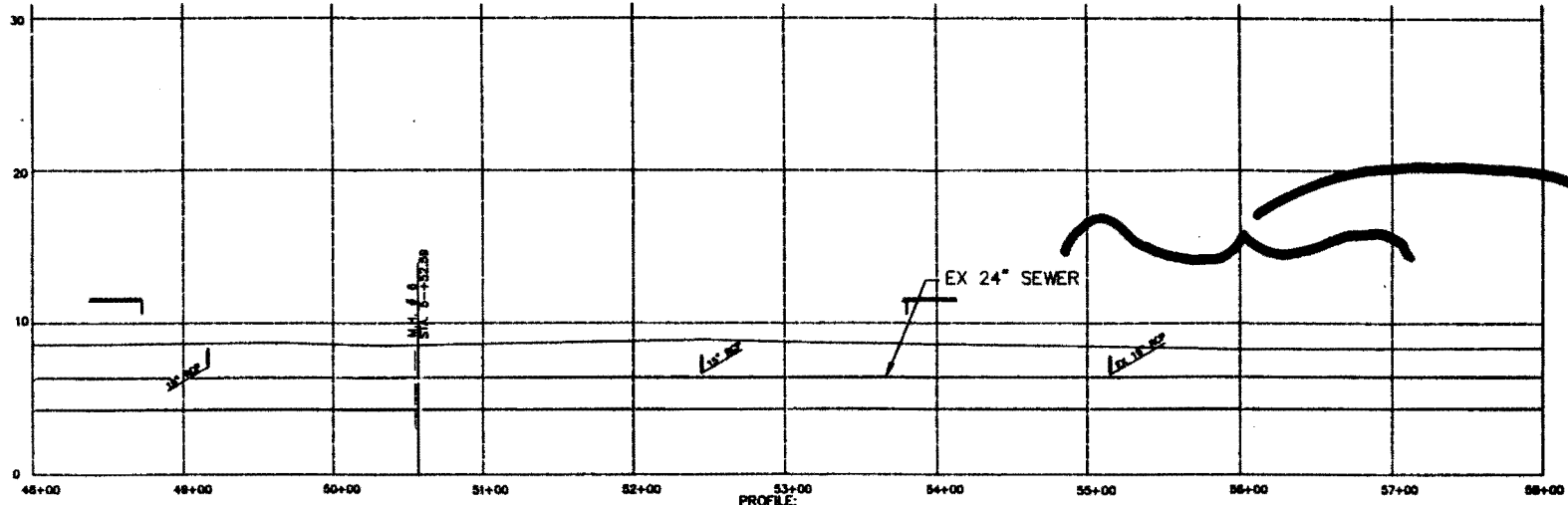
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COASTAL COMMISSION
5-00-144

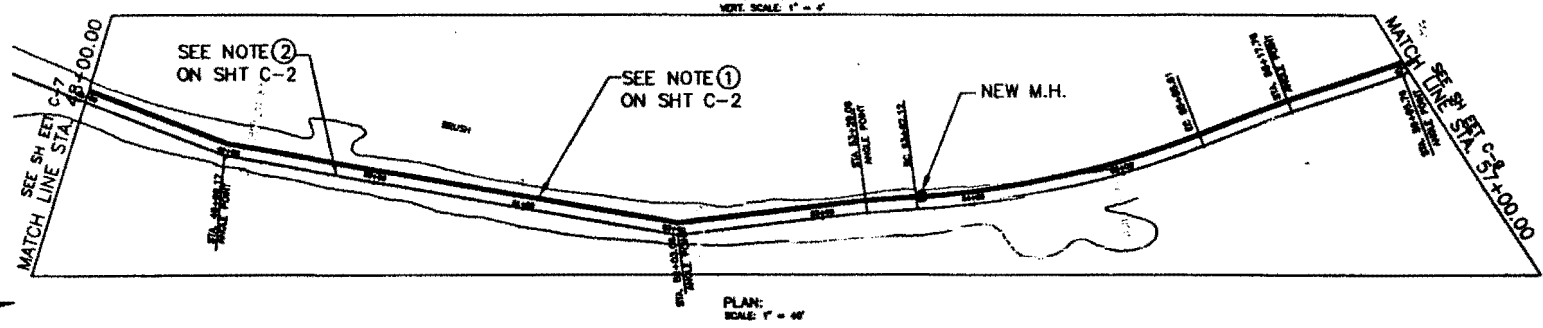
EXHIBIT # 2
PAGE 6 OF 15



NO. _____ REVISIONS _____ BY DATE _____			VERIFY SCALE 1" = 40' DATE 11/28/90	TRAN CONSULTING ENGINEERS APPROVED BY _____ FOR THE DISTRICT	ORANGE COUNTY SANITATION DISTRICT	BACK BAY TRUNK SEWER LINE STA. 38+00.00 TO STA. 48+00.00	SHEET NO. C-7 OF 7
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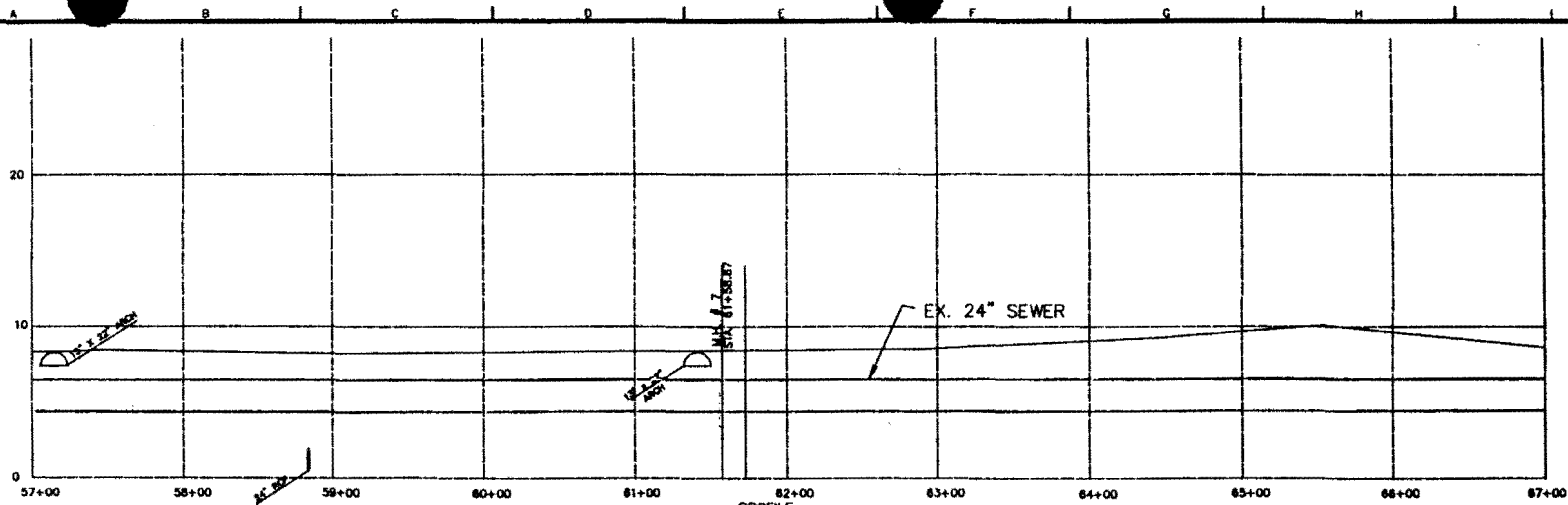


