

FINAL
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
DANA POINT HARBOR MARINA IMPROVEMENT PROJECT

VOLUME III: RESPONSE TO COMMENTS
AND EIR ERRATA

OC DANA POINT HARBOR
SCH NO. 2003101142

Prepared By

LSA

LSA ASSOCIATES, INC.

May 2012

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ATTACHMENTS

- A: CODED COMMENT LETTERS
- B: LATE COMMENT LETTERS

INTRODUCTION

This document comprises the Comments and Responses volume of the Final Subsequent Environmental Impact Report (SEIR) for the proposed Dana Point Harbor Marina Improvement project. The purpose of this document is to respond to all comments received by OC Dana Point Harbor regarding the environmental information and analyses contained in the Draft SEIR.

As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft SEIR for the Dana Point Harbor Marina Improvement project was filed with the State Clearinghouse on September 20, 2011, and the Notice of Availability (NOA) of the Draft SEIR was filed with the County Clerk on September 20, 2011.

The Draft SEIR was circulated for public review for a period of 45 days, from September 20, 2011 to November 4, 2011. Copies of the Draft SEIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups and interested individuals. Copies of the Draft SEIR were also made available for public review at OC Dana Point Harbor, County Offices, the City of Dana Point, four area libraries and on the internet. Due to a request from concerned stakeholders to have additional time to review the Draft SEIR, OC Dana Point Harbor extended the public review period to November 21, 2011, for a total of 62 days. The NOA advising of the extended review period was re-issued and filed with the County Clerk on October 22, 2011.

A total of 88 comment letters were received during the public review period. Comments were received from 5 State agencies, 2 local agencies, and 81 private individuals/interested parties. It should be noted that the Save Baby Beach Coalition (identified below as Comment Letter P-68) submitted over 600 form letters all expressing the same concerns. These form letters have been addressed as one comment letter for the ease of readers reviewing this document. A table listing all the persons submitting the form letters is attached to Comment Letter P-68. Comments that address environmental issues are thoroughly responded to. Comments that (1) do not address the adequacy or completeness of the Draft SEIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft SEIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific

comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

- c) The response to comments may take the form of a revision to the Draft SEIR or may be a separate section in the Final SEIR. Where the response to comments makes important changes in the information contained in the text of the Draft SEIR, the lead agency should either:
1. Revise the text in the body of the Draft SEIR; or
 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Response to Comments document clarifies, amplifies or makes minor modifications to the Draft SEIR. No significant changes have been made to the information contained in the Draft SEIR as a result of the responses to comments and no significant new information has been added that would require recirculation of the document.

An Errata to the Draft SEIR has been prepared to make minor corrections and clarifications to the Draft SEIR as a result of OC Dana Point Harbor review and comments received during the public review period. Therefore, this Response to Comments document, along with the Errata is included as part of the Final SEIR for consideration by the Orange County Board of Supervisors prior to taking any action on certification of the Final SEIR.

INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies, organizations and individuals that commented on the Draft SEIR prior to the close of the public comment period or thereafter. The comments received have been organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Comment Code	Signatory	Date
State		
S-1	Native American Heritage Commission	9-29-11
S-2	California Department of Transportation	11-3-11
S-3	Department of Toxic Substances Control	11-3-11
S-4	State Clearinghouse Office of Planning and Research	11-7-11
S-5	California Coastal Commission	11-21-11
Local		
L-1	OC Public Works	11-1-11
L-2	SCAQMD	11-18-11
Public/Interested Groups		
P-1	Bill Prestridge	10-14-11
P-2	Valerie Burchfield Rhodes	10-25-11
P-3	William C. Palmer	10-27-11
P-4	South Coast Sailing Team	10-29-11
P-5	Habib Hosseiny	10-30-11

Comment Code	Signatory	Date
P-6	Leslie Nelson	10-30-11
P-7	Kathleen, David, Jackie, Tim Spence and Aaron Wetzel	11-1-11
P-8	Becki Kolander	11-2-11
P-9	Beverly Leyman	11-3-11
P-10	Josh Smolenak	11-3-11
P-11	Kendall Bailey	11-4-11
P-12	Steve Wyman	11-6-11
P-13	Ron Cook	11-6-11
P-14	Toni Flores	11-7-11
P-15	Leah Fetah	11-7-11
P-16	Becky Leetch	11-7-11
P-17	Donna and Arthur Carter	11-7-11
P-18	Cynthia Fletcher	11-8-11
P-19	Billy Kho	11-10-11
P-20	James E. Talay	11-11-11
P-21	Doug Abramson	11-11-11
P-22	Doug Black	11-12-11
P-23	Jacqueline Price	11-12-11
P-24	Max Monahan	11-13-11
P-25	Debra Monahan	11-14-11
P-26	World Paddle Association - Byron Kurt	11-15-11
P-27	Bill and Joan Cvengros	11-15-11
P-28	Michael Mauri	11-15-11
P-29	Therese Hall	11-15-11
P-30	Terri Plunkett	11-16-11
P-31	Jill Cupp Vickery	11-16-11
P-32	Nicole Hall	11-16-11
P-33	Elizabeth Harrington	11-17-11
P-34	Mary Ellen and Dave Brown	11-17-11
P-35	Michael Hall	11-17-11
P-36	Andrew and Cynthia Mouacdie	11-17-11
P-37	Nicholas E. Flores	11-18-11
P-38	Penny Elia	11-18-11
P-39	Surfers Environmental Alliance	11-18-11
P-40	Thomas Shahinian	11-18-11
P-41	Willard Somers	11-18-11
P-42	Paul Galvez	11-18-11
P-43	Marcie Frolov	11-18-11
P-44	Yvonne Heusler Galvez	11-18-11
P-45	Kristin Thomas	11-18-11
P-46	Chuck Patterson	11-18-11
P-47	California Ships to Reefs	11-19-11
P-48	Dana Point Boaters Association	11-19-11
P-49	Jeff Johnson	11-19-11
P-50	Mary Jane Johnson	11-19-11
P-51	Stephen Hill	11-19-11
P-52	Westwind Sailing - Diane Wenzel	11-19-11
P-53	Dana Point Aquatic Foundation - Diane J. Wenzel	11-19-11
P-54	Miracles for Kids - Tom Swanecamp	11-20-11

Comment Code	Signatory	Date
P-55	Barbara Merriman	11-20-11
P-56	Douglas Heim	11-20-11
P-57	Steve Boehne	11-20-11
P-58	Surfers Environmental Alliance - Andrew Mencinsky	11-20-11
P-59	Lis DuBois	11-20-11
P-60	Joseph and Barbara Gildner	11-21-11
P-61	Human Powered Watercraft Association	11-21-11
P-62	Pamela Patterson	11-21-11
P-63	Boaters for Dana Point Harbor	11-21-11
P-64	David and Audrey Zinke	11-21-11
P-65	April Salem and Family	11-21-11
P-66	CHOC - Kristin M. Hawking MSW	11-21-11
P-67	Stand Up Paddle Alliance – Mike Muir	11-21-11
P-68	Save Baby Beach Coalition	11-21-11
P-69	Lori J. Van Hove	11-21-11
P-70	Alleanna Clark	11-21-11
P-71	John Clark	11-21-11
P-72	Tom Nulty Jr.	11-21-11
P-73	Shirley Zanton	11-21-11
P-74	William J. Kindel	11-21-11
P-75	Mickey and Peggy Munoz	11-21-11
P-76	Tom Jones	11-21-11
P-77	Dan and Carolyn Pelkey	11-21-11
P-78	SUPLOVE - Deb Johnston	11-22-11
P-79	Ed and Elaine Rauterkus	11-21-11
P-80	Ryan and Lauren Harrington	11-21-11
P-81	Surfers Environmental Alliance	12-11-11

FORMAT OF RESPONSES TO COMMENTS

Responses to each of the comment letters are provided on the following pages. The comment letters are contained in Attachment A of this document. The comment index numbers are provided in the upper right corner of each comment letter, and individual points within each letter are numbered along the right-hand margin. OC Dana Point Harbor’s responses to each comment letter are referenced by the index numbers in the margins. Some of the comment letters were received several weeks after the close of the public comment period. These letters are included in Attachment B to this document as part of the public record. A memo addressing the late comments is also included in Attachment B. An Errata, with text revisions, has been prepared to provide corrections and clarifications to the Draft SEIR where required.

PROJECT REFINEMENTS

A majority of the comments received in response to the Draft SEIR were related to the design of the proposed replacement docks located west of and adjacent to the OC Sailing and Events Center Facility docks (refer to Figure 3.11 in Section 3.0 of the Draft SEIR).

A primary purpose of review and comment process on a Draft EIR or SEIR is to identify ways a project’s significant effects might be reduced or avoided. The CEQA Guidelines recognize that such

comments can be particularly helpful if they suggest additional alternatives or mitigation measures which can be addressed in the Responses to Comments. CEQA gives an agency authority to adopt a project alternative rather than the proposed project if the agency finds that the alternative will be less environmentally damaging than the proposed project [Public Resources Code 21002-21002.1, 21004; CEQA Guidelines 15002(a)]. CEQA encourages agencies to require changes in projects, including the approval of alternatives [CEQA Guidelines 15102 (a), (h), 15021 (a)]. The lead agency is not required to grant blanket approval of the proposed project. Decision makers have the flexibility to implement that portion of a project that satisfies their environmental concerns.

CEQA Guidelines, Section 15002.1(h) provides in part that, “The EIR itself does not control the way in which a project can be built or carried out. Rather, when ...a project could cause substantial adverse changes...the agency must respond...by one or more of the following changes:

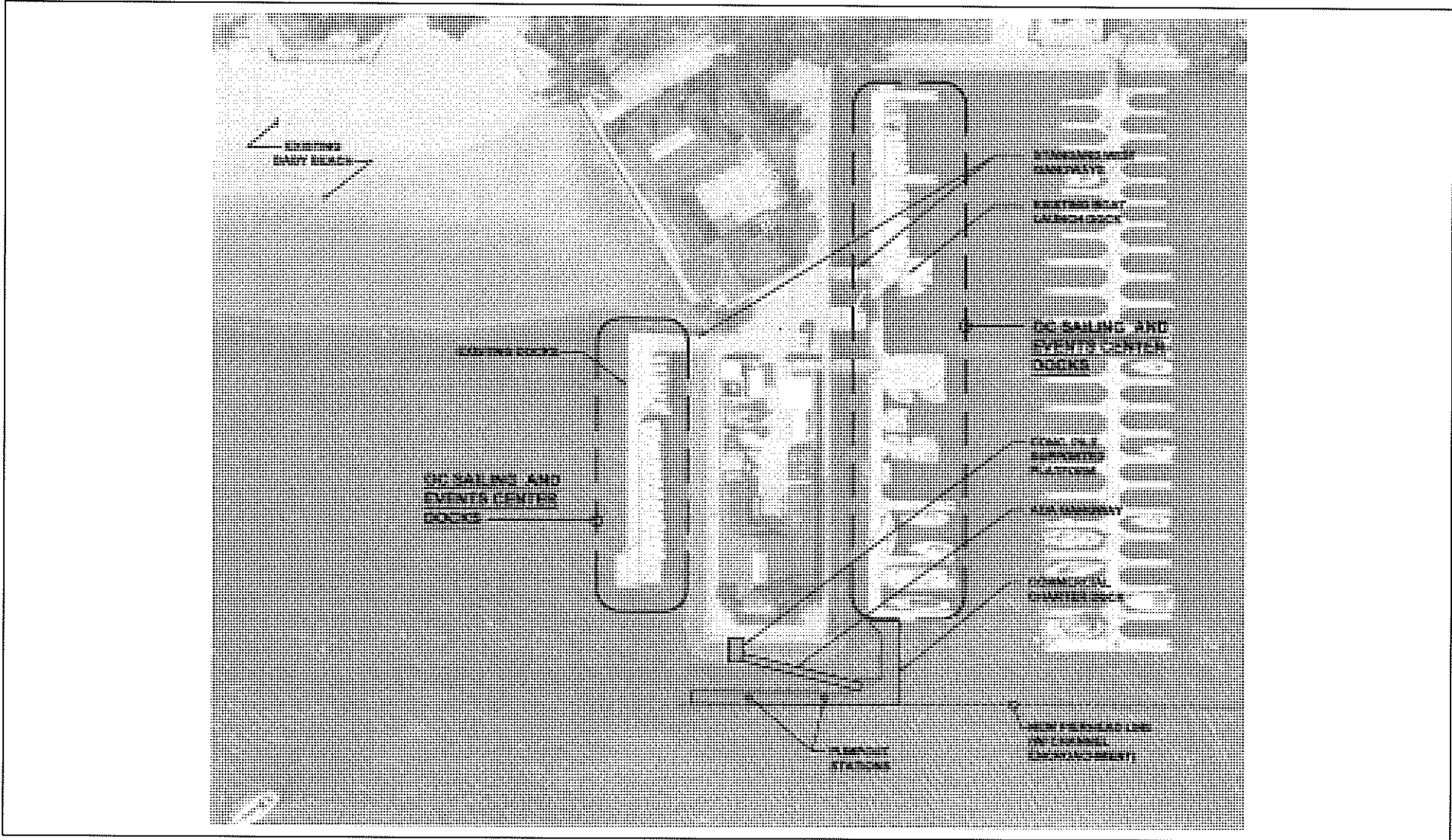
- 1) Changing a proposed project.
- 4) Choosing an alternative way of meeting the same need.”

