



RE-ISSUED NOTICE OF PREPARATION SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Date: January 5, 2010
Subject: Re-Issue Notice of Intent to Prepare a Draft Subsequent Environmental Impact Report
Project Title: Dana Point Harbor Marina Improvement Project SCH No. 2003101142
Applicant: OC Dana Point Harbor

This Notice of Preparation (NOP) is being re-issued by OC Dana Point Harbor (County) for the proposed waterside Marina Improvement Project in the City of Dana Point (City). The original NOP was circulated from November 27, 2007 to January 2, 2008 to inform Responsible and Trustee Agencies, and the interested public that a Subsequent Environmental Impact Report (SEIR) was being prepared for the Marina Improvement Project. Although not legally required, this NOP is being re-issued in an effort to keep the public informed of changes in the project and to encourage participation in the public process. The County is the Lead Agency for the project and will prepare the SEIR in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementing guidelines (Guidelines). This NOP is being circulated pursuant to California Public Resources Code Section 21153(a) and CEQA Guidelines Section 15082.

The Land Use Plan component of the Local Coastal Program Amendment (LCPA) for the proposed Dana Point Harbor Revitalization Project was approved with suggested modifications by the California Coastal Commission (Commission) on October 8, 2009. The waterside portion of the project is now proceeding through a separate, independent process for environmental clearance and approval. As part of the Commission's approval, a suggested modification was included to establish a goal for any dock replacement to attempt to achieve a "no net loss" of slips harbor wide, but to limit the loss of boat slips to a maximum of 155 slips with an average slip length not to exceed 32 feet. In the event that the replacement of docks requires a reduction in the quantity of slips in existing berthing areas, the policy revision provides that those slips could be replaced, if feasible, in new berthing areas elsewhere in the Harbor. Some other minor changes in the project description for the Marina Improvement Project have occurred since the circulation of the previous NOP in November 2007.

The Marina Improvement Project (Project) renovations include removal of nearly all floating docks and piles in the West and East Marinas; potential repair and/or reconstruction of portions of the quay wall; and installation of new docks, guide piles (or alternate anchoring methods), gangways, security gates, dock boxes, improved lighting on the docks and supporting utilities within both marina areas. Additionally, new dry stack storage staging docks, star moorings and dinghy docks, along with renovations to the OC Sailing and Event Center docks, guest docks, Harbor Patrol docks, commercial fishing docks, and sport fishing docks are included in the proposed Project. The project also includes public access improvements to gangways and docks in compliance with the Americans with Disabilities Act (ADA) guidelines, and construction of temporary docks along the breakwater adjacent to Doheny State Beach.

Potential Responsible Agencies, federal agencies involved in funding or approving the project, and Trustee Agencies are invited to comment regarding the scope and content of the environmental information to be included in the SEIR, relevant to your agency's statutory responsibilities in connection with the proposed project. The project location map is included with this NOP. Based on the analysis contained in the Initial Study (IS), the probable environmental effects of the project to be analyzed in the SEIR, include but are not necessarily limited to the following: aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, recreation, transportation and traffic, and utilities. Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the SEIR.

A complete copy of the re-issued NOP prepared for the proposed project may be reviewed at the OC Dana Point Harbor office located at, 24650 Dana Point Harbor Drive, Dana Point, California 92629, or online at www.dphplan.com. Because of time limits mandated by State law, your response must be sent at the earliest possible date but *not later than 30 days* after receipt of this notice. The County will accept comments from agencies and others regarding this notice through the close of business on **February 4, 2010**. All comments to this notice must be submitted in writing to the following address, or by e-mail as indicated below:

OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Attention: Brad Gross, Director
Phone: (949) 923-2236
Marinaeir@dphd.ocgov.com

**RE-ISSUED NOTICE OF PREPARATION
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
DANA POINT HARBOR MARINA IMPROVEMENT PROJECT**

ENVIRONMENTAL SETTING

The project site is located within the City of Dana Point (City) at Dana Point Harbor (Harbor) in Capistrano Bay on the Southern Orange County (County) coastline, between Los Angeles and San Diego Counties as shown on Figure 1, Project Location. The Harbor is bordered by the Pacific Ocean to the south; Dana Point Headlands and Old Cove Marine Preserve to the west; Doheny State Beach to the east; and a variety of commercial, hotel, residential, and park uses to the north.