STATIONS
55 TO 57

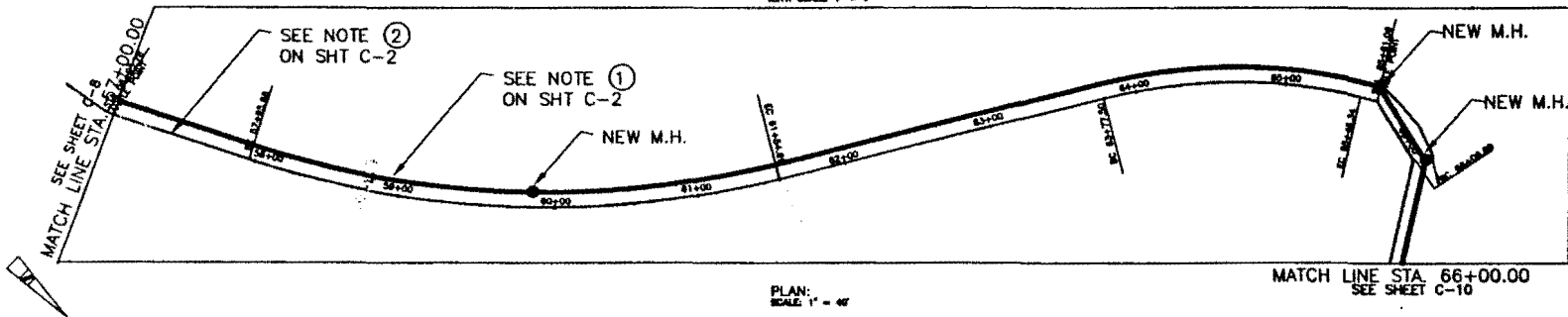


COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 7 OF 15

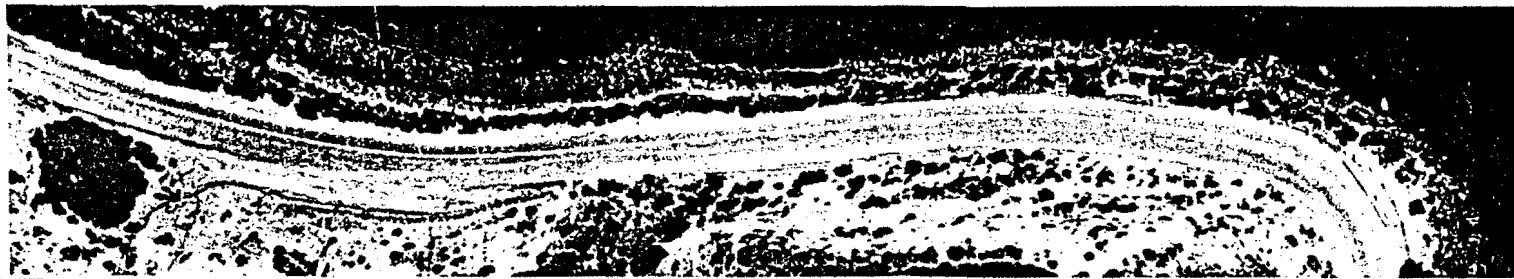
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VERT. SCALE: 1" = 4'



PLAN:
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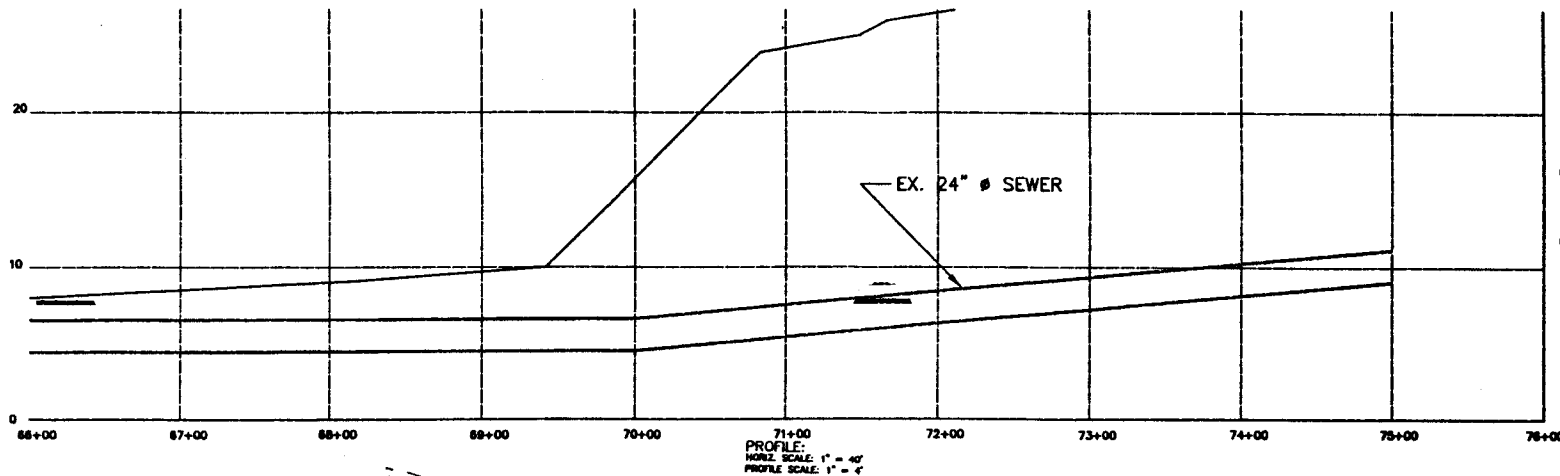
COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 8 OF 15