CEQA Guidelines section 15088.5(d) provides that, “The response to comments may take the form of a revision to the draft EIR...Where the response makes important changes...the lead agency should either: (1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments.”

In response to these comments, and as allowed under CEQA, OC Dana Point Harbor has made a modification to the proposed project design and is proposing to reduce the amount of new docks in the areas adjacent to Baby Beach (see Figure 1, Project Revisions). The proposed dock revisions will not replace any existing docks or slips and will not significantly alter the existing uses and activities associated with this area of the West Basin. The following project refinements, as illustrated in Figure 1 and described below, are hereby incorporated into the proposed project:

- The new dock area will be provided on the southernmost side of the facility near the inner channel of the Harbor. It is anticipated that the new dock will be utilized by boaters to access two new pump-out stations, which will be provided on the dock and for commercial charter passengers.
- The new ADA accessible gate and ramp will provide access to the new dock as well as the existing dock on the east side of the OC Sailing and Events Center.
- The docks on the western and eastern side of the OC Sailing and Events Center will remain unchanged.
- The new dock area will be an expansion into an area not currently occupied by docks and will create additional sewer pump-out locations as well as slip space for a commercial charter vessel, currently located at the end of the existing guest dock in the West Marina.

In addition to the proposed dock, OC Dana Point Harbor is proposing that the ultimate project design should include no channel narrowing, and no realignment of the West Basin. The proposed revised project would result in a net loss of no more than 155 slips, consistent with the Land Use Plan (LUP) approved with suggested modifications by the California Coastal Commission (CCC) on October 8,



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FIGURE 1



Dana Point Harbor Marina Improvement Project

Project Revisions - OC Sailing and Events Center Docks

2009. In addition, the revised project design is intended to be consistent with all applicable policies and requirements of the certified Dana Point Harbor Revitalization Plan and District Regulations.

The modified project as described herein incorporates design elements considered in several of the Draft SEIR Alternatives, including Alternatives 2 and 3, and would meet most of the project objectives. This project refinement was developed in response to comments received on the Draft SEIR and in an effort to reduce potential impacts of the proposed project. Although the revisions would not eliminate the unavoidable adverse impacts identified for the proposed project, the changes to the OC Sailing and Events Center dock area, elimination of channel narrowing and the elimination of the realignment of the West Basin does not result in additional or increased impacts as addressed in the Draft SEIR.

The revised project's potential impacts as compared to the proposed project analyzed in the Draft SEIR are described below.

Land Use

The revised project would continue to provide Marina-related recreation uses on the project site and would therefore be consistent with the existing marine and water-related recreational uses at the site and the Revitalization Plan Local Coastal Plan Amendment (LCPA). Therefore, impacts for the revised project related to consistency with the Harbor Revitalization Plan and District Regulations are considered less than significant, similar to the project addressed in the Draft SEIR. As discussed in the Draft SEIR, all waterside improvements must be approved as part of a Coastal Development Permit (CDP) by the CCC prior to project construction. The waterside improvements associated with the revised project would still require approval of a CDP by the CCC due to the improvements being proposed within the waterside areas. Therefore, the planning effects (plan consistency) would be the same as under the proposed project because this alternative would require a CDP approval, similar to the proposed project. Therefore, land use impacts for the revised project are considered to be less than significant and the same as for the project analyzed in the Draft SEIR.

Geology and Soils

Impacts related to geology and soils focus primarily on soil disturbance related to the construction of the ADA gangway platforms and potential impacts related to liquefaction. The revised project slightly reduces the amount of dock construction within the Harbor and reduces the number of ADA gangways by one; therefore, the revised project would result in slightly less soil disturbance and fewer potential geology-related impacts as compared to the project analyzed in the Draft SEIR. Impacts for the revised project, similar to the project addressed in the Draft SEIR, are considered less than significant with mitigation.

Similar to the proposed project, the revised project neither contributes to nor lessens the impacts associated with liquefaction. In the event of an earthquake that is capable of producing liquefied conditions, the potential for liquefaction to impact the seawall, gangways, and platforms is considered potentially significant. This impact is not a direct project impact, but rather an existing condition because the project area is subject to liquefaction in the event of an earthquake. Therefore, although the revised project disturbs less soil than the proposed project, potential liquefaction impacts are still deemed to be similar to the project analyzed in the Draft SEIR. Cumulative impacts due to existing liquefaction conditions remain significant and adverse, as they do for the proposed project.

Hydrology and Water Quality

Similar to the project analyzed in the Draft SEIR, the revised project would not increase the capacity of the Marina or add a new uses and therefore, operational impacts related to the drainage pattern, runoff volumes, and pollutants from on and off site would remain essentially the same as in the existing condition. Therefore, operational drainage impacts for the revised project related to hydrology and water quality are similar to the project addressed in the Draft SEIR and are considered less than significant. Similar to the project analyzed in the Draft SEIR, the potential water quality construction impacts associated with the revised project can be mitigated to a less than significant level.

Transportation and Circulation

Similar to the project analyzed in the Draft SEIR, the revised project would result in a reduction in the overall number of slips in the East and West Basins. Neither the project analyzed in the Draft SEIR nor the revised project increases the overall capacity of the Harbor, and neither would have impacts on the surrounding circulation system. In addition, operational impacts associated with this alternative, similar to the project analyzed in the Draft SEIR are considered to be less than significant, as there is adequate parking for operation of the Marinas.

Similar to the project analyzed in the Draft SEIR, the revised project would require the use of a construction staging area in the West Cove parking lot which would result in the loss of approximately 150 parking spaces for the duration of construction. Additional staging areas would be utilized as necessary and construction-related parking impacts to these areas, similar to the project analyzed in the Draft SEIR, are considered less than significant with mitigation.

The results of the Dana Point Harbor Boat Traffic Study (Moffatt and Nichol, November 2007) indicated that the project analyzed in the Draft SEIR would result in a slight decrease in the boating level of service for both basins. However, the study concluded that the magnitude of these changes is considered to be so minimal that the net result would be considered to have no change from existing conditions. The revised project would result in the loss of more slips than the project analyzed in the Draft SEIR (but no more than the 155 slip loss as recommended by the CCC), and would not include any channel narrowing. Therefore, operational boat traffic impacts would be reduced as compared to the project analyzed in the Draft SEIR. Boat traffic impacts for the revised project, similar to the project addressed in the Draft SEIR, are considered less than significant.

Air Quality

The revised project would include the majority of the improvements included in the project analyzed in the Draft SEIR, with the exception of the OC Sailing and Events Center Docks near Baby Beach. Because construction would be essentially the same as for the project analyzed in the Draft SEIR, the duration of the project construction emissions would likewise be similar. The peak construction emissions generated during slip and pile removal and installation periods during construction for the project analyzed in the Draft SEIR would result in NO_x and ROC emissions that would exceed the SCAQMD-established daily emissions threshold for those pollutants. The revised project would similarly exceed these thresholds because similar construction activities would take place in similar phases for construction of the improvements in the East and West Basins. Therefore, air quality

construction impacts would remain significant and adverse, which is the same as for the project analyzed in the Draft SEIR.

As with the project analyzed in the Draft SEIR, the revised project would not result in any substantive changes in long-term on-site stationary sources or result in changes to off-site vehicle trips and therefore would not have any significant long-term operational air quality impacts.

Similar to the project analyzed in the Draft SEIR, construction and operation of the revised project would result in GHG emissions; however, implementation would not result in GHG emission levels that would substantially conflict with implementation of the GHG reduction goals under AB 32 Governor's Executive Order S-3-05, or other strategies to help reduce GHGs to the levels proposed by the Governor. Therefore, the revised project impacts related to global climate change are considered less than cumulatively significant, similar to the project analyzed in the Draft SEIR.

Noise

The revised project would not substantially reduce the duration of the construction operations or eliminate the pile driving required as compared to the project analyzed in the Draft SEIR. Therefore, the length of the construction-related noise impacts is similar to those of the project analyzed in the Draft SEIR. Implementation of the revised project is still expected to result in significant construction noise impacts due to the number of phases of construction still required and the duration of construction activities, including pile driving. As with the project analyzed in the Draft SEIR, the revised project would not result in any significant long-term operational noise impacts.

Biological Resources

The revised project reduces the amount of dock construction as compared to the project analyzed in the Draft SEIR. Potential impacts to marine resources resulting from turbidity and accidental spills during construction activities, construction impacts to endangered species, impacts to sensitive or protected birds, and potential long-term water quality-related impacts to marine life would be slightly less but similar to the project analyzed in the Draft SEIR, which is less than significant with mitigation. However, the revised project would avoid potential impacts to the eelgrass habitat in the vicinity of the OC Sailing and Events Center docks; potential impacts related to the disturbance or removal of eelgrass in this area would be eliminated under the revised project. Therefore, biological impacts are considered to be less for the revised project as compared to the project analyzed in the Draft SEIR, which were considered less than significant with mitigation.

Shading impacts to marine biological resources due to new and additional dock coverage of water surfaces for the revised project would be slightly less but similar to the project analyzed in the Draft SEIR. These shading impacts are considered significant and adverse for the areas associated with the temporary/yacht broker docks. Therefore, the significant and adverse impacts due to shading would not be avoided under the revised project and would be similar to the project analyzed in the Draft SEIR.

Aesthetics

The revised project includes the renovations to the East and West Basins, similar to the project analyzed in the Draft SEIR (but with no realignment of the West Basin, no OC Sailing and Events Center docks and no channel narrowing). As a result, impacts to views throughout the Basins would

be similar to the proposed project, which were considered less than significant. Under the revised project, potential aesthetic impacts related to construction would be somewhat reduced compared to impacts under the project analyzed in the Draft SEIR because fewer construction activities would occur adjacent to the OC Sailing and Events Center docks. However, the revised project would result in similar, less than significant impacts related to aesthetic resources as the project analyzed in the Draft SEIR.

Recreational Resources

The revised project, similar to the project analyzed in the Draft SEIR, would replace the dock facilities in the East and West Basins, enhancing the existing recreational facilities. Neither the revised project nor the project analyzed in the Draft SEIR removes the Harbor's recreational facilities, and no potentially significant impacts are identified for either scenario. However, because this revised project results in the loss of more slips than the proposed project, there would be fewer recreational opportunities for boat owners and recreational boaters. Long-term recreational impacts would therefore be considered slightly greater, although still less than significant, for the revised project as compared to the project analyzed in the Draft SEIR.

The revised project would have construction-related impacts on recreational facilities similar to the project analyzed in the Draft SEIR, which were considered less than significant. The revised project, similar to the project analyzed in the Draft SEIR, would not cumulatively, along with other projects in the vicinity, result in increased demand for recreational facilities or require development or expansion of additional recreational facilities.