The Harbor is a County facility located within the City of Dana Point and offers recreational boaters and County residents, tourists, and others a number of recreational activities, retail shopping, and dining opportunities. The facility is owned by the County of Orange and is operated under the direction of OC Dana Point Harbor (OCDPH), a County agency, and is owned by the County of Orange. The County of Orange was designated over 30 years ago by the Tidelands Act as the trustee of the Harbor for the people of the State of California. The Harbor is primarily accessible from Pacific Coast Highway and the Street of the Golden Lantern via Dana Point Harbor Drive. Secondary access is provided by Cove Road and the Pacific Ocean.

PROJECT HISTORY AND BACKGROUND

The construction of Dana Point Harbor began in the late 1960s, and the Harbor was officially dedicated on July 31, 1971. Since its creation nearly four decades ago, the Harbor's infrastructure, including dock facilities and landside facilities such as storm drains, sewers, parking lots, and some of the buildings, is in need of modernization and/or replacement. In 1997, a Task Force was formed to help develop a plan to upgrade, refurbish, and expand existing landside Harbor facilities to meet current and projected needs of the merchants and Harbor visitors. The Dana Point Harbor Revitalization Plan (Revitalization Plan) was developed over the next several years and officially adopted by the County Board of Supervisors and the Dana Point City Council in 2006. A Program Final Environmental Impact Report (FEIR) was prepared for the overall Harbor Revitalization Project (landside and waterside areas) and certified by the Orange County Board of Supervisors on January 31, 2006 (County of Orange Dana Point Harbor Revitalization Program Environmental Impact Report [EIR] No. 591).

USE OF THE PREVIOUSLY CERTIFIED PROGRAM FEIR

As stated above, the Dana Point Harbor Revitalization Program FEIR No. 591 (State Clearinghouse Number 2003101142) was certified by the Orange County Board of Supervisors on January 31, 2006. As defined by CEQA Guidelines Section 15168, "A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically; (2) A logical parts in the chain of contemplated actions; (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."

The Program EIR evaluated the entire Harbor Revitalization Plan at a program, or conceptual level of detail, and provided a project or construction level EIR analysis where possible, consistent with CEQA Guidelines Sections 15146 and 15168.

As illustrated on Figure 2, Existing Harbor Layout, the Harbor was divided into twelve (12) Planning areas for the purpose of establishing land use regulations and development standards. Planning Areas 1 and 2 (known together as the

Commercial Core) were analyzed at a project level since project-specific construction level details were available. The Program EIR provided a programmatic analysis of the remaining Planning Areas 3 through 12. The proposed Dana Point Harbor Marina Improvement Project addressed in this NOP is comprised of Planning Areas 8 through 12, as indicated on Figure 2. Planning Areas 3 through 7 will require future additional environmental review, as future projects and funding sources are identified.

The current Dana Point Harbor Marina Improvement Project was anticipated to require further environmental review in the Program EIR. There is more project-specific information and more detailed marina design and engineering plans available at this time, sufficient enough to address all environmental impacts at a detailed level not possible at the time of the Program EIR. Consistent with CEQA Guidelines Section 15168, the County is proceeding with the subsequent EIR utilizing the analyses in the previous certified Program EIR to address the environmental impacts of the Marina Improvement Project. Therefore, the Marina Improvement Project is now being evaluated at a project, or construction, level and in accordance with CEQA Guidelines Section 15162 a Subsequent EIR is being prepared to focus on significant effects not discussed in the previous Program FEIR.

PROJECT DESCRIPTION

The Dana Point Harbor Marina Improvement Project (Project) addressed in this NOP, includes the removal of nearly all floating docks and piles in the West and East Marinas; potential repair and/or reconstruction of portions of the quay wall; and installation of new docks, guide piles (or alternate anchoring methods), gangways, security gates, dock boxes, improved lighting on the docks and supporting utilities within both marina areas. Additionally, new dry stack storage staging docks, star moorings and dinghy docks, along with renovations to the OC Sailing and Event Center docks, guest docks, Harbor Patrol docks, commercial fishing docks, and sport fishing docks are included in the proposed Project. The project also includes public access improvements to gangways and docks in compliance with the Americans with Disabilities Act (ADA) guidelines. In order to accommodate boaters during the renovation, the Project includes construction of temporary docks along the breakwater adjacent to Doheny State Beach, as shown on Figure 3, Proposed Harbor Layout.