NO. _____ DESCRIPTION _____ REVISIONS _____		DATE _____ BY _____ CHECKED _____ ONE INCH OR ORIGINAL	TRAN CONSULTING ENGINEERS APPROVED BY _____ DATE 11/20/99	 ORANGE COUNTY SANITATION DISTRICT	BACK BAY TRUNK SEWER LINE STA. 57+00.00 TO STA. 66+00.00	C-9 15
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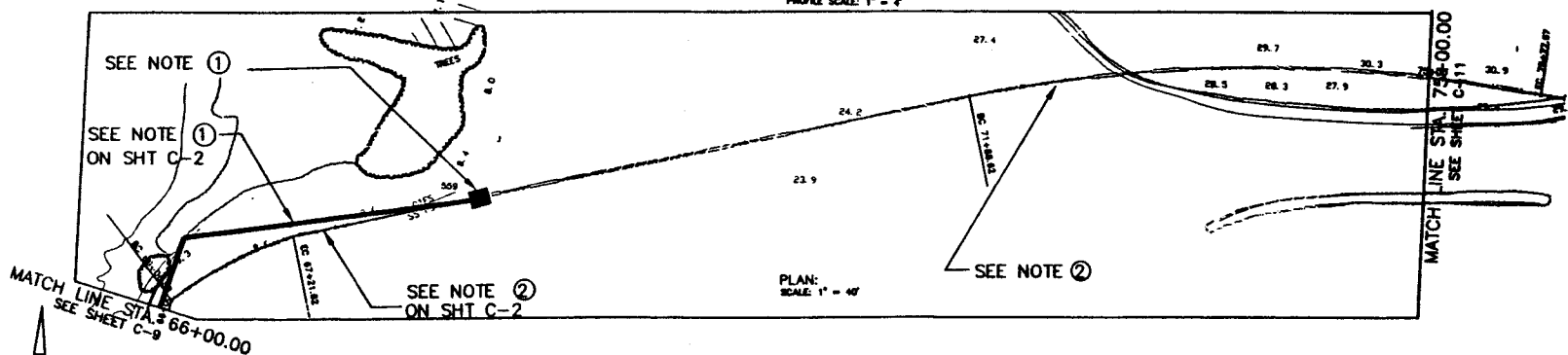
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SHEET 1 OF 4
CLEAN AND LINE EXIST. 24" Ø SEWER

NOTES:

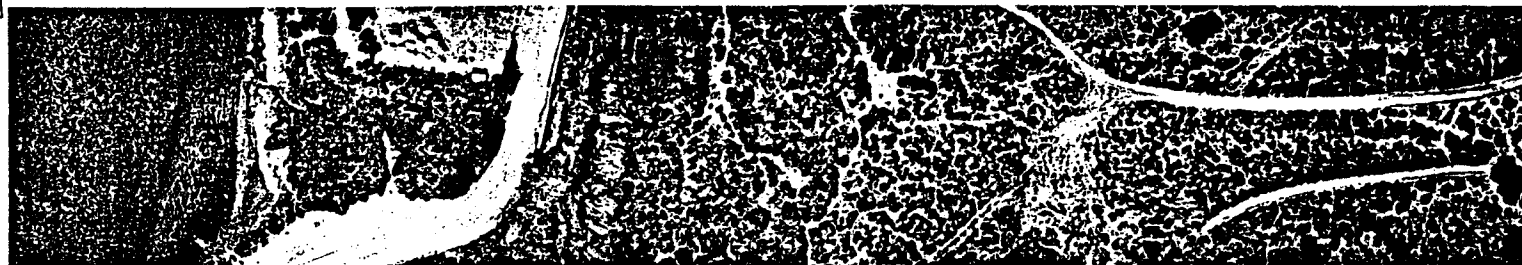
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- ② FOR ALT B INSTALL 21" Ø
INVERTED LINER



PROFILE:
HORIZ. SCALE: 1" = 40'
PROFILE SCALE: 1" = 4'



PLAN:
SCALE: 1" = 40'



COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 1 OF 15

TRAN CONSULTING ENGINEERS



**ORANGE COUNTY
SANITATION DISTRICT**

**BACK BAY TRUNK SEWER LINE
STA. 70+00.00 TO STA. 75+00.00**

C-10

10 15

APPROVED BY: PAUL WEAVER

NO.	DESCRIPTION	BY	DATE
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DRAWN BY	PM
CHECKED BY	PM
DATE	11/26/78

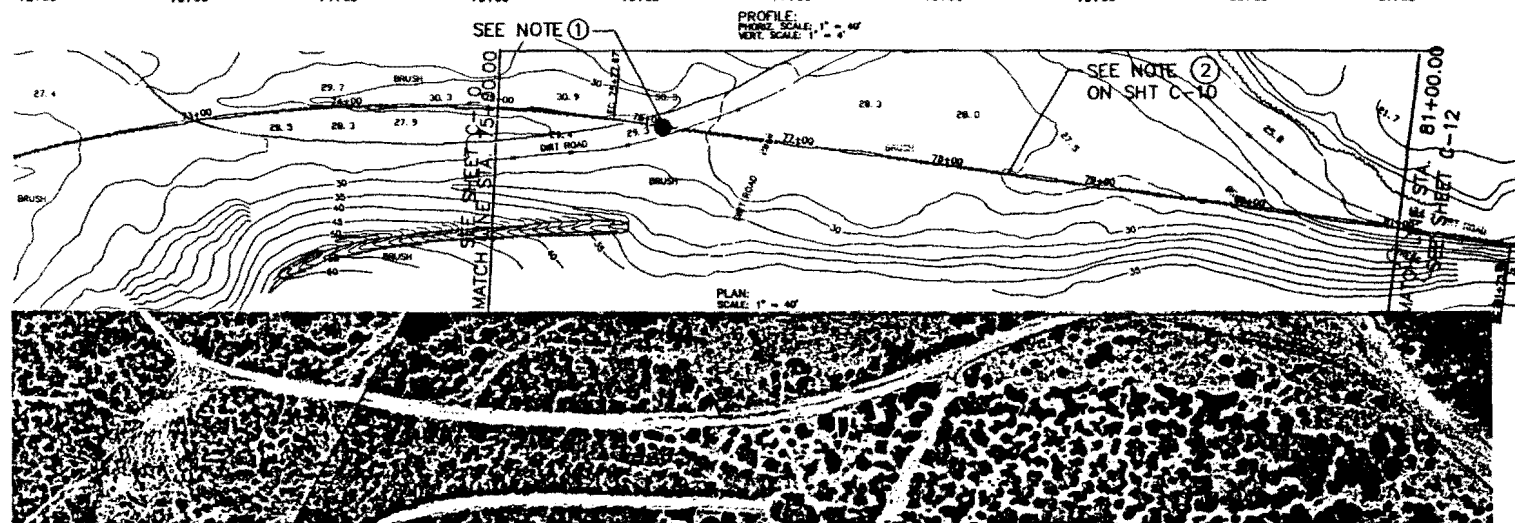
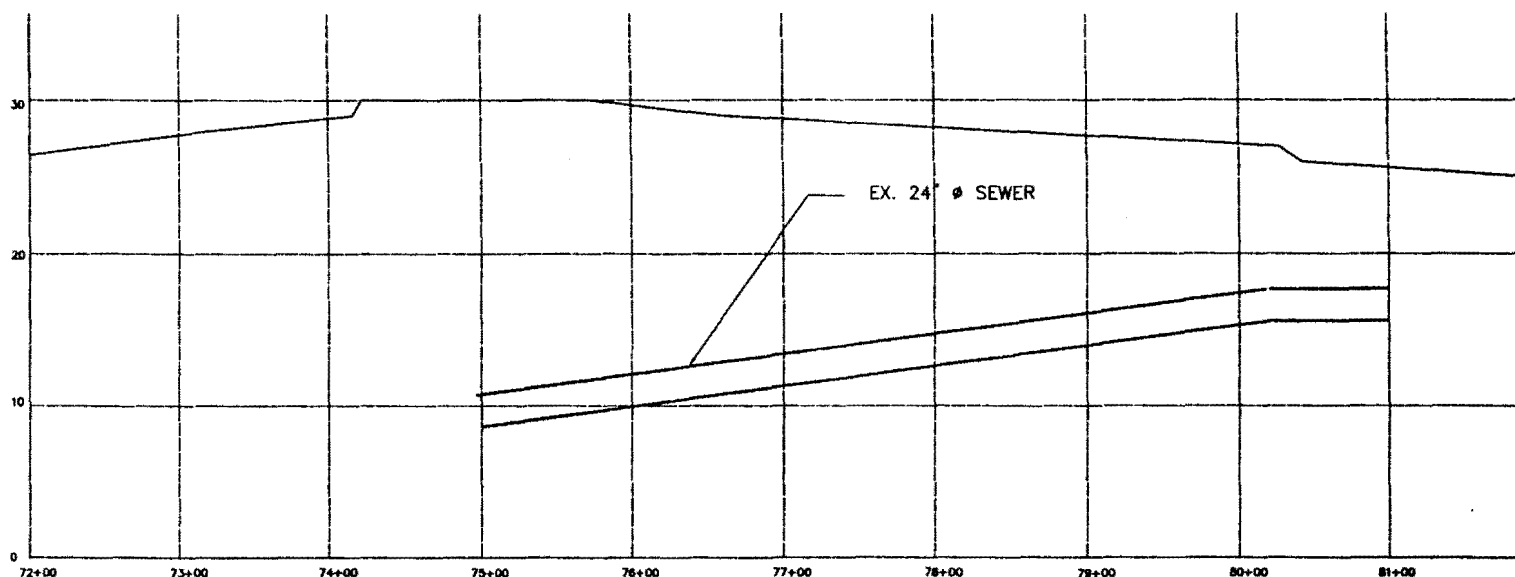
ALT. B
SHEET 2 OF 4

CLEAN AND LINE EXIST. 24" Ø SEWER

NOTES:

- ① NEW MANHOLE
ON EXISTING DIRT ROAD
STATION 76+20.00

COASTAL COMMISSION
5-00-144
EXHIBIT # 2
PAGE 10 OF 15



TRAN CONSULTING ENGINEERS



ORANGE COUNTY
SANITATION DISTRICT

BACK BAY TRUNK SEWER LINE
STA. 75+00.00 TO STA. 81+00.00

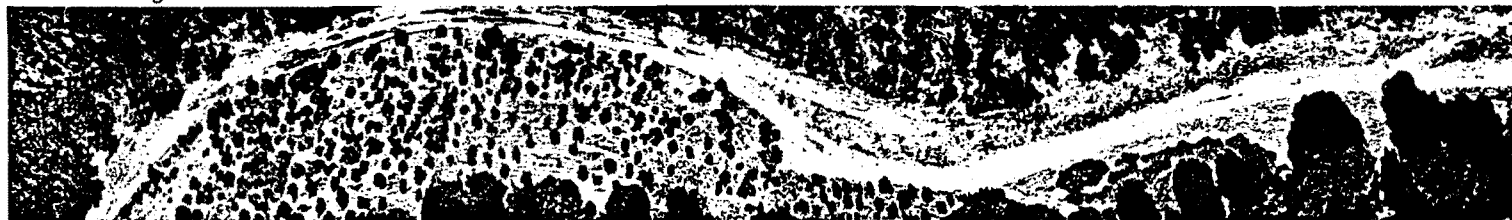
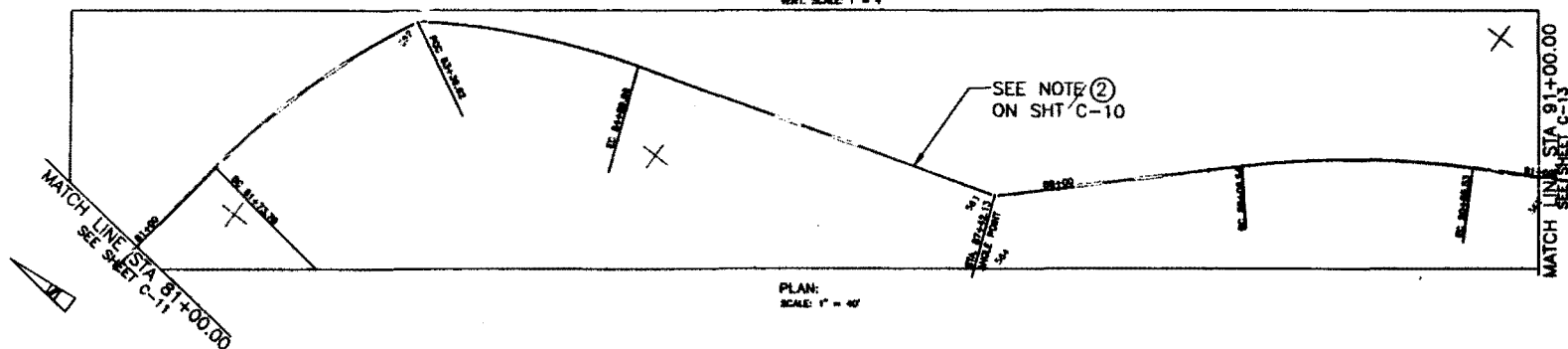
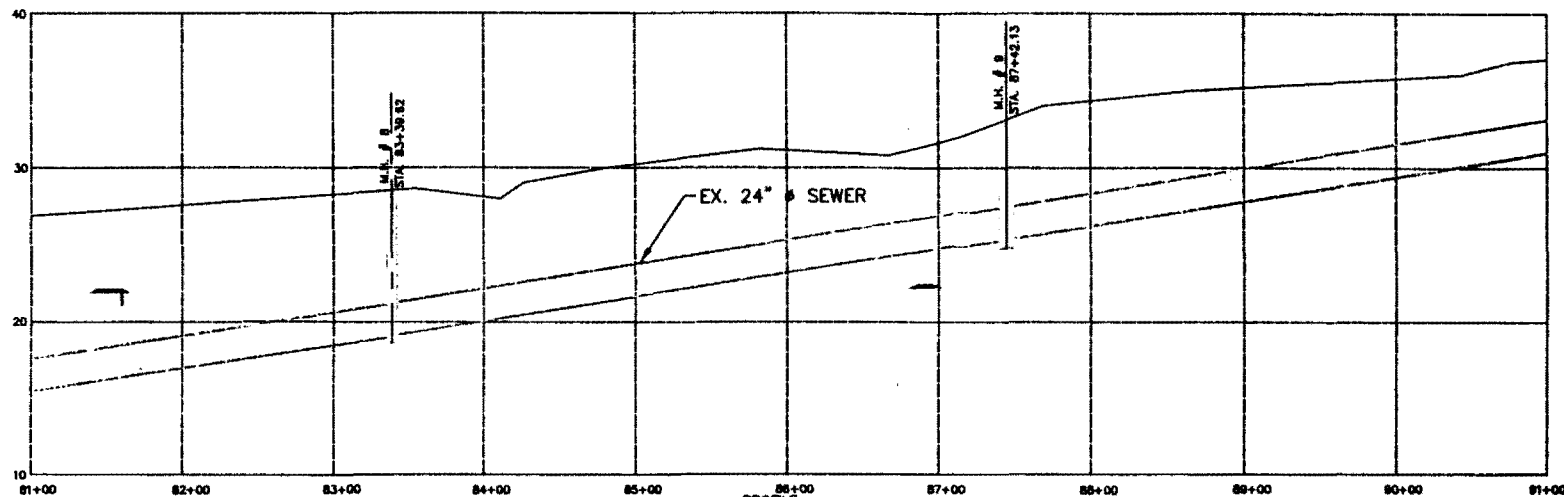
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SHEET 3 OF 4

CLEAN AND LINE EXIST. 24" x SEWER

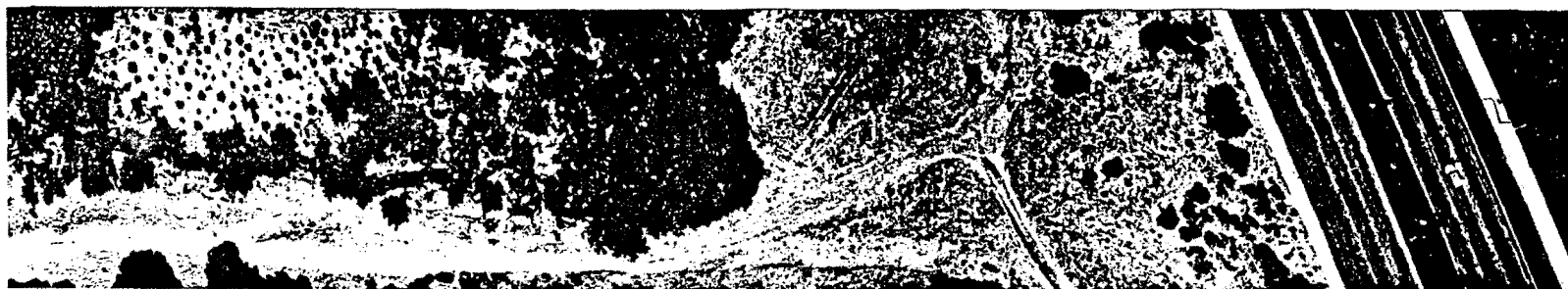
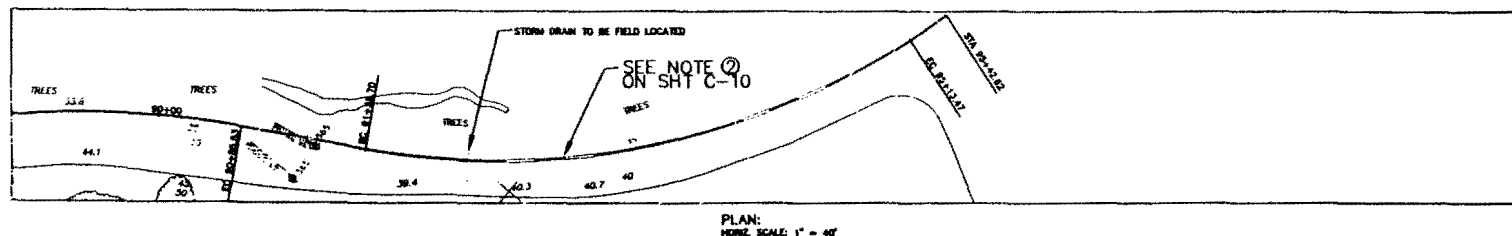
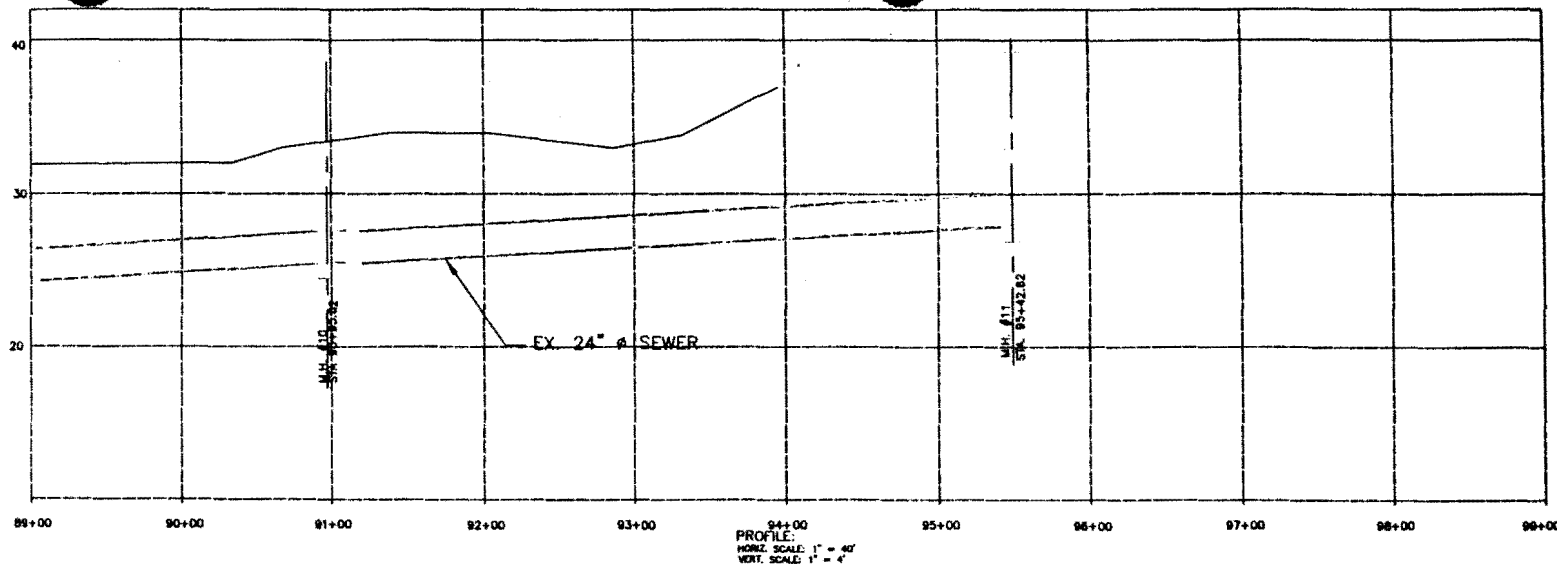