Hazards and Hazardous Materials

Construction activities for the revised project would be slightly reduced but similar to the project analyzed in the Draft SEIR; the potential to encounter hazardous materials during construction of the revised project would therefore be similar to the project analyzed in the Draft SEIR, which was considered less than significant with mitigation. Long-term operational impacts related to hazards and hazardous materials for the revised project would be similar to the project analyzed in the Draft SEIR because the uses would continue to be recreational marine uses. Due to the existing Harbor regulations and best management practices (BMPs) related to water quality and boat maintenance activities, impacts related to the use of hazardous materials during operations are considered less than significant for the revised project, similar to the project analyzed in the Draft SEIR.

Conclusion. In summary, as compared to the project analyzed in the Draft SEIR, the revised project would reduce construction-related impacts associated with geology and soils, biological resources and hazardous materials. In addition, operational boat traffic impacts would be reduced as compared to the project analyzed in the Draft SEIR due to the reduced number of boats and the elimination of channel narrowing. Lastly, impacts to eelgrass resources in the areas west of the OC Sailing and Events Center facility near Baby Beach would be eliminated as no construction would occur in this area.

COMMON RESPONSES

In response to similar comments received on the same issue, the following common responses have been prepared. Where appropriate, the responses to individual comments in the following pages are referenced back to one of the following common responses.

Common Response 1: Congestion. Many of the comments received stated that proposed docks adjacent to the OC Sailing and Events Center near Baby Beach would result in an overcrowding condition, limit the maneuverability of vessels in this basin, result in too many mixed uses and would cause collisions between human-powered craft and boats due to congestion as well as prevailing winds.

The following is a list of concerns raised in regard to perceived congested conditions:

- The Harbor is not of adequate size now for kayakers, standup paddlers, small boat sailors and the Dana outriggers
- The proposed configuration of the new docks on the west side of youth facility puts large motorized vessels in dangerously close proximity to Baby Beach
- These motorized vessels are typically skippered by youth who are novice skippers, putting the youth on the boats, the toddlers on the shore and the surrounding kayakers and paddle boarders at risk
- This part of the basin is too shallow to safely accommodate boats with keel hulls
- There is no space for correction should an engine fail or prevailing winds require a sudden change of direction by a vessel increasing the risk of a boat running aground or ending up on the beach
- The primary populations enjoying the beach at Baby Beach are babies and toddlers. Adding motorized vessels to the west docks will have a negative impact on this vulnerable population with increased pollution in very close proximity to the swim beach
- The existing docks on the west side are already very congested with activity involving Capris, Lasers, Sabots and paddle boards. Adding more vessels and people to this dock area will create an untenable level of congestion
- This encroachment and resulting congestion creates a dangerous situation and dramatically increases legal exposure for all involved parties including the County, Westwind and the Mariners organization

These comments state the commenters' views on the project, but do not raise any environmental issues under CEQA or their treatment in the Draft SEIR. These comments will be forwarded to the decision makers for their consideration.

However, in response to the comments, the potential renovations to the OC Sailing and Events Center docks, if constructed, will not create uses that currently do not exist in the area. While the expansion of the existing dock may occupy the open water areas which currently exist, it will not eliminate these areas, prevent access or limit maneuverability to levels seen as unsafe by the Harbor Patrol.

Common Response 2: Safety. Many of the comments received stated that the addition of the docks near Baby Beach posed several safety hazards, including but not limited to the location of power boats, a pump-out station and electrical conduits being placed in close proximity to the users of Baby Beach.

This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

However, in response to the comments, pump-outs are necessary to prevent sewage spills and encourage improved water quality in the Harbor. Pump outs exist in the Harbor today. In fact, there is an existing pump-out in the OC Sailing and Events Center/Baby Beach area, which is located at the end of the guest docks. The proposed pump-out will replace this existing pump-out in the same general area, located about 150 feet to the west of this existing location, as shown on Figure 3.11 on page 3-30 of the Draft SEIR. The only swimming allowed in Dana Point Harbor is within the existing Baby Beach swim buoys. Although there is no evidence that electrical service provided at docks in the Harbor is a danger to swimmers, there should not be any swimmers within close proximity of the docks. In addition, the effects of vessels that could be docked in the potential dock expansion area, including emissions from such vessels, are also not seen as a danger to swimmers within the Baby Beach swim area buoys. The vessel usage in the area should not change since the small power vessels used as chase boats for the sailing programs will continue to operate in this area as they do now. Further, electrical service and small power boats are currently present throughout the Harbor in the same areas where human-powered craft are currently used. Finally, vessels currently used for educational purposes that are too large to access the proposed docks west of the OC Sailing and Events Center facilities would remain in a portion of the docks on the east side of OC Sailing and Events Center similar to their current location.

Common Response 3: Access. Many comments received stated that the proposed plan limits access as required by the Coastal Act, and would result in a reduction in the water area of the West Turning Basin in the vicinity of Baby Beach by 20 percent.

This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

However, in response to the comments, the potential renovations to the OC Sailing and Events Center docks, if constructed, will not reduce the size of the sandy beach, change access to the beach or waterfront areas. The docks will be an expansion into a water area not currently occupied by docks but will be an extension to the existing OC Sailing and Events Center docks that are currently located on the same west side of the OC Sailing and Events Center. Vessels used for educational purposes that are too large to access the proposed docks would remain in a portion of the docks on the east side of the OC Sailing and Events Center facility similar to their current location. The proposed project is consistent with the California Coastal Act, which protects the public's access to coastal areas. The proposed project will not interfere with the public's right of access to the sea and will not interfere with or modify the public's right of access to the Dana Point Harbor facilities. The project will maintain the existing coastal access for the public, which will serve local and regional visitors and enhance the existing public recreational opportunities for boaters as well as for those without boats who wish to access the same facilities.

The potential renovation of the docks could occupy up to approximately 15 percent of the existing open waterfront area adjacent to Baby Beach. The docks could reduce the amount of open water available in the immediate area, but would not eliminate or prohibit access to Baby Beach for the launching of human-powered craft. The docks, if constructed, would include a ramp designed in accordance with the requirements of the Americans with Disabilities Act of 1990 (ADA) and a hand launch dock (low freeboard) for use by boaters with special access requirements for ease of boarding human-powered craft such as kayaks, paddleboards, or small outriggers, etc.

Common Response 4: Educational Programs. Many comments received stated that the proposed plan will negatively impact the existing educational programs and reduce the available dock space, and that the proposed OC Sailing and Events Center docks will congest and cramp existing operations. The comments also raise concerns related to the movement of the docks to the outer harbor from the inner harbor, the shoaling of the water in the area, the perceived design for larger vessels, and the privatization of community docks used for education purposes.

This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

However, in response to the comment, the potential renovations to the OC Sailing and Events Center docks, if constructed, are not envisioned to have any negative effect on the existing programs, and the dock space available is envisioned to be equal to and possibly greater than what exists today. As previously stated, vessels currently used for educational purposes that are too large to access the proposed docks west of the OC Sailing and Events Center facilities would remain in a portion of the docks on the east side of OC Sailing and Events Center similar to their current location. The renovations and expansion of the dock facilities in this area do not include a programming component; the future programming of activities and educational classes at the OC Sailing and Events Center will be established independently by the providers of those activities.

Common Response 5: Traffic/Parking. Many of the comments received stated that the addition of the docks near Baby Beach would result in greater traffic and parking impacts, including a loss of public parking and parking designated for boaters.

In 1997, the Orange County Board of Supervisors (BOS) approved a boat slip/parking ratio for the marinas in Dana Point Harbor. More recently, the California Coastal Commission (CCC) approved Standards and Regulations for off-street parking in Dana Point Harbor in the 2011 certified Dana Point Harbor Implementation Plan (see Chapter 14), which was certified through a detailed public process. These Standards and Regulations contain specific parking ratios, which must be maintained to provide adequate parking for slip renters, launch ramp users, dry storage space renters, commercial fishing, sports fishing, and other Harbor users. The ratio for boat slip parking recently approved in 2011 by the CCC is the same ratio approved by the BOS in 1997. Any Coastal Development Permit proposing to establish an exception to or modification of these off-street parking requirements based on joint-use or shared parking considerations shall require a public hearing with public notification before the City of Dana Point Planning Commission. The regulations are intended to provide parking facilities of sufficient capacity and adequate proximity to manage traffic congestion, provide safe and convenient facilities for motorists and pedestrians and assure that required land area is provided for parking facilities for higher priority water-dependent and park-related uses before non-water dependent land uses can be intensified. Current proposed designs are consistent with the parking requirements mandated by the BOS, City of Dana Point and the CCC.

STATE AND LOCAL AGENCIES

NATIVE AMERICAN HERITAGE COMMISSION

LETTER CODE: S-1

DATE: September 29, 2011

Response S-1-1

The comment is introductory and states that the Native American Heritage Commission (NAHC) is the State “trustee agency” pursuant to Public Resources Code Section 21070 for the protection and preservation of the State’s Native American resources. The comment also states that the letter contains state and federal statutes relating to Native American historic properties of religious and cultural significance.

The comment is introductory in nature and outlines the NAHC’s authority and role as a commenting agency. The NAHC’s introduction in this comment is noted, and no further response is required.

Response S-1-2

The comment states that CEQA requires that any project that causes a substantial adverse change in the significance of a historical resource, which includes archaeological resources, is a “significant effect” requiring the preparation of an EIR.

A Draft SEIR has been prepared for the proposed project and was circulated for public review on September 19, 2011. As documented in the Initial Study (dated November 2007) for the Dana Point Harbor Marina Improvement Project SEIR, Section 3.11 Cultural/Scientific Resources (pages 3-28 through 3-39): “The Dana Point Harbor Revitalization Project Program FEIR [No. 591] indicated that no archaeological and/or historical resources were expected to occur within the Harbor project area. There are no historic buildings or resources located on site that would be impacted by the proposed project. In addition, the presence of prehistoric cultural material is unlikely because the waterside improvements involve the marina facilities in the Harbor waters and no landside excavation is required to replace the dock facilities. The waterside improvements are in a location that has historically been covered by water, and no cultural resources are likely to be discovered in the Harbor waters. In addition, the area was dredged to create the original Harbor and has subsequently been dredged for maintenance purposes since its inception. Hence, impacts to cultural resources are not anticipated and this issue was not evaluated further in the Draft SEIR.

However, as stated in Standard Condition of Approval 4.11-1 (Section 4.11.7, Standard Conditions of Approval in the Dana Point Harbor Revitalization Project Program FEIR [No. 591], pages 4.11-10 through 4.11-11), prior to the issuance of any Grading Permit, the County of Orange shall ensure that a County-certified consultant has been retained to observe and determine, if necessary, the appropriate actions and document the exploration and/or salvage of any discovered artifacts.

In addition, the requirements of mitigation measure MM 4.11-1 of the Dana Point Harbor Revitalization Project Program FEIR [No. 591] were expanded by the California Coastal Commission in their certification of the Dana Point Harbor Implementation Plan to include Special Provision

number 19 (Chapter II-3, General Regulations and Special Provisions) that states: "If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified immediately of any find. If the County Coroner determines that the human remains are Native American, the Native American Heritage Commission (NAHC) must be notified within twenty-four (24) hours. The NAHC is required to immediately notify the Most Likely Descendent (MLD) of the human remains. The MLD shall be consulted in the preparation and implementation of any mitigation plan that includes Native American human remains." All projects shall be required to be in compliance with these provisions.

Response S-1-3

The comment states that the NAHC Sacred Lands File (SLF) search found that no Native American cultural resources were identified within the project area. Similarly, the Dana Point Harbor Revitalization Project Program FEIR [No. 591] and the subsequently prepared Initial Study for the Marina Improvement Project SEIR (November 2077) determined that cultural resources (historic or prehistoric) were unlikely to be discovered on the project site. See Response S-1-2.

Response S-1-4

The comment states that NAHC Sacred Sites are confidential and exempt from the Public Records Act pursuant to California Government Code Section 6254. OC Dana Point Harbor acknowledges the sensitivity and confidentiality of the information contained in an SLF; no records maps have been made public.

Response S-1-5

The comment states that early consultation with Native American Tribes in the area of the project site is the best way to avoid unanticipated discoveries once a project is underway. The letter includes a list of Native American contacts and recommends obtaining their recommendations concerning the proposed project. The Draft SEIR determined that no cultural resources are likely to be discovered in the Harbor waters, however project mitigation measures and implementation requirements have been included requiring Native American Heritage Commission notification in the unlikely event Native American cultural resources are discovered. See Response S-1-2.