The West and East Marinas currently contain 2,409 slips with an average length of 29.85 feet (ft). Due to changes in the boating needs of the public and in response to the market trend of increased demand for larger slips, the proposed marina improvements include adjustments to the number and location of slips throughout the marinas. Currently, the marina operators allow boats to be up to 3 ft. longer than their dock length. Approximately 250 boats presently exceed this policy and should be placed in the next larger size slip category. Most of these are in the 30 ft. and under slip category. In consideration of all factors related to slip size, including oversized boats in smaller slips; boater feedback; waitlists; market demand; other marinas located throughout the state; design criteria; California Coastal Commission (CCC) recommendations, California Department of Boating and Waterways (DBW) and ADA design requirements, the DPHD has concluded that a plan with a modified slip mix with a slightly larger average slip size is appropriate.

At project completion, the total number of boat slips under the County's preferred design would decrease from 2,409 to 2,254, resulting in a net loss of 155 slips. However, the average slip length would increase from approximately 30 (29.85) ft. to approximately 32 ft. While the total number of boat slips would decrease, the surface area of water currently occupied by floating docks would increase due to the proposed reconfiguration of the docks, which includes a 20 ft. encroachment only on the north side at the mouth of both the East and West Marina channels. The encroachment then increases to 20 ft. on both the north and south side. Closer to the island bridge the encroachment decreases to 10 ft. on each side and then adjacent to the bridge there is no encroachment on either side. Some slips will be constructed as doublewide slips in an effort to limit the loss of slips. In addition, to maximize the number of boat slips, the West Marina would be realigned from an east-west orientation to a north-south orientation, consistent with the existing dock orientation in the East Marina. Implementation of the project is anticipated to be accomplished over approximately eight years after obtaining the necessary agency approvals.

RESPONSIBLE AND TRUSTEE AGENCIES

In accordance with Sections 15050 and 15367 of the State CEQA Guidelines, the County is the designated Lead Agency for the project and has principal authority and jurisdiction for CEQA actions. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project.

Trustee Agencies are State agencies that have jurisdiction by law over natural resources affected by a proposed project that are held in trust for the people of the State.

Project implementation will require discretionary and administrative (ministerial) approvals from the County of Orange and Responsible and Trustee Agencies, including (but not limited to) the City of Dana Point, the United States Department of the Interior, the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California Department of Fish and Game, the National Marine Fisheries Service (NMFS), the State of California Water Resources Control Board Region 9, the California Coastal Commission (CCC), and the California State Lands Commission.