COASTAL COMMISSION
C-00-144
EXHIBIT # 2
PAGE 11 OF 15

REVISION NO. DESCRIPTION BY DATE		VERT. SCALE 1" = 4'	DESIGNED BY CHECKED BY DATE 11/28/90	TRAN CONSULTING ENGINEERS APPROVED BY: <u> </u>	 ORANGE COUNTY SANITATION DISTRICT	BACK BAY TRUNK SEWER LINE STA. 81+00.00 TO STA. 91+00.00	C-12 12 15
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ALT B
SHEET 4 OF 4

CLEAN AND LINE EXIST. 24" S SEWER



COASTAL COMMISSION
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TRAN CONSULTING ENGINEERS

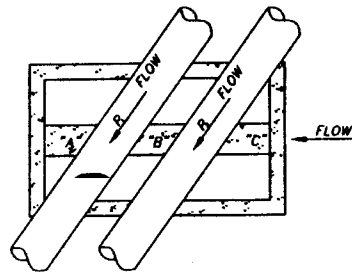


ORANGE COUNTY
SANITATION DISTRICT

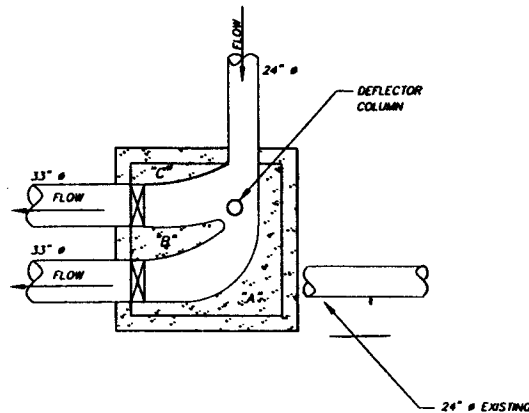
BACK BAY TRUNK SEWER LINE
STA. 91+00.00 TO STA. 94+42.62

C-13

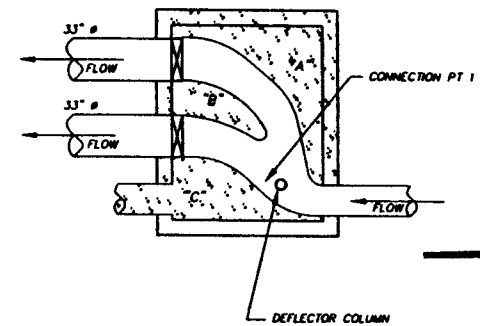
13 OF 15



DETAIL '1'



DETAIL '2'



DETAIL '3'

CONSTRUCTION SEQUENCE

JUNCTION BOX AT STATION 14+80.00

- ① CONSTRUCT TWO 33-INCH DIAMETER PIPE WITH FULL CONNECTION TO OUTSIDE OF EXISTING 24-IN DIAMETER SEWER.
- ② CAST JUNCTION BOX.
- ③ CUT TOP OF EXISTING 24-INCH DIAMETER.
- ④ CUT WALL OF EXISTING 24-INCH DIAMETER TO ALLOW FLOW FROM P₁ AND P₂.
- ⑤ PLUG EXISTING 24-INCH DIAMETER PIPE AT J-BOX AT STATION 68+70.00. ALLOW SEWAGE FLOW THROUGH P₁.
- ⑥ CAST AREAS 'B' AND 'C'.
- ⑦ CLOSE GATE AT J-BOX AT STATION 68+70.00 TO STOP FLOW THROUGH P₁. OPEN UPSTREAM FLOW THROUGH P₂.
- ⑧ CAST AREA 'A'.

CONSTRUCTION SEQUENCE

JUNCTION BOX AT STATION 68+70.00

FOR ALT. A-1, INSTALL TWO NEW 33-INCH DIAMETER PIPES

- ① CAST JUNCTION BOX.
- ② CAST AREAS 'A', 'B', & 'C'.
- ③ INSTALL GATE ON BOTH OUTLET PIPES.
- ④ SWITCH UPSTREAM FLOW AT STATION 95+42.62 TO NEW 24-INCH DIAMETER PIPE AFTER STEP 4 OF DETAIL '1' HAS BEEN COMPLETED.