Response S-1-6

The comment states that consultation with Tribes and interested Native American consulting parties on the NAHC list should be conducted in compliance with the requirements of the National Environmental Policy Act (NEPA), Sections 106 and 4(f) of the National Historic Preservation Act, and the Native American Grave Protection and Repatriation Act (NAGPRA), as appropriate.

The project is not a federal undertaking as defined under Section 106 of the National Historic Preservation Act (NHPA) or 36 Code of Federal Regulations (CFR) Part 800 regulations implementing Section 106. The project does not use federal funds and will not require any federal permits. Therefore, the project does not fall under the regulatory oversight of Section 106. The project is not a federal transportation project, so it also does not fall under the jurisdiction of Section 4(f) of

the Department of Transportation Act of 1966. Since there is no federal involvement in the project, the requirements of NAGPRA do not apply. Further, as described in Response S-1-2, the Draft SEIR determined that no cultural resources are likely to be discovered in the Harbor waters. See Response S-1-2.

Response S-1-7

The comment states that historic properties of religious and cultural significance are confidential and protected by California Government Code Section 6254. The comment further states that the confidentiality of such resources may also be protected by Section 304 of the NHPA. OC Dana Point Harbor acknowledges the sensitivity and confidentiality of any identified resources. In addition, because the project is not a federal undertaking, it is not regulated under Section 304 of the NHPA. See Response S-1-2.

Response S-1-8

The comment cites provisions for accidentally discovered archaeological resources or human remains during construction. The Draft SEIR determined that no cultural resources are likely to be discovered in the Harbor waters. However, as stated in Standard Condition of Approval 4.11-1 (Section 4.11.7, Standard Conditions of Approval in the Dana Point Harbor Revitalization Project Program FEIR [No. 591], pages 4.11-10 through 4.11-11), prior to the issuance of any Grading Permit, the County of Orange shall ensure that a County-certified consultant has been retained to observe, determine if necessary the appropriate actions and document the exploration and/or salvage of any discovered artifacts. See Response S-1-2.

Response S-1-9

The comment states that effective consultation, in the opinion of the NAHC is the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors. The comment does not contain any substantive statements or raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 12

LETTER CODE: S-2

DATE: November 3, 2011

Response S-2-1

The comment is introductory and summarizes the project description provided in the Draft SEIR. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR, and no further response is required.

Response S-2-2

The comment states that any work in the vicinity of Caltrans right-of-way would require an encroachment permit and gives references for details on such permits. The proposed project does not include work within the vicinity of any identified Caltrans owned right-of-way. In the event any Caltrans right-of-way is under the jurisdiction of the City of Dana Point, the implementation requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Chapter II-3, General Regulations and Special Provisions requirement number 36 specifies that: "OC Dana Point Harbor shall prepare and process encroachment permits for any project work (e.g., street widening, emergency access improvements, storm drain construction, street connections, etc.) occurring in any City of Dana Point street right-of-way located within the Harbor boundary. Any future construction in the Harbor that encroaches into a City right-of-way will be required to process the appropriate permits prior to the commencement of construction. The comment is therefore noted, and no further response is required.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

LETTER CODE: S-3

DATE: November 3, 2011

Response S-3-1

The comment is introductory and summarizes the project description provided in the Draft SEIR. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response S-3-2

The comment states that the Department of Toxic Substances Control (DTSC) provided comments on the issued Notice of Preparation (NOP) and asks that all comments be addressed. The Draft SEIR addressed all pertinent comments in Section 4.10, Hazards and Hazardous Materials. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response S-3-3

The comment states that DTSC can provide cleanup oversight and provides an informational phone number. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR, and no further response is required.

Response S-3-4

This comment requests that future CEQA documents provide an email address so that comments can be sent electronically. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. Comment is noted and will be forwarded to the decision makers for their consideration.

STATE CLEARINGHOUSE

LETTER CODE: S-4

DATE: November 7, 2011

Response S-4-1

The comment is introductory and states that the State Clearinghouse submitted the Draft SEIR to selected state agencies for review and has enclosed the comment letters received. The comment letter enclosed is the Native American Heritage Commission letter, which has been addressed under Letter Code S-1. No further response is necessary.

Response S-4-2

The comment acknowledges that the OC Dana Point Harbor has complied with State Clearinghouse notification and review requirements. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR, and no further response is necessary.

CALIFORNIA COASTAL COMMISSION

LETTER CODE: S-5

DATE: November 21, 2011

Response S-5-1

The comment is introductory and summarizes the project description provided in the Draft SEIR. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response S-5-2

The comment states that the proposed project is located within the Coastal Zone and within the Coastal Commission's jurisdiction. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response S-5-3

The comment introduces the following comments and states that the project must be evaluated for consistency with Chapter 3 policies of the California Coastal Act. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response S-5-4

The comment states that eelgrass may be adversely impacted by the proposed project and that a preliminary eelgrass mitigation plan should be developed. In accordance with the requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Chapter II-3, General Regulations and Special Provisions, Implementation Provision number 24: "Prior to the potential disturbance to the shallow water marine substrate, OC Dana Point Harbor shall insure that a pre-construction eelgrass (*Zostera marina*) survey is completed in conformance with the most currently approved Southern California Eelgrass Mitigation Policy as adopted by the National Marine Fisheries Service, in consultation with the California Department of Fish and Game. The survey shall be conducted during the active growth period (typically March through October) when possible and make recommendations to avoid areas of eelgrass if determined to be present and/or provide recommendations for appropriate mitigation".

Concurrent with the preparation of the Pre-Construction Eelgrass Survey, OC Dana Point Harbor will identify existing sub-tidal areas within the Harbor that may be feasible eelgrass mitigation sites. These sites' respective attributes (i.e., the presence of near-by storm drains, water depths, underwater light levels, bottom habitat characteristics, tidal current patterns and bottom algal cover) as well as Harbor operational factors (i.e., public use and boat traffic) will be evaluated by the marine biological consultant and OC Dana Point Harbor. This information will then be incorporated into an Eelgrass

Mitigation Plan (EGMP) document, if required and a final mitigation site will be selected based on the highest potential for long-term eelgrass mitigation success.

OC Dana Point Harbor will also update the 2010 Coastal Resources Management, Inc. Focused Eelgrass Survey Report (CRM 2010) to determine how much eelgrass will be potentially impacted by the OC Sailing and Events Center docks since there has been a 2-year gap between eelgrass surveys. This information will be used in the preliminary EGMP to generate an updated impact analysis and to determine how much eelgrass donor material may be required if an eelgrass mitigation program is necessary. If no existing site meets standards for mitigation success, then additional mitigation site alternatives will be analyzed (i.e., the construction of an eelgrass mitigation site by either dredging or filling to create “eelgrass habitat”) as has been required for recent eelgrass mitigation projects in both Newport Bay (the renovation of the Irvine Company’s Balboa Marina) and in Alamitos Bay (the City of Long Beach Alamitos Bay Marina Revitalization Project).

Response S-5-5

The comment requests that the number of boat slips removed and replaced at the Marine Services, Sport Fishing, and OC Sailing and Events Center docks be described in terms of slips rather than linear feet in order to get a better understanding of the slip replacement work in these areas. As stated in the Draft SEIR, certain dock areas accommodate a varying number and size of boats based on a fluctuating basis, not a permanent slip count. Furthermore, these particular areas are used for staging vessels of differing sizes for multiple uses. Therefore, capacity for these areas is discussed in terms of linear feet, not the number of slips. This is especially true for the three areas mentioned by the commenter. It is also true for the Embarcadero/Dry Boat Storage Staging Docks, which were not mentioned by the commenter. All four of these areas have long dock configurations rather than actual slips in many cases. For example, one portion at the Marine Services Dock area has a 75 ft long dock. This could accommodate one 75 foot vessel or it could accommodate multiple smaller vessels (the same general principle would apply to all of the other docks measured by linear feet in that the number of boats that can be identified can vary significantly depending on the size of the boats). This area happens to be a shipyard dock. Vessels located at the shipyard can change on a daily basis, so it is more appropriate to state the actual length of the dock rather than a specific number of vessels that could be accommodated on this dock. Since the existing and proposed linear footage is included in the Draft SEIR, it is simple to understand and compare the amount of dock space that could be removed or added. It is also important to note that these areas within the Harbor are completely separate from the East and West Basin Slips (Planning Areas 9 and 10), which currently contain 2,409 slips and where the Coastal Commission has established a goal of “no net loss of slips,” or no greater loss “than 155 slips overall” for any comprehensive redevelopment of the marina facilities.¹

Response S-5-6

The comment is a conclusion to the letter and requests that Commission staff be notified of any future activity associated with the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

¹ Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Section II-12.5, Site Development Standards and Requirements, letter n)

OC PUBLIC WORKS

LETTER CODE: L-1

DATE: November 1, 2011

Response L-1-1

The comment is introductory, states that the County of Orange has reviewed the NOA and Draft SEIR for the project, and offers comments that follow. No further response is required.

Response L-1-2

The comment states that the document incorrectly identified the Dana Point Coastal Streams Watershed as a sub-watershed of the San Juan Creek. This was an error and has been corrected in the Draft SEIR as follows, included in the Errata, and will be included in the Final SEIR to be considered by decision makers:

Page 4.3-1

Project Location

Dana Point Harbor (Harbor), located within the City of Dana Point (City), is within the Dana Point hydrologic sub-area (HSA) (901.14) of the San Juan hydrologic unit (901), within the San Diego Basin. The Marina Improvement Project lies within the San Juan Creek Watershed (Watershed), which ultimately drains to the Pacific Ocean. More specifically, the Marina Improvement Project lies within the Dana Point Coastal Streams Watershed, a subwatershed of the San Juan Creek Watershed. The Dana Point Coastal Streams receiving water for the project site is the Harbor.

~~San Juan Creek Watershed~~

~~The San Juan Creek Watershed covers 133.9 square miles and includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano. Its main tributary, San Juan Creek, originates in the Santa Ana Mountains district of the Cleveland National Forest in the easternmost part of Orange County.² A number of coastal drains discharge to the Pacific Ocean through Dana Point Harbor. San Juan Creek and its main tributaries, Arroyo Trabuco Creek and Oso Creek, flow into the Pacific Ocean, south of the Harbor. Salt Creek and its tributaries Arroyo Salado Creek and San Juan Canyon Creek discharge to Salt Creek Beach, north of Dana Point Harbor.~~

Dana Point Coastal Streams Watershed

The Dana Point Coastal Streams Watershed is located in southern Orange County, approximately 50 miles south of Los Angeles and 65 miles north of San Diego. The main tributary of the Dana Point Coastal Streams watershed is Salt Creek, which ultimately drains into the Pacific Ocean. The 6-

² Orange County Watershed and Coastal Resources Division Web site, <http://www.ocwatersheds.com/watersheds/sanjuan.asp>, accessed April 20, 2007.

square-mile watershed is almost fully developed and includes portions of the Cities of Dana Point and Laguna Niguel, and a very small area of San Juan Capistrano that does not drain into this watershed. Remaining undeveloped areas include open space within the Aliso and Wood Canyons Regional Park in the upper watershed and the Salt Creek Corridor Regional Park in the eastern part of the watershed. A few small, unnamed drainages and larger tributaries (Arroyo Salado Creek and San Juan Canyon Creek) join Salt Creek as it makes its way through the watershed. Also included in the Watershed are a number of coastal drains that discharge to the Pacific Ocean through Dana Point Harbor.³

Response L-1-3

The comment makes reference to a drain at the east end of Baby Beach that conveys runoff from a small parking lot area near the beach, stating it was unclear whether this drain is included in the table of storm drain facilities.

The Draft SEIR identified a 24-inch pipe that discharges drainage from the Baby Beach *West* Storm Drain. This drain should have been identified as the Baby Beach *East* Storm Drain. This correction has been made on the following page of the Draft SEIR, included in the Errata as indicated, and will be included in the Final SEIR to be considered by decision makers:

Page 4.3-3

The West Marina receives runoff from five storm water pipes. There are two 18 in pipes that discharge runoff from areas adjacent to the Ocean Institute dock and Ensenada Place. The 51 in El Encanto Storm Drain discharges runoff from a storm drain network that extends beyond the Harbor. A small 15 in pipe discharges runoff from Dana Point Harbor Drive, west of Island Way, and a 24 in pipe discharges drainage from the Baby Beach ~~West~~ East Storm Drain.