ENVIRONMENTAL PROCEDURES

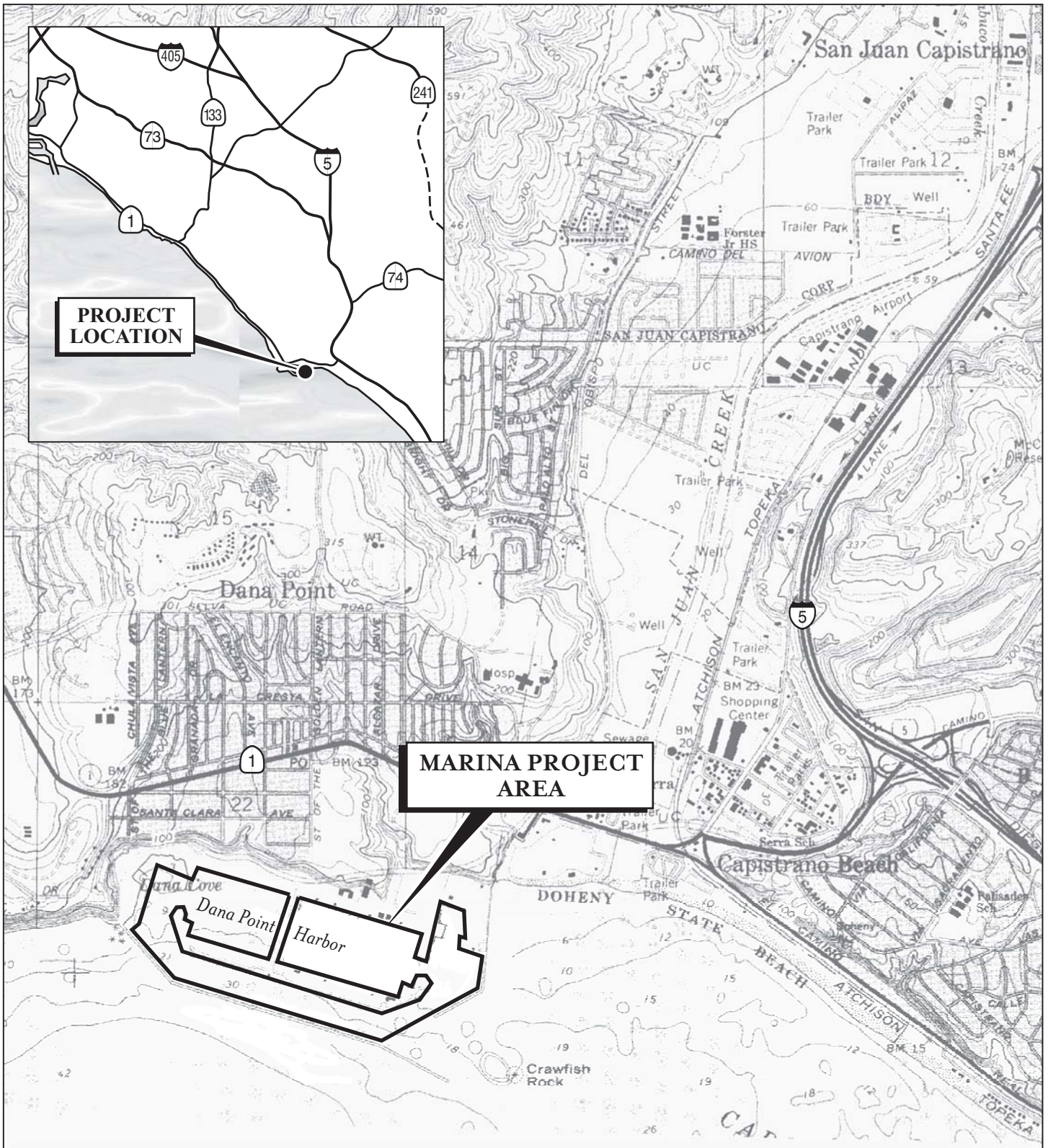
This NOP for the proposed project will be submitted to the State Clearinghouse, Responsible Agencies, and Trustee Agencies that may have jurisdiction over some aspect of the proposed project, surrounding residents, boaters, merchants and other interested parties that have specifically requested a copy of the NOP.

After the 30-day review period for the NOP is complete and all comments are received, a Draft Subsequent Environmental Impact Report (DSEIR) will be prepared in accordance with CEQA, as amended (Public Resources Code, Section 21000 et seq.), and the State Guidelines for Implementation of CEQA (California Code of Regulations [CCR], Section 15000 et seq.). The DSEIR will examine the proposed Marina Improvement Project in the context of the Revitalization Plan and other applicable plans, policies, and regulations. Analyses will be conducted in order to ascertain the proposed project's effects on the environment and the relative degree of impact prior to implementation of mitigation measures. Where impacts are determined to be significant, mitigation measures will be prescribed with the purpose of eliminating or reducing those impacts to the extent feasible.

Once the DSEIR is completed, it will be made available for public review and comment. Copies of the DSEIR will be sent directly to those agencies commenting on the NOP, and will also be made available to the public at a number of locations, including the Dana Point Harbor Department offices, and several public libraries in the area. The SEIR will serve as the CEQA mandated document for environmental clearance for all Marina (waterside) improvements included in the project.

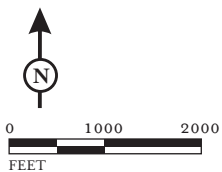
TOPICS TO BE ANALYZED IN THE SEIR

Based on the analysis contained in the Initial Study (IS) for the proposed project, the County has determined that an SEIR will be prepared. The SEIR will serve to further assess the proposed project's effects on the environment, to identify significant impacts, and to identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts. An analysis of alternatives to the proposed project will also be included in the SEIR. Topics to be analyzed in the SEIR, as identified in the IS, include but are not necessarily limited to the following: aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, recreation, transportation and traffic, and utilities. Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the SEIR.



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FIGURE 1



SOURCE: USGS 7.5' Quadrangle, "Dana Point, Calif."