FOR ALT. A-2, INSTALL ONLY ONE NEW 33-INCH DIAMETER PIPE

- ① CAST JUNCTION BOX.
- ② CUT TOP OF EXISTING 24-INCH DIAMETER SEWER.
- ③ CAST AREAS 'A', 'B', & 'C'.
- ④ INSTALL GATE ON BOTH OUTLET PIPES.
- ⑤ CUT WALL OF EXISTING 24-INCH DIAMETER SEWER TO ESTABLISH CONNECTION WITH THE NEW 33-INCH DIAMETER PIPE.
- ⑥ SWITCH UPSTREAM FLOW AT STATION 95+42.62 TO NEW 24-INCH DIAMETER PIPE AFTER STEP 4 OF DETAIL '1' HAS BEEN COMPLETED.
- ⑦ PLUG EXISTING 24-INCH DIAMETER SEWER AT INFLOW END WITH CONCRETE.

CONSTRUCTION SEQUENCE

JUNCTION BOX AT STATION 68+70.00

FOR ALT. B-1, INSTALL TWO NEW 33-INCH DIAMETER PIPES

- ① CAST JUNCTION BOX.
- ② CUT TOP OF EXISTING 24-INCH DIAMETER SEWER.
- ③ CAST AREAS 'A' & 'B'.
- ④ INSTALL GATE VALVES (IN OPEN POSITION) ON BOTH OUTLET PIPES.
- ⑤ CUT WALL OF EXISTING 24-INCH DIAMETER SEWER AT CONNECTION PT 1.
- ⑥ CAST AREA 'C' AFTER STEP 4 OF DETAIL '1' HAS BEEN COMPLETED.

FOR ALT. B-2, INSTALL ONLY ONE NEW 33-INCH DIAMETER PIPE

- ① CAST JUNCTION BOX.
- ② CUT TOP OF EXISTING 24-INCH DIAMETER SEWER.
- ③ CAST AREAS 'A' & 'B'.
- ④ INSTALL GATE VALVES (IN OPEN POSITION) ON BOTH OUTLET PIPES.
- ⑤ CUT WALL OF EXISTING 24-INCH DIAMETER SEWER AT CONNECTION PT 1.
- ⑥ CLOSE GATE OF EXISTING 24-INCH DIAMETER SEWER IN AREA 'C' AFTER STEP 4 OF DETAIL '1' HAS BEEN COMPLETED.

EXHIBIT # 2
PAGE 13 OF 15

COASTAL COMMISSION
5-00-144

NO.	DESCRIPTION	BY	DATE

VERIFY SCALE	DESIGNED BY

TRAN CONSULTING ENGINEERS

APPROVED BY PAUL HOA DAC TRAN



ORANGE COUNTY
SANITATION DISTRICT

BACK BAY TRUNK SEWER LINE
FLOW DIVERSION STRUCTURE DETAILS

PROJECT NO.	C-15
SHEET NO.	15 OF 15

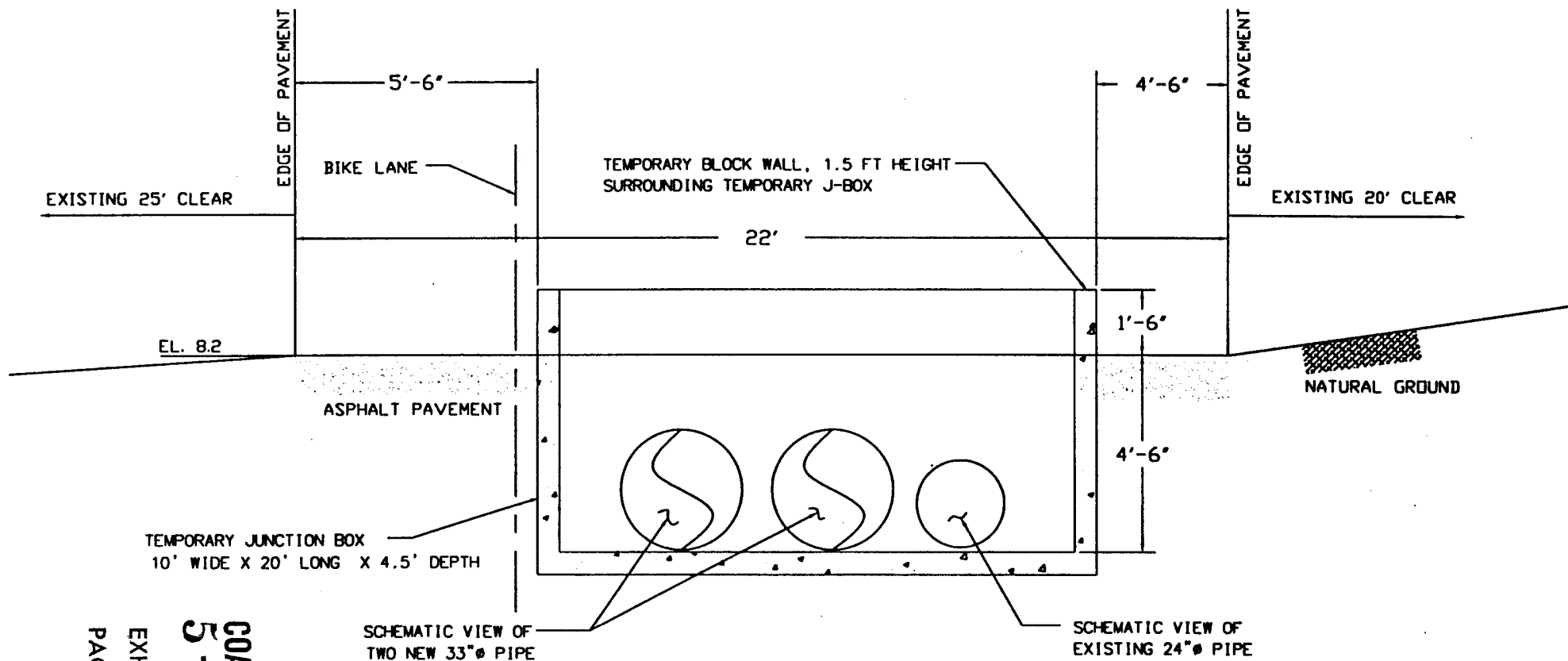


Figure 3. Cross-section at temporary junction box.