The existing Harbor storm water pipe system and drainage areas are summarized in Table 4.3.A.

Table 4.3.A: Existing Storm Drain Facilities

Pipe Location	Drainage Area (DA)	Pipe Size (inches)	Watershed (Drainage) Area (acres)
East Marina			
Boat Launch Ramp	1	18	10.4
Golden Lantern Storm Drain	2	60	247
East of Island Way	3	18	10.7
West Marina			
West of Island Way, Dana Point Harbor Drive	4	15	5.3
El Encanto Storm Drain	5	51	195
Ocean Institute dock	6	18	4.63
Baby Beach West <u>East</u> Storm Drain	7	24	34.1
Ensenada Place	8	18	14.7

Source: Dana Point Revitalization Project FEIR No. 591

³ OC Watersheds, Dana Point Coastal Streams, <http://www.ocwatersheds.com/DanaPointCoastalStreams.aspx>, Accessed 11/29/11.

Response L-1-4

The comment provides an updated description on the water quality status of Baby Beach. While no changes to the Draft SEIR text have been made, it is understood that bacteria source investigation work and source control efforts have continued at Baby Beach since the initial 1996 beach closing. Although a definitive source of the high bacteria levels has not been identified, there has been significant improvement in the water quality at Baby Beach through the implementation of multiple Best Management Practices (BMPs). It is further understood that since 2007–2008, Baby Beach has received an “A” rating on Heal the Bay’s annual beach report card and has been delisted for “fecal coliform” (one of three tested indicator bacteria) from the State Water Resources Control Board 2010 Clean Water Act Section 303(d) List/305(b) Report (2010 Integrated Report).

Response L-1-5

The comment states that the document does not include the final decision issued on October 11, 2011, by the United States Environmental Protection Agency (EPA) in regard to the 303(d) list of impaired waters.

On August 4, 2010, the State Water Board approved the 303(d) list portion of the 2010 Integrated Report. The 2010 Integrated Report includes changes to the 2006 Clean Water Act Section 303(d) list of impaired water bodies and Clean Water Act Section 305(b) report on the quality of waters in California. The 2010 Integrated Report and supporting documents were submitted to the EPA for final approval on October 11, 2010. On November 12, 2010, the EPA approved the inclusion of all waters to California’s 2010 303(d) list of impaired waters requiring TMDLs and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. The EPA provided public notice and the opportunity for public comment on the proposed additions, which ended December 23, 2010. On October 11, 2011, the EPA issued its final decision regarding the water bodies and pollutants the EPA added to California’s 2010 303(d) list.

According to the EPA-approved 2010 303(d) list of impaired waters, Dana Point Harbor is impaired for copper toxicity and zinc. Further, EPA delisted indicator bacteria for Baby Beach from the 303(d) list.

The above corrected text has been included in the Errata to the Draft SEIR and will be included in the Final SEIR to be considered by decision makers.

Response L-1-6

The comment states that not all species of enterococcus and coliform bacteria are pathogens. The referenced sentence (page 4.3-7, third paragraph, second line), was intended to indicate that enterococcus and coliform bacteria are both bacterial indicators for pathogens. Indicator organisms have been used for more than a century to help identify where disease-causing pathogens may be present. These indicator organisms generally do not cause illness themselves, but they have characteristics that make them good indicators that harmful pathogens may be present in the water.

Response L-1-7

The comment states that the regulatory description regarding Baby Beach is out of date and also noted that Baby Beach was delisted for fecal coliform as part of the EPA's final approval of the 2010 Integrated Report. The comment further stated that the delisting for total coliform was related to shellfish criteria and not recreation objectives.

The regulatory information provided in Section 4.3.2 in regard to total maximum daily loads (TMDLs) needs to be updated with the following information:

Page 4.3-7

~~The State Water Board approved the 2010 Integrated Report on August 4, 2010. The 2010 Integrated Report includes changes to the 2006 Clean Water Act Section 303(d) list of impaired water bodies and Clean Water Act Section 305(b) report on the quality of waters in California. On November 12, 2010, the United States Environmental Protection Agency (EPA) approved the inclusion of all waters to California's 2008-2010 Section 303(d) list of impaired waters requiring TMDLs and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. The EPA did not include any additional waters in San Diego Region 9. The EPA is providing the public an opportunity to review its decision to add waters and pollutants to California's 2008-2010 Section 303(d) list.~~

On August 4, 2010, the State Water Board approved the 303(d) list portion of the 2010 Integrated Report. The 2010 Integrated Report includes changes to the 2006 Clean Water Act Section 303(d) list of impaired water bodies and Clean Water Act Section 305(b) report on the quality of waters in California. The 2010 Integrated Report and supporting documents were submitted to the United States Environmental Protection Agency (EPA) for final approval on October 11, 2010. On November 12, 2010, the EPA approved the inclusion of all waters to California's 2010 303(d) list of impaired waters requiring TMDLs and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. The EPA provided public notice and the opportunity for public comment on the proposed additions, which ended December 23, 2010. On October 11, 2011, the EPA issued its final decision regarding the water bodies and pollutants the EPA added to California's 2010 303(d) list.

According to the EPA-approved 2010 303(d) list of impaired waters, Dana Point Harbor is impaired for copper toxicity and zinc. Further, EPA delisted indicator bacteria for Baby Beach from the 303(d) list.

~~According to the EPA State Water Board approved 2010 Integrated Report, Dana Point Harbor is impaired for copper, toxicity, and zinc. The Pacific Ocean shoreline at Baby Beach is impaired for enterococcus and total coliform (both are pathogens). Table 4.3.B summarizes the receiving waters and their classifications by RWQCB Region 9.~~

Table 4.3.B: 303(d) Impairments of Downstream Water Bodies

Receiving Water	Hydrologic Unit Code	303(d) Impairment	Size Affected
Dana Point Harbor—Bay and Harbor	901.14	Copper Toxicity Zinc	119 acres
Pacific-Ocean Shoreline—Dana Point HSA, at Dana Point Harbor at Baby Beach	901.14	Enterococcus Total Coliform	—miles

Source: California's 2010 Integrated Report, approved by the United States Environmental Protection Agency on November 12, 2010.
HSA = hydrologic subarea

There are no TMDLs currently approved for Dana Point Harbor that could regulate contributions of surface runoff into impaired water bodies; TMDLs for Baby Beach and Dana Point Harbor are pending. There are no existing target design constituents in the San Juan hydrologic unit.

On June 11, 2008, the Regional Water Quality Control Board, San Diego Region, adopted a Basin Plan amendment to incorporate the TMDLs for Indicator Bacteria developed for Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park in San Diego Bay. The TMDL Basin Plan amendment was subsequently approved by the State Water Resources Control Board on June 16, 2009, and the Office of Administrative Law (OAL) on September 15, 2009. The EPA granted final approval on October 26, 2009.

In order to ensure that the TMDL requirements are met and as required under state law, an Implementation Plan was developed and describes the regulatory and/or enforcement actions that the San Diego Water Board can take to reduce pollutant loading and monitor effluent and/or receiving water. The TMDLs will be implemented primarily by reissuing or revising the existing NPDES requirements for municipal separate storm sewer systems (MS4s) discharges to include Water Quality Based Effluent Limitations (WQBELs) that are consistent with the assumptions and requirements of the bacteria wasteload allocations (WLAs) for MS₄ discharges. The USEPA expects that most WQBELs for NPDES-regulated municipal discharges will be in the form of BMPs.

The above corrected text has been included in the Errata to the Draft SEIR and will be included in the Final SEIR to be considered by decision makers.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

LETTER CODE: L-2

DATE: November 18, 2011

Response L-2-1

The comment is introductory and states that the South Coast Air Quality Management District (SCAQMD) has reviewed the Draft SEIR for the project and offers comments that follow. No further response is required.

Response L-2-2

The comment recommends that the lead agency require additional mitigation measures as listed in the comment because the project exceeds the significance thresholds for regional nitrogen oxides (NO_x) and volatile organic compounds (VOC) emissions. The Draft SEIR required adherence to SCAQMD rules and regulations and determined that although these measures would reduce significant impacts resulting from NO_x and reactive organic compounds (ROC) emissions, they would remain significant and adverse. It should be noted that the project is the replacement of docks and slips and construction equipment contributing to the exceedance of these thresholds includes tugboats, gas-powered skiffs and other water vessels. Therefore, the measures proposed by Comment L-2-2 are not considered feasible since they are applicable primarily to off-road vehicles.

Response L-2-3

The comment requests that the SCAQMD receive the written responses to its comments prior to adoption of the Final EIR. The Response to Comments document will be provided to the agency prior to any public hearing on the Final SEIR.

PUBLIC AND INTERESTED PARTIES

BILL PRESTRIDGE

LETTER CODE: P-1

DATE: October 14, 2011

Response P-1-1

The comment is introductory, expresses opposition to the project and concerns regarding the safety of the proposed OC Sailing and Events Center docks. The commenter also expresses the opinion that the Harbor is currently not of adequate size to accommodate the needs of kayakers, standup paddlers, small boat sailors and the Dana Outriggers, with potential reductions in water area possibly causing conflicts. See Common Response 1.

Response P-1-2

The comment states concerns regarding the accommodation of larger boats at the proposed OC Sailing and Events Center docks, including dangers related to wind direction and congestion issues. See Common Responses 1 and 4.

Response P-1-3

The comment states that the proposed OC Sailing and Events Center docks will have a negative impact on the OC Sailing and Events Center programs. See Common Response 4.

Response P-1-4

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. See Common Responses 1 and 4.

VALERIE BURCHFIELD RHODES

LETTER CODE: P-2

DATE: October 25, 2011

Response P-2-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-2-2

The comment expresses concern with safety issues related to the operation of motorized vessels at the proposed OC Sailing and Events Center docks near Baby Beach. See Common Response 1.

Response P-2-3

The comment states that motorized vessels using the proposed OC Sailing and Events Center docks could result in pollution affecting beach users at Baby Beach. See Common Response 2.

Response P-2-4

The comment states a concern related to congestion issues in the Baby Beach area resulting from the proposed OC Sailing and Events Center docks. See Common Response 1.

WILLIAM C. PALMER

LETTER CODE: P-3

DATE: October 27, 2011

Response P-3-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-3-2

The comment states a concern related to congestion issues in the Baby Beach area resulting from the proposed OC Sailing and Events Center docks. See Common Response 1.

Response P-3-3

The comment questions whether any studies of "activities" were made to analyze the reduction in beach and water areas. See Common Response 3.

Response P-3-4

The comment questions whether an economic impact study was completed to determine the effects of the project on local merchants. Economic impacts are not required to be analyzed under CEQA; further, the proposed project is the renovation of existing dock facilities within an existing Harbor, does not remove any commercial or retail uses and does not change the types of recreational uses available at the Harbor. The proposed waterside project addressed in the Draft SEIR is part of the Phase II (program-level conceptual environmental analysis) contained in the Dana Point Harbor Revitalization Project Program FEIR No. 591. The Program FEIR provided a programmatic analysis of potential Phase II improvements in order to serve as a basis for future "tiered" environmental analysis as specific projects are defined and/or more detailed design and engineering information is prepared. The Phase II area analyzed in FEIR No. 591 contemplated a variety of potential future waterside improvements, but because of unique funding, phasing, design and jurisdictional details associated with the reconfiguration of the waterside Planning Areas (PAs 8, 9, 10, 11 and 12), a specific construction-level analysis could not be completed until that information became available. This Dana Point Harbor Marina Improvement Project SEIR is intended to fulfill that commitment to provide additional environmental analysis as part of the discretionary approval process.

Response P-3-5

The comment states that the project is inconsistent with the Coastal Act and reduces the amount of available waterfront recreational activities at Baby Beach. See Common Response 3.

Response P-3-6

The comment states that the proposed OC Sailing and Events Center docks would reduce the amount of usable water and beachfront. See Common Response 3.

Response P-3-7

The comment states that the project would affect the Harbor's recreational facilities and would not enhance Baby Beach or the available water area. The comment also raises concerns related to the potential congestion at Baby Beach. See Common Responses 1 and 3.