Dana Point Harbor Marina Improvement Project
Project Location

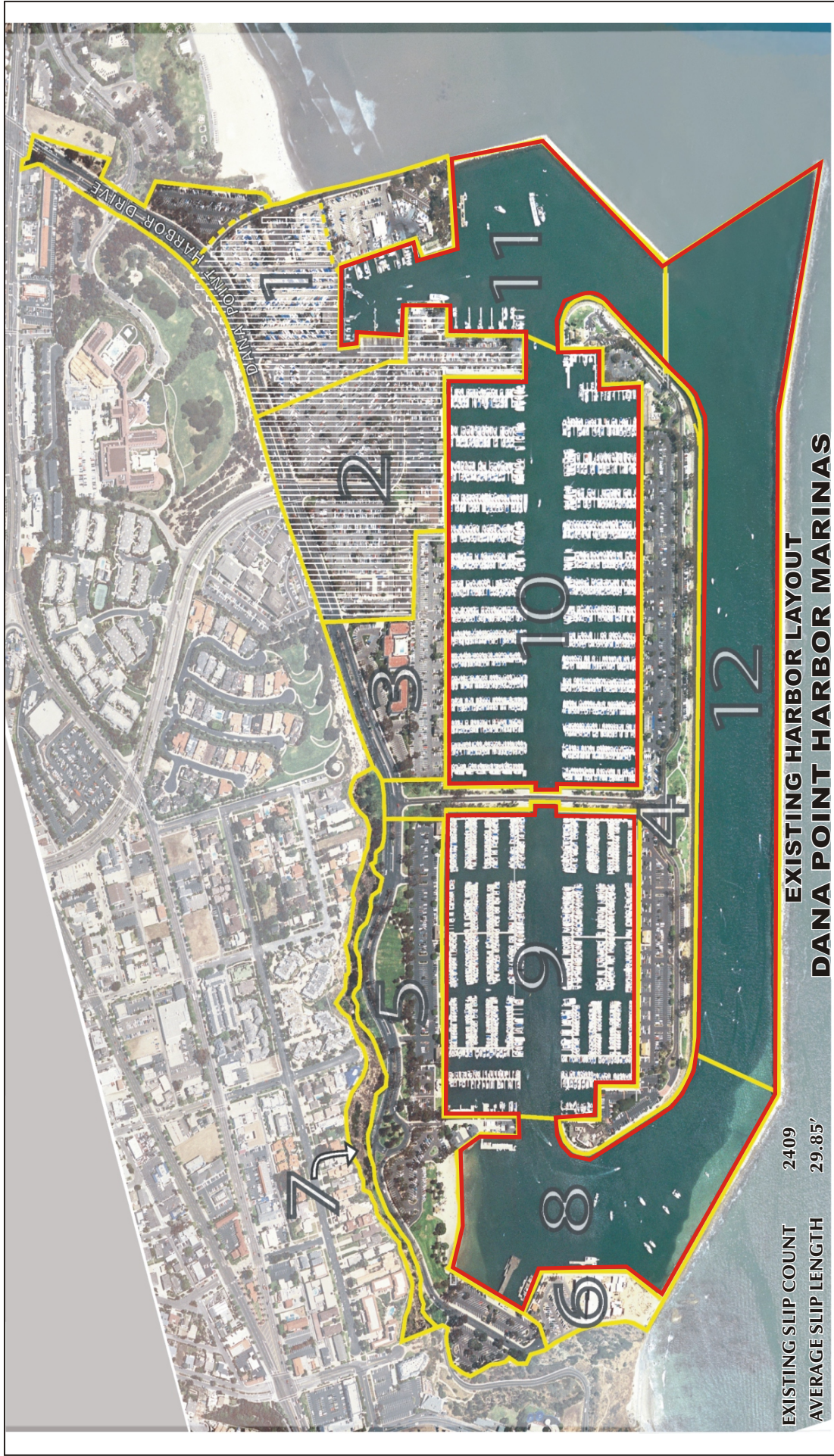
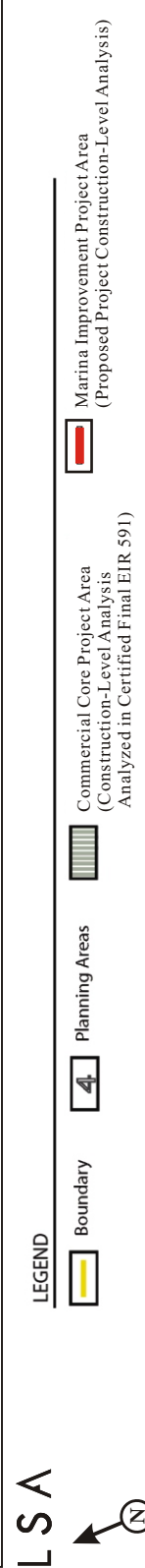
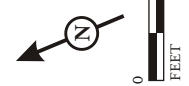