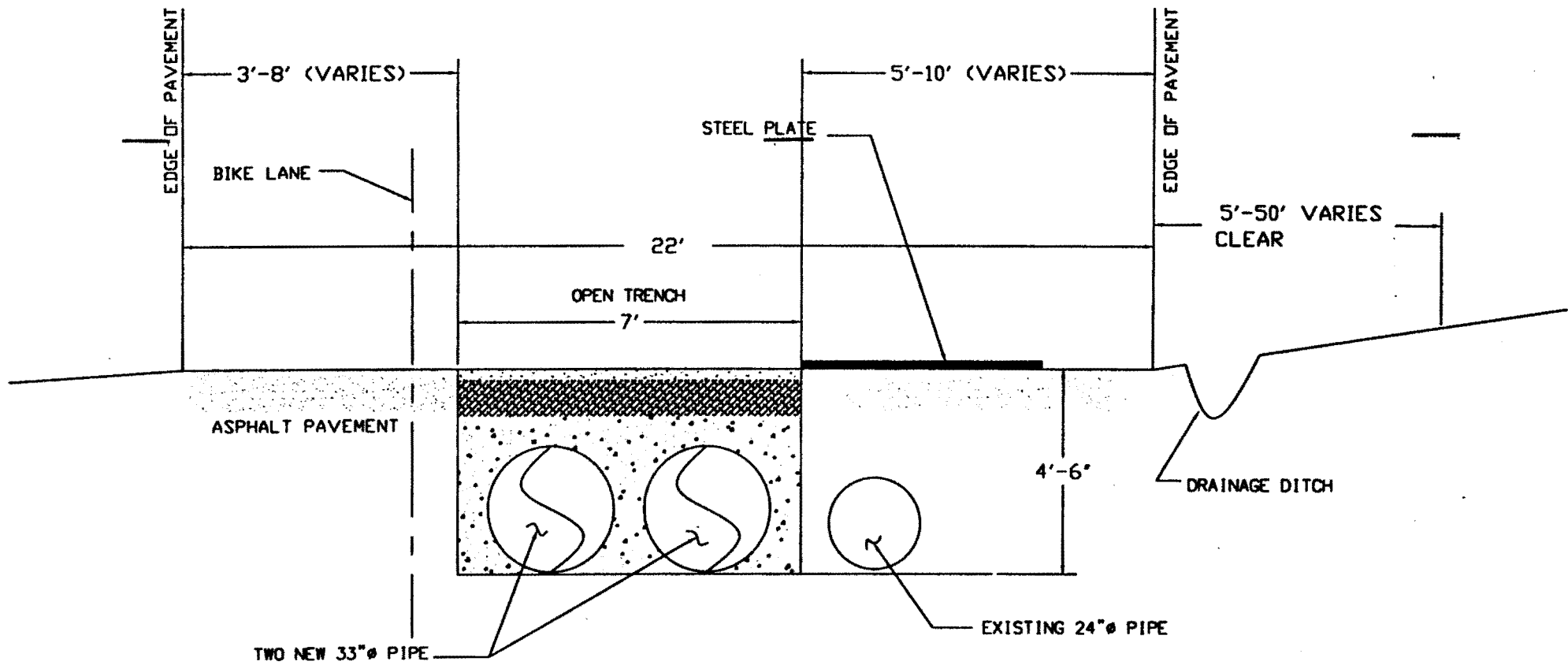


Figure 4. Typical cross-section along narrow portion of Back Bay Drive.



United States Department of the Interior
Fish and Wildlife Service
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



MAY 22 2000
ORANGE COUNTY
SANITATION DISTRICT

MAY 18 2000

Mark Tomko
Orange County Sanitation District
Post Office Box 8127
Fountain Valley, California 92728-8127

Re: Mitigated Negative Declaration, Back Bay Drive Trunk Sewer, City of Newport Beach,
Orange County, California

Dear Mr. Tomko:

We have reviewed the mitigated negative declaration received on April 17, 2000, for the Back Bay Drive Trunk Sewer Project, adjacent to Upper Newport Bay, City of Newport Beach, Orange County, California. We offer the following comments and recommendations based on our review of the document and our knowledge of declining habitat types and species within the City of Newport Beach.

The proposed project involves the rehabilitation and replacement of 9,500 feet of trunk sewer located in Big Canyon and Back Bay Drive along the margins of Upper Newport Bay. The trunk sewer is located between Jamboree Boulevard, north of Joaquin Hills Road and south of Ford Road, and a connection point west of the intersection of Jamboree Road and Back Bay Villa Point Drive. The existing 24-inch sewer is proposed to be cleaned of corrosion and lined. Two plastic 30-inch pipelines are proposed to be constructed parallel to the existing sewer line within Back Bay Drive. New junction structures would be constructed with new manholes along the route.

We are concerned for the protection of fish and wildlife resources and their habitats. In this regard, we provide comments on public notices issued for a Federal permit or license affecting the Nation's waters pursuant to the Clean Water Act. We also administer the Endangered Species Act of 1973 (Act), as amended. Section 7 of the Act requires Federal agencies to consult with the Fish and Wildlife Service (Service) should it be determined that their actions may affect federally listed species. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be permitted under the provisions of sections 7 (Federal consultations) and 10 (habitat conservation plans) of the Act.

COASTAL COMMISSION

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PAGE 1 OF 2

The proposed project is located within the planning area of the Central and Coastal Subregion of the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), in a zone that is classified as non-reserve open space. This land use designation describes areas that may contain significant biological resources and for which incidental take authorization under the NCCP/HCP has not been authorized.

Sensitive species that occur in the vicinity of the proposed project include the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*, "gnatcatcher"), endangered light-footed clapper rail (*Rallus longirostris levipes*, "rail"), endangered least Bell's vireo (*Vireo bellii pusillus*, "vireo"), and endangered salt marsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*); and the State endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*, "sparrow").

The project applicant has agreed to a number of measures to minimize the potential for impacts to sensitive species: (1) no construction activity will occur during the breeding season of the gnatcatcher, vireo, rail, or sparrow (February 15 to August 30); (2) temporary fencing will be placed along the construction route, to prevent impacts to sensitive habitats; (3) any vegetation removed along the edges of Back Bay Drive during construction will be replaced using a native seed mix appropriate to that habitat type; (4) all work in Big Canyon will be accomplished on existing cleared roadways and pads, with no removal of vegetation; and (5) should work along Back Bay Drive occur during the rainy season, silt fencing will be installed to prevent sediment from being transported into Upper Newport Bay.

With implementation of these measures, we have determined that the proposed project likely will not result in the take of federally listed wildlife, nor will the project significantly impact other wildlife resources of concern. If project plans change, this determination may be reconsidered.

We appreciate the opportunity to comment on the mitigated negative declaration for potential impacts to sensitive and endangered species, wildlife, and wetlands. If you should have any questions pertaining to these comments, please contact Kevin Clark of my staff at (760) 431-9440.

Sincerely,



Jim A. Bartel
Assistant Field Supervisor

1-6-00-NFTA-320

cc: Bill Tippetts (CDFG)

COASTAL COMMISSION

5-00-144

EXHIBIT # 3

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