Response P-3-8

The comment states that there will be a potential unsafe interaction between vessels and beach goers. See Common Response 2.

Response P-3-9

The comment is a conclusion to the letter, restating the commenter's fondness for Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

SOUTH COAST SAILING TEAM

LETTER CODE: P-4

DATE: October 29, 2011

Response P-4-1

The comment is introductory and expresses concerns regarding the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-4-2

The comment states understanding of the need for renewing the docks and buildings but does not support the proposed design changes. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-4-3

The comment questions whether the length and size of vessels at the proposed OC Sailing and Events Center docks would be curtailed with the design layout. The comment also states concerns regarding shoaling in this area and the lack of sufficient docking for the larger boats used by the educational facility. Vessels used for educational purposes that are too large to access the proposed docks would remain in a portion of the docks on the east side of the OC Sailing and Events Center facility similar to their current location. The proposed OC Sailing and Events Center docks would be located in an area where vessels already operate. Buoys marking navigational hazards, including shoaling hazards are typically utilized by the OC Dana Point Harbor as necessary. Existing shoaling conditions in this area would not be changed by the addition of the proposed docks. See Common Response 4.

Response P-4-4

The comment questions whether any studies of surge currents in the area of the proposed OC Sailing and Events Center docks were conducted. The proposed OC Sailing and Events Center docks would be located within the existing Marina in an area where vessels are already located and already operate. The Draft SEIR concluded that the Marina Improvement Project would not change potential effects caused by a tsunami or seichi, and that there is an established warning system in place that would provide early notification of an advancing tsunami that would allow for evacuation. In addition, the Dana Point Harbor Revitalization Project Program FEIR No. 591 included Mitigation Measures 4.4-1 and 4.4-2 (listed on page 4.3-16 of the Draft SEIR) that address potential impacts related to tsunamis. Therefore, potential impacts due to inundation by a tsunami or seiche were determined to be less than significant. Also see Common Responses 1 and 2.

Response P-4-5

The comment questions whether any studies to evaluate shoaling in the area of the proposed OC Sailing and Events Center docks were conducted. The proposed OC Sailing and Events Center docks would be located in an area where vessels already operate. Buoys marking navigational hazards, including shoaling hazards are typically utilized by the OC Dana Point Harbor Department as necessary. Existing shoaling conditions in this area would not be changed by the addition of the proposed docks. See Common Responses 1 and 2 and 4.

Response P-4-6

The comment questions whether studies to evaluate the effect of wind in the area of the proposed OC Sailing and Events Center docks have been prepared. See Common Response 1.

Response P-4-7

The comment raises safety issues related to vessels with propellers being near swimmers. See Common Response 2.

Response P-4-8

The comment asks for an estimate of what the loss to the waterfront area would be. See Common Response 3.

Response P-4-9

The comment raises concerns related to the narrowing the channel and congestion concerns. See Common Response 1.

Response P-4-10

The comment raises concerns related to the present activities (teaching, parking, storage and use of the crane) as they relate to the proposed layout of the OC Sailing and Events Center docks. See Common Responses 1 and 4.

Response P-4-11

The comment questions whether foot traffic around the facility was evaluated. See Common Responses 1 and 4.

Response P-4-12

The comments questions what advantages the proposed OC Sailing and Events Center docks would have. See Common Response 4.

Response P-4-13

The comment is a conclusion to the letter, restating the commenter's fondness for Dana Point Harbor and opposing the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

HABIB HOSSEINY

LETTER CODE: P-5

DATE: October 30, 2011

Response P-5-1

The comment is introductory and expresses concerns regarding the proposed OC Sailing and Events Center docks and a difficulty finding parking and picnic space. See Common Response 5.

Additionally, in accordance with the requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Chapter II-14, Off-Street Parking Standards and Regulations (Section 14.2i) certified by the California Coastal Commission, "The location and amount of new development adjacent to park and beach areas shall not adversely impact public use of the low cost water oriented recreation, park and beach uses by ensuring that adequate parking spaces are maintained for these uses. Accordingly, all Coastal Development Permits for new development in Planning Areas 1, 4 and 5 shall demonstrate that the intensity of the proposed development and the proposed hours of operation will not adversely impact public use of the beach or park area within the Planning Area."

Response P-5-2

The comment expresses concern related to motorized vessels burning gasoline as being harmful to the environment. See Common Response 2. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

LESLIE NELSON

LETTER CODE: P-6

DATE: October 30, 2011

Response P-6-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-6-2

The comment expresses concern related to the potential congestion of multiple uses in the Baby Beach area. See Common Response 1.

Response P-6-3

The comment is a conclusion to the letter, restating the commenter's opposition to the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

KATHLEEN, DAVID, JACKIE, TIM SPENCE AND AARON WETZEL

LETTER CODE: P-7

DATE: November 1, 2011

Response P-7-1

The comment states opposition to the proposed OC Sailing and Events Center docks and expresses concerns over congestion in the area. See Common Response 1.

Response P-7-2

The comment describes the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

BECKI KOLANDER

LETTER CODE: P-8

DATE: November 2, 2011

Response P-8-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-8-2

The comment states a concern that the project will take away from a safe area enjoyed by children. See Common Responses 2 and 3.

Response P-8-3

The comment states an opposition to the proposed OC Sailing and Events Center docks and restates concerns over safety at the Baby Beach area. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. See Common Response 2.

BEVERLY LEYMAN

LETTER CODE: P-9

DATE: November 3, 2011

Response P-9-1

The comment describes the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

JOSH SMOLENAK

LETTER CODE: P-10

DATE: November 3, 2011

Response P-10-1

The comment is introductory and states concerns regarding configuration and location of the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response P-10-2

The comment states concerns regarding the placement of electrical utilities on docks near swimmers. See Common Response 2.

Response P-10-3

The comment states concerns regarding the placement of the additional pump-out station near a swimming beach. See Common Response 2.

Response P-10-4

The comment expresses concern over the potential congestion in the education basin. See Common Responses 1 and 4.

Response P-10-5

The comment is a conclusion to the letter, restating the commenter's appreciation for Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

KENDALL BAILEY

LETTER CODE: P-11

DATE: November 4, 2011

Response P-11-1

The comment is introductory and states concerns regarding boat use and safety. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response P-11-2

The comment expresses disagreement with the Draft SEIR and states that the proposed project will cause significant impacts related to the OC Sailing and Events Center boating use. This comment is an opinion and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-11-3

The comment expresses concerns regarding the impacts to the OC Sailing and Events Center docks related to design issues, including length of docks, water depth, wind direction, channel narrowing and congestion. See Common Responses 1, 2, and 4.

Response P-11-4

The comment expresses disagreement with the Draft SEIR and states that cost and availability for users of the OC Sailing and Events Center will be impacted since existing vessels used for training will not be able to use the proposed docks due to shallow water depths. In addition, the comment states that there will be increased costs related to repairs and damages due to the dock design. See Common Response 4.

STEVE WYMAN

LETTER CODE: P-12

DATE: November 6, 2011

Response P-12-1

The comment is introductory and expresses concerns regarding the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR and no further response is required.

Response P-12-2

The comment expresses concerns regarding congestion and channel narrowing in the area near the proposed OC Sailing and Events Center docks. See Common Responses 1 and 2.

Response P-12-3

The comment expresses concerns related to safety issues between many different users in the Baby Beach area. See Common Responses 1 and 2.

RON COOK

LETTER CODE: P-13

DATE: 11-6-11

Response P-13-1

The comment is introductory and expresses concerns over the planned construction of a new boat dock and other modifications to OC Sailing and Events Center. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-13-2

The comment questions that the proposed project may have a negative impact on the public use of Baby Beach by reducing the amount of space dedicated to public swimming, launching and the use of non-motorized paddle boats and safety issues related to the new boat docks. Please see Common Responses 1, 3 and 4.

Response P-13-3

The comment states that the project would reduce the amount of available public parking through the introduction of new cars due to the new addition of new yachts and corresponding visitors. In addition, the commenting party inquires whether plans have been developed to handle the additional traffic and parking at Baby Beach. Please see Common Response 5.

Response P-13-4

This comment states that the expansion of docks into the Baby Beach area would impact safety for boating students at O.C. Sailing and Events Center sharing waterways with larger boats. Please see Common Responses 2, 3 and 4.

Response P-13-5

The comment is a conclusion to the letter, restating the commenter's fondness for Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

TONI FLORES

LETTER CODE: P-14

DATE: 11-7-11

Response P-14-1

The comment is introductory and states that the commenter is protesting the impacts resulting from the proposed development around Baby Beach. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. Please refer to Common Response 1.

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-14-2

The comment states that the new plans do not provide slips of adequate length to accommodate the boats used by the Sea Scouts at OC Sailing and Events Center. Please see Common Responses 1 and 4.

Response P-14-3

The comment states that the proposed changes to the Harbor in this area are hurtful to the general public and the environment by decreasing the amount of available parking, which would impact the ease of access by the public. Please see Common Responses 3 and 5.

Additionally, in accordance with the requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Chapter II-14, Off-Street Parking Standards and Regulations (Section 14.2i) certified by the California Coastal Commission, "The location and amount of new development adjacent to park and beach areas shall not adversely impact public use of the low cost water oriented recreation, park and beach uses by ensuring that adequate parking spaces are maintained for these uses. Accordingly, all Coastal Development Permits for new development in Planning Areas 1, 4 and 5 shall demonstrate that the intensity of the proposed development and the proposed hours of operation will not adversely impact public use of the beach or park area within the Planning Area."

Response P-14-4

The comment states that new dock construction will force overcrowding and reduce access in this area for youth activities. In addition, the commenter states that the Coastal Act is structured to protect the public's right to the sea and the construction of new docks will place boats within 15 ft of Baby Beach at mean low tide and impact safety. Please see Common Responses 1 through 5.

Response P-14-5

The comment is a conclusion to the letter, stating the commenter's opinion that more commercial development at Dana Point Harbor is not wanted or needed. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

LEAH FETAH

LETTER CODE: P-15

DATE: 11-7-11

Response P-15-1

The comment is introductory and states the commenter's opposition to the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-15-2

The comment states a concern regarding congestion and safety issues within the Baby Beach area, including plans to allow power boats near swimmers and that locating a proposed pump-out station on the docks will impact public access, the fragile biodiversity of the basin and the recreational nature of the area. Please see Common Responses 1 and 2. Additionally, a pump-out station currently exists at the end of the existing guest dock in the OC Sailing and Events Center/Baby Beach area. The proposed pump-out will replace this existing pump-out in the same general area, located about 150 feet to the west of this existing location, as shown on Figure 3.11 on page 3-30 of the Draft SEIR. Because a -station already exists in close proximity to the basin area, the proposed updated pump-out station would not have greater impacts on the biodiversity of the basin than under existing conditions. Further, pump-outs are necessary to prevent sewage spills and encourage improved water quality in the Harbor.

Response P-15-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. Please see Common Responses 1 and 2.

BECKY LEETCH

LETTER CODE: P-16

DATE: 11-7-11

Response P-16-1

The comment is introductory and states the commenter's opposition to the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR.

Response P-16-2

The comment states a concern regarding congestion and safety issues within the Baby Beach area, including plans to allow power boats near swimmers and locating a proposed pump-out station on the docks. Please see Common Responses 1 and 2.

Response P-16-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. Please see Common Responses 1 and 2.

DONNA AND ARTHUR CARTER

LETTER CODE: P-17

DATE: 11-7-11

Response P-17-1

The comment is introductory and states that the commenter is opposed to the project. The comment also describes the commenter's personal familiarity with and experiences in Dana Point Harbor as members of the Dana Point Yacht Club. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-17-2

The comment states the opinions of the commenter and states that the OC Sailing and Events Center docks would impact the youth programs currently offered. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-17-3

The comment states that the commenter opposes the project's impact on the OC Sailing and Events Center and Baby Beach by reducing the size of the recreation area and replacing the area with guest docks. Please see Common Responses 1 and 4.

CYNTHIA FLETCHER

LETTER CODE: P-18

DATE: 11-8-11

Response P-18-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-18-2

The comment states a concern about the encroachment of new docks into the turning basin near Baby Beach. Please see Common Responses 1 and 2.

Response P-18-3

The comment states a concern about the impingement of the Sea Scout and Westwind programs through decreased dock space. Please see Common Response 4.

Response P-18-4

The comment states opinions against the project and that available dock space for education programs at the OC Sailing and Events Center will be reduced. Please refer to Common Response 4.

Response P-18-5

The comment states that available dock space for education programs at the OC Sailing and Events Center will be reduced and the location of the pumping dock will make maneuvering around the facility more difficult and dangerous. Please refer to Common Responses 1, 2 and 4.

Response P-18-6

The comment is a conclusion to the letter, asking that no changes be made to the OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

BILLY KHO

LETTER CODE: P-19

DATE: 11-8-11

Response P-19-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-19-2

The comment is an introductory statement describing the commenter's concern that with the expansion of the docks, safety will be compromised and boat traffic will increase and public access will be limited. Please see Common Responses 1, 2, 3 and 5.

Response P-19-3

The commenter states that the introduction of more boats will cause more pollution from diesel fuels, gasoline, oil and waste from the proposed pump station. Please see Common Response 2.

Response P-19-4

The commenter states that there will be compromised access at Baby Beach and this will affect local businesses at Dana Point Harbor. It should be noted that an EIR is required where there may be substantial or potentially significant adverse changes in physical conditions in the project area. [Public Resources Code Sections 21100, 21151, 21060.5 and CEQA Guidelines Section 15360.] Social or economic changes are not included because they are not changes in the physical environment. [CEQA Guidelines 15358(b).] Social and economic changes may not be treated as significant effects on the environment. [CEQA Guidelines Sections 15064(c) and 15382.]

This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

JAMES TALAY

LETTER CODE: P-20

DATE: 11-11-11

Response P-20-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-20-2

The comment states that the project will affect the safety of paddlers utilizing Baby Beach and the current programs offered at the Sea Base. Please refer to Common Responses 1 and 4.

Response P-20-3

The comment states that Sea Scout boats would have difficulty trying to dock due to shallow depths in the Baby Beach area with the proposed improvements. Please see Common Response 2.

Response P-20-4

The comment is a conclusion to the letter, stating the commenter's request that Dana Point Harbor reconsider its decision to implement this project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DOUG ABRAMSON

LETTER CODE: P-21

DATE: 11-11-11

Response P-21-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-21-2

The comment expresses concerns regarding the proposed OC Sailing and Events Center docks due to shoaling concerns, proximity to swimmers, wind direction and congestion. Please see Common Responses 1, 2 and 4.

Response P-21-3

The comment expresses concerns related to the proposed OC Sailing and Events Center docks and requests that more be done to improve water quality and reduce siltation.

As stated on pages 4.3-17 through 4.3-19 of the Draft SEIR, the Harbor drainage pattern (off-site and on-site drainage facilities) would not be altered as part of the proposed project. The docks are not considered an impervious area, as typically defined, because of the gaps in the docks that are over open Marina waters. Therefore, the project would not increase storm water flows into the West and East Marinas since there is no increase in the impervious area or capacity of the Marina. Because the proposed project is not increasing the capacity of the Marina or adding a new use to the Harbor, there will be no increase in pollutants generated on site above existing conditions and no impacts to water quality are anticipated. As a result, the drainage pattern, runoff volumes and pollutants from on and off the site would remain essentially the same as in the existing condition and would not create water quality impacts. Therefore, potential water quality impacts as they relate to drainage pattern, runoff volumes and pollutants are considered less than significant and no mitigation is required.

The proposed construction activities of the OC Sailing and Events Center dock facilities would occur adjacent to Baby Beach, which is impaired for bacteria. The improvements would disrupt the sediments, which could adversely affect water quality by temporarily re-suspending sediments, thereby increasing turbidity, as stated previously. However, implementation of Mitigation Measures 4.3-1, 4.3-2 and 4.3-4 as included on pages 4.3-21 and 4.3-22 in the Draft SEIR would reduce these construction-related water quality impacts to less than significant levels.

Also, see Response to Comment L-1-4.

Response P-21-4

The comment is a conclusion to the letter, restating the commenter's concerns regarding the project as they relate to water quality and safety issues. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DOUG BLACK

LETTER CODE: P-22

DATE: 11-12-11

Response P-22-1

The comment proposes another alternative to the project. Some of the design components of the proposed alternative would be to add ADA improvements but retain the slips in their current configuration, not encroach into the channels and not eliminate any 50 ft size slips. The comment also requests that the replacement of docks should begin immediately and not wait for any commercial revitalization. The comment describes the commenter's personal opinions about the project and suggests an alternative. This comment does not raise any environmental issues under CEQA about the adequacy of the Draft SEIR alternatives.. This comment will be forwarded to the decision makers for their consideration.

However, it should be noted that the California Environmental Quality Act (CEQA) requires that an EIR or Draft SEIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. [CEQA Guidelines Section 15126.6] The No Project/No Development Alternative must be evaluated along with its impact. That analysis must discuss the existing conditions as well as what could be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The range of alternatives required in an EIR/SEIR is governed by the "rule of reason," which requires that the EIR/SEIR set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of the project. Only alternative locations that would avoid or substantially lessen any of the significant effects of the project need be considered if the proponent can reasonably acquire, control, or otherwise have access to any alternative site. An EIR/SEIR need not consider an alternative under which the effect cannot be reasonably ascertained and implementation is remote and speculative. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

An EIR is not required to consider alternatives which are infeasible. Factors that may be taken into account when addressing the feasibility of alternatives are site suitability; economic viability; availability of infrastructure, General Plan consistency, other plans or regulatory limitations; and jurisdictional boundaries. Determination of feasibility involves a balancing of various economic, environmental, social and technological factors..(Public Resources Code Section 21061.1 [statutory definition of "feasibility"]). In this sense, 'feasibility' under CEQA encompasses 'desirability' to the extent that it is based on a reasonable balancing of the relevant economic, environmental, social and technological factors." CEQA establishes no categorical legal imperative as to the scope of

alternatives to be analyzed in an EIR. An EIR must identify the environmentally superior alternative. It need not consider multiple variations of alternatives or alternatives to project components.

JACQUELINE PRICE

LETTER CODE: P-23

DATE: 11-12-11

Response P-23-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-23-2

The comment states that the loss in revenue as a result of the project was not evaluated. Please see Response to Comment P-19-4.

Response P-23-3

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment also states that the project will impact businesses and business sales, which will affect City revenues through the loss in sales tax. Please refer to Response to Comment P-19-4.

Response P-23-4

The comment states that implementation of the proposed OC Sailing and Events Center docks will cause safety issues for the boating students. Please refer to Common Responses 1, 2 and 4.

Response P-23-5

The comment is a conclusion to the letter stating the commenter's personal opinions regarding the project and experiences at Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

MAX MONAHAN

LETTER CODE: P-24

DATE: 11-13-11

Response P-24-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-24-2

The comment states concerns related to safety and congestion in the area near Baby Beach. Please see Common Responses 1 and 2.

Response P-24-3

The comment states that water quality at Baby Beach will be contaminated through the introduction of waste and pollutants from additional yachts. Please see Response to Comment P-21-3.

Response P-24-4

The comment is a conclusion to the letter, stating the commenter's personal opinions regarding the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DEBRA MONAHAN

LETTER CODE: P-25

DATE: 11-14-11

Response P-25-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-25-2

The comment expresses concerns related to congestion and water quality at Baby Beach through the introduction of waste and pollutants from additional marine vessels. Please refer to Common Responses 1 and 2. Please also see Response to Comment P-21-3.

Response P-25-3

The comment is a conclusion to the letter, stating the commenter's personal opinions regarding the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

WORLD PADDLE ASSOCIATION - BYRON KURT

LETTER CODE: P-26

DATE: 11-15-11

Response P-26-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment also expresses concerns about local businesses. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please also see Response to Comment P-19-4.

Response P-26-2

The comment states the commenter's personal opinion about the project and raises concerns related to the potential congestion at Baby Beach. Please see Common Response 1.

Response P-26-3

The comment states that the project will deter visitors to visit Baby Beach, and this will affect the amount of money that would be spent at local businesses. Please see Response to Comment P-19-4.

Response P-26-4

The comment is a conclusion to the letter, stating the commenter's personal opinions regarding the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

BILL AND JOAN CVENGROS

LETTER CODE: P-27

DATE: 11-15-11

Response P-27-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-27-2

The comment raises concerns regarding safety as a result of the project by placing young sailors and users of Baby Beach closer to docks. Please refer to Common Response 2.

Response P-27-3

The commenter states that there will be a reduction in available parking with implementation of the proposed improvements. Please refer to Common Response 5.

Response P-27-4

The commenter states that the construction of additional docks will impede public access to the Baby Beach, which would be in violation of requirements outlined in the California Coastal Act. Please refer to Common Response 3.

MICHAEL MAURI

LETTER CODE: P-28

DATE: 11-15-11

Response P-28-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-28-2

The comment states that access to Baby Beach will be reduced by approximately 25 percent. Please refer to Common Response 3.

Response P-28-3

The comment states that the project is in direct conflict with the California Coastal Act. Please refer to Common Response 3.

Response P-28-4

The comment states that the project will reduce the amount of available parking and cause an increase in traffic and congestion in the area. Please refer to Common Responses 1 and 5.

Response P-28-5

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. See Common Responses 1, 3 and 5.

THERESE HALL

LETTER CODE: P-29

DATE: 11-15-11

Response P-29-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-29-2

The first part of the comment states that safety issues will result from the close proximity of small boats and children to large boats that will utilize Baby Beach from the dock expansion. Please refer to Common Response 2. The second part of the comment states the commenter's personal opinions and experiences with Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

RESPONSE P-29-3

The comment states that the proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach, encroaches into the Education Basin, reducing the shoal area by at least 20 percent, impedes upon the public access to Baby Beach, privatizes docks at O.C. Sailing and Events Center which are specifically for educational purposes, and impedes the flow of boat traffic entering and existing the inside west channel between O.C. Sailing and Events Center and the Dana Point Yacht Club. In addition, the project proposes to construct the new docks in shallow water that will cause the boats to bottom out at low tide. Please refer to Common Responses 1, 2, 3 and 4.

RESPONSE P-29-4

The comment states that the proposed plan will disrupt the existing Eelgrass and fragile marine ecosystem in the basin. Impacts of the proposed project on the surrounding marine biological resources, including eelgrass, were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

RESPONSE P-29-5

The comment states that the project will increase motor vehicle traffic and limit parking near Baby Beach. Please see Common Response 5.

RESPONSE P-29-6

The comment states that the presence of motorboats that will be docked in front of Baby Beach will increase pollution near the swimming area. Please see Common Response 2.

RESPONSE P-29-7

The comment states that the presence of the large dock with big boats as a result of the project will change the visual character of the area and it will become aesthetically undesirable. As described in Section 4.8 of the Draft SEIR, boats and docks are a component of the existing views at the Marina, and the proposed OC Sailing and Events Center docks would continue to be consistent with the existing maritime character of the Harbor.

RESPONSE P-29-8

The comment states that the addition of motor boats will increase safety concerns for non-motorboat users launching at Baby Beach. Please refer to Common Responses 1 and 2.

TERRI PLUNKETT

LETTER CODE: P-30

DATE: 11-16-11

Response P-30-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-30-2

The comment states that the commenter does not like the outcome of the studies conducted as part of the Draft SEIR and expresses concerns for the protection of birds, especially egrets. The Draft SEIR included a mitigation measure to protect migratory and sensitive nesting birds, including blue herons, snowy egrets, the black crowned night heron, owl, and raptors. Implementation of Mitigation Measure 4.7-5 as outlined on page 4.7-42 of the Draft SEIR will reduce potential impacts to such species to a less than significant level. In addition, impacts of the proposed project on the surrounding biology including eelgrass resources were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments P-21-3 and S-5-4.

Response P-30-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

JILL CUPPVICKERY

LETTER CODE: P-31

DATE: 11-16-11

Response P-31-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-31-2

The comment expresses concern over the increase in congestion that would be caused by the additional boats that would use Baby Beach as a result of the project. The comment also mentions the loss of tax dollars in Dana Point. Please see Common Response 1 and 2, as well as Response to Comment P-19-4.

Response P-31-3

The comment states concerns related to the safety of bathers from the pump-out station and the privatization of community docks used for education purposes. Please see Common Responses 2 and 4. The remaining portion of the comment is a conclusion to the letter, reiterating the concerns raised in the previous comments.

NICOLE HALL

LETTER CODE: P-32

DATE: 11-16-11

Response P-32-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-32-2

The comment states the commenter's personal opinions and familiarity and experiences with Dana Point Harbor and expresses concern over the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-32-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

ELIZABETH HARRINGTON

LETTER CODE: P-33

DATE: 11-17-11

Response P-33-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-33-2

The comment expresses concerns regarding safety due to congestion, shoaling areas, public access, channel encroachment and impacts to educational programs. Please see Common Responses 1, 2, 3 and 4.

Response P-33-3

The comment states that the proposed plan will disrupt the existing eelgrass and fragile marine ecosystem in the basin. Impacts of the proposed project on the surrounding marine biological resources, including eelgrass, were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-33-4

The comment expresses safety concerns related to docking by students in the OC Sailing and Events Center programs. Please see Common Responses 1 and 4.

Response P-33-5

The comment states that the project will increase motor vehicle traffic and limit parking near Baby Beach. Please see Common Response 5.

Response P-33-6

The comment states that motorboats docked in front of Baby Beach will increase pollution near the bathers. Please see Common Response 2.

Response P-33-7

The comment states that the presence of the large dock with big boats as a result of the project will change the visual character of the area and it will become aesthetically undesirable. Please see Response to Comment P-29-7.

Response P-33-8

The comment states that the addition of motor boats will increase safety concerns for non-motorboat users launching at Baby Beach. Please refer to Common Responses 1 and 2.

Response P-33-9

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

MARY ELLEN AND DAVE BROWN

LETTER CODE: P-34

DATE: 11-17-11

Response P-34-1

The comment is an introductory statement describing the commenter's personal familiarity with, and experiences in, Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-34-2

The comment expresses concerns regarding safety due to congestion, shoaling areas, public access, channel encroachment, and impacts to educational programs. Please see Common Responses 1, 2, 3 and 4.

Response P-34-3

The comment states that the proposed plan will disrupt the existing eelgrass and fragile marine ecosystem in the basin. Impacts of the proposed project on the surrounding marine biological resources, including eelgrass, were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-34-4

The comment expresses safety concerns related to docking by students in the OC Sailing and Events Center programs. Please see Common Responses 1 and 4.

Response P-34-5

The comment states that the project will increase motor vehicle traffic and limit parking near Baby Beach. Please see Common Response 5.

Response P-34-6

The comment states that motorboats docked in front of Baby Beach will increase pollution near the bathers. Please see Common Response 2.

Response P-34-7

The comment states that the presence of the large dock with big boats as a result of the project will change the visual character of the area and it will become aesthetically undesirable. Please see Response to Comment P-29-7.

Response P-34-8

The comment states that the addition of motor boats will increase safety concerns for non-motorboat users launching at Baby Beach. Please refer to Common Responses 1 and 2.

Response P-34-9

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

MICHAEL HALL

LETTER CODE: P-35

DATE: 11-17-11

Response P-35-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-35-2

The comment expresses concerns regarding safety due to congestion, shoaling areas, public access, channel encroachment, and impacts to educational programs. Please see Common Responses 1, 2, 3 and 4.

Response P-35-3

The comment states that the proposed plan will disrupt the existing eelgrass and fragile marine ecosystem in the basin. Impacts of the proposed project on the surrounding marine biological resources, including eelgrass, were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-35-4

The comment expresses safety concerns related to docking by students in the OC Sailing and Events Center programs. Please see Common Responses 1 and 4.

Response P-35-5

The comment states that the project will increase motor vehicle traffic and limit parking near Baby Beach. Please see Common Response 5.

Response P-35-6

The comment states that motorboats docked in front of Baby Beach will increase pollution near the bathers. Please see Common Response 2.

Response P-35-7

The comment states that the presence of the large dock with big boats as a result of the project will change the visual character of the area and it will become aesthetically undesirable. Please see Response to Comment P-29-7.

Response P-35-8

The comment states that the addition of motor boats will increase safety concerns for non-motorboat users launching at Baby Beach. Please refer to Common Responses 1 and 2.

Response P-35-9

The comment is a conclusion to the letter, stating the commenter's personal opinions regarding the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

ANDREW AND CYNTHIA MOUACDIE

LETTER CODE: P-36

DATE: 11-17-11

Response P-36-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-36-2

The comment expresses concerns related to safety in the Baby Beach area that may result from the proposed plans. Please see Common Response 2.

NICHOLAS E. FLORES

LETTER CODE: P-37

DATE: 11-18-11

Response P-37-1

The comment is an introductory statement describing the commenter's opposition to the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

It should be noted however, that an EIR is required where there may be substantial or potentially significant adverse changes in physical conditions in the project area. [Public Resources Code Sections 21100, 21151, 21060.5 and CEQA Guidelines Section 15360.] Social or economic changes are not included because they are not changes in the physical environment. [CEQA Guidelines 15358(b).] Social and economic changes may not be treated as significant effects on the environment. [CEQA Guidelines Sections 15064(c) and 15382.]

Response P-37-2

The comment states that there would be an immediate economic impact to paddlers. The reduction in the amount of surface water available for paddlers and increasing sailboat traffic will make the area less desirable. Please see Response to Comment P-3-4.

Response P-37-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

PENNY ELIA

LETTER CODE: P-38

DATE: November 18, 2011

Response P-38-1

The comment is introductory and states that the comments should be incorporated into the official record of the project. The comment also references conversations with the South Coast Water District (SCWD) regarding the future plans for a “purple pipe” for recycled water being extended into the Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-38-2

The comment is a chain of email correspondence between the commenter and SCWD regarding the progress of extending a recycled water line to the Headlands and Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-38-3

The comment is summary of conversations between the commenter and SCWD regarding the progress of extending a recycled water line to the Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-38-4

The comment references the SCWD 5-year Capital Improvement Program that is attached to the comment letter and states that it is imperative that recycled water be provided to OC Dana Point Harbor by the time construction in the Harbor begins. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-38-5

The comment is the 2011–2012 Capital Projects list for the SCWD, provided as an attachment to the comment letter. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

SURFERS ENVIRONMENTAL ALLIANCE

LETTER CODE: P-39

DATE: 11-18-11

Response P-39-1

The comment states that the Surfer's Environmental Alliance (SEA) has only recently become aware of the project and is requesting that the public review period be extended 90 days. CEQA mandates that a review period of 45 days be provided for a Draft SEIR. However, in response to stakeholder requests, OC Dana Point Harbor extended the Draft SEIR review period from 45 days to 62 days, with the public review period ending on November 21, 2011.

Response P-39-2

The comment states that the project will impact public access to one of the only protected beach areas in Southern California and public safety. The docks could reduce the amount of open water available in the immediate area, but would not eliminate or prohibit access to Baby Beach. Please refer to Common Responses 2 and 3.

Response P-39-3

The comment describes the organization that the commenter belongs to. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-39-4

The comment states that the coastal community has not had a sufficient opportunity to review the project EIR, which is important since the project is affecting legal coastal access rights. Please see Response to Comment P-39-1 and Common Response 3.

THOMAS SHAHINIAN

LETTER CODE: P-40

DATE: 11-18-11

Response P-40-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-40-2

The comment states the commenter's concern with the project, especially how the project would impede upon public access to launch human-powered crafts at Baby Beach and that the increase in the number of motorized vessels in the Education Basin near Baby Beach would create an unsafe environment. Please refer to Common Responses 1, 2, 3 and 4.

Response P-40-3

The comment is a conclusion to the letter, reiterating the concerns raised in the previous comments. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

WILLARD SOMERS

LETTER CODE: P-41

DATE: 11-18-11

Response P-41-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment expresses opposition to the expansion of docks in the Baby Beach area. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration

PAUL GALVEZ

LETTER CODE: P-42

DATE: November 18, 2011

Response P-42-1

The comment is introductory and states that the commenter opposes the proposed development around Baby Beach. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-42-2

The comment states that the decision for the proposed development should be reversed because it would create a danger to swimmers and remove public access. Please refer to Common Responses 1, 2, 3 and 4.

Response P-42-3

The comment states that the Draft SEIR is inconsistently and inadequately written; however, the commenter does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. The comment does not contain any specifics as to what is inconsistent or inadequate and no evidence is provided to support the commenter's conclusion. The comment is an opinion and will be forwarded to the decision makers for their consideration.

MARCIE FROLOV

LETTER CODE: P-43

DATE: November 18, 2011

Response P-43-1

The comment is introductory and states that the proposed project would have a negative impact on the public use of Baby Beach by reducing the amount of space dedicated to public swimming, launching, and the use of non-motorized paddle boats. Please see Common Response 1, 3 and 4.

Response P-43-2

The comment states that the project is in direct violation of the California Coastal Act and that new docks would reduce the public's use of the area as well as altering the beach's scenic view. Please see Common Response 3 and Response to Comment P-29-7.

Response P-43-3

The comment states that the project would limit public access. Please see Common Response 3.

Response P-43-4

The comment states that the project would reduce public parking. Please see Common Response 5.

Response P-43-5

The comment states that the project would create unsafe congested conditions and have a negative impact on the Sea Scouts program. Please see Common Responses 1 and 4.

Response P-43-6

The commenter would prefer that the project be moved to the mouth of the Harbor or the east side. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

YVONNE HEUSLER GALVEZ

LETTER CODE: P-44

DATE: November 18, 2011

Response P-44-1

The comment is introductory and states that the commenter opposes the proposed development around Baby Beach. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-44-2

This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-44-3

The comment states that the decision for the proposed development should be reversed because it would create a danger to swimmers and remove public access. Please refer to Common Responses 1, 2, 3 and 4.

Response P-44-4

This comment notes that the harbor water quality has improved and that there is an abundance of starfish and garibaldi present. The comment is an opinion and observation on the part of the commenter, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. Marine biology and water quality impacts were addressed in Sections 4.3 and 4.7, respectively, of the Draft SEIR. Please see Response to Comments L-1-4 and P-21-3. This comment will be forwarded to the decision makers for their consideration.

Response P-44-5

The comment states that the Draft SEIR is inconsistently and inadequately written; however, the commenter does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. The comment does not contain any specifics as to what is inconsistent or inadequate and no evidence is provided to support the commenter's conclusion. The comment is an opinion and will be forwarded to the decision makers for their consideration.

KRISTIN THOMAS

LETTER CODE: P-45

DATE: November 18, 2011

Response P-45-1

The comment is introductory and states that the developers have overlooked the economics of the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4.

Response P-45-2

The comment describes the commenter's familiarity with and experiences in Dana Point Harbor. The comment states that the project would reduce access, downgrade safety and affect environmental habitats, resulting in a bad business decision. Please refer to Common Responses 2 and 3 and Response to Comment P-19-4.

Response P-45-3

The comment states that the project will have an economic impact on Stand Up Paddling in the Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-45-4

This comment states that the expansion of docks into the Baby Beach area would result in an impact to education and recreational opportunities and reduce safety as well as reduce the volume of business in the Harbor. Please see Common Responses 2, 3 and 4.

Response P-45-5

This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

CHUCK PATTERSON

LETTER CODE: P-46

DATE: November 18, 2011

Response P-46-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment also describes the many uses of Baby Beach. This comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-46-2

The comment expresses concerns related to safety, access, and educational programs being impacted by the proposed OC Sailing and Events Center dock configuration. Please see Common Responses 2, 3, and 4.

Response P-46-3

The comment states that the proposed project will increase motor vehicle traffic and limit parking. Please see Common Response 5.

Response P-46-4

The comment states that the proposed project as configured will increase pollution from motor boats and increase environmental hazards due to the location of the pump-out station. Please see Common Response 2.

Response P-46-5

The comment states that the proposed dock in front of Baby Beach will pose a safety issue related to motor boats and the winds. Please see Common Responses 1 and 2.

Response P-46-6

The comment is a conclusion of the letter and expresses the commenter's views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

CALIFORNIA SHIPS TO REEFS

LETTER CODE: P-47

DATE: November 19, 2011

Response P-47-1

The comment is introductory and proposes three alternative disposal options to avoid trucking the pier pilings off site. The Draft SEIR analyzed trucking as