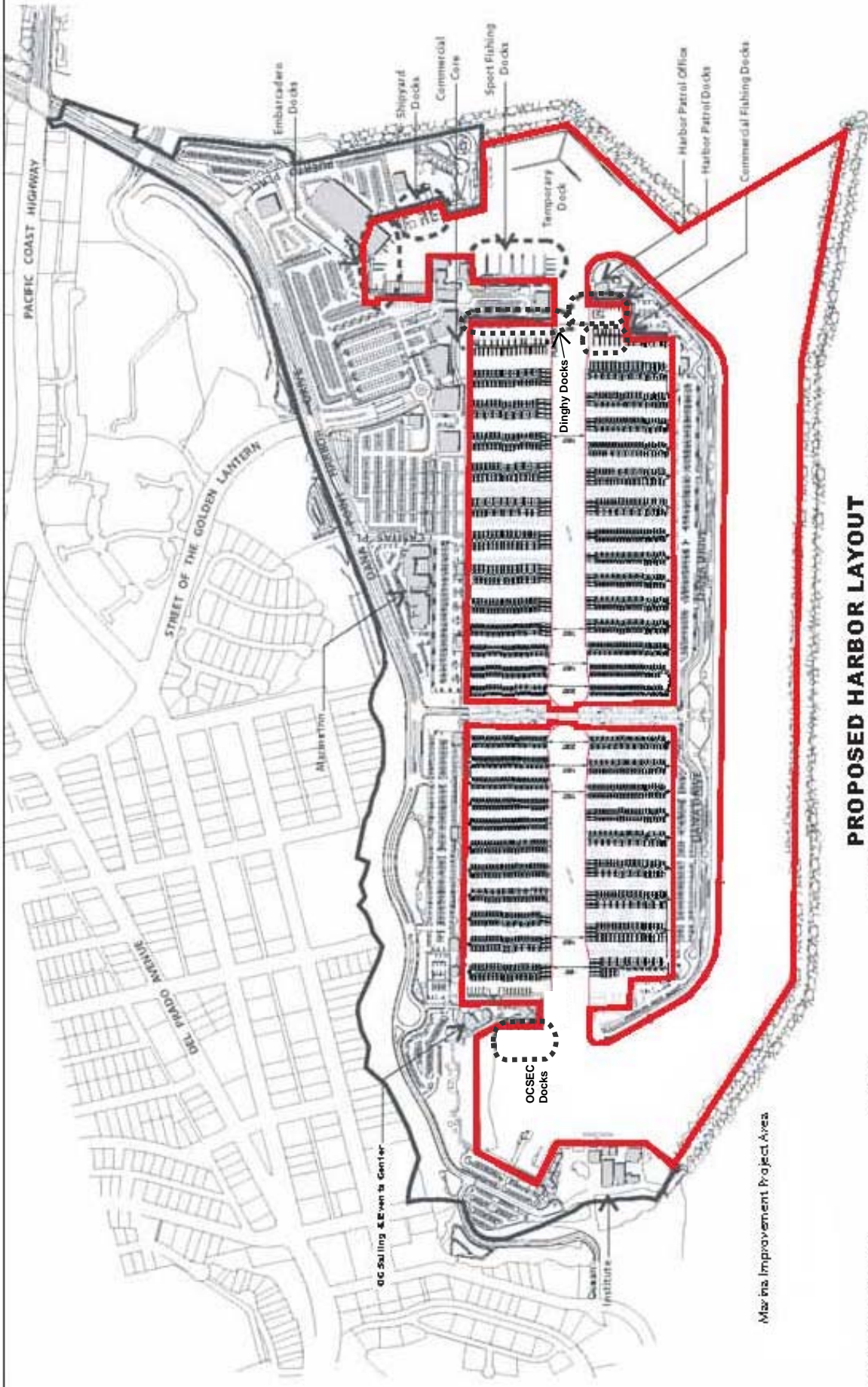
FIGURE 2



LSA



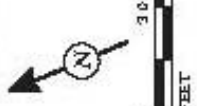
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**PROPOSED HARBOR LAYOUT
DANA POINT HARBOR MARINAS**

PROPOSED SLIP COUNT 2,254
PROPOSED AVERAGE SLIP LENGTH 32'

LSA



LEGEND
 [Black line] Boundary
 [Red line] Marina Improvement Project Area

NOTE: Landslide areas are shown in accordance with the Dana Point Harbor Revitalization Plan and District Regulations Land Use Plan.

FIGURE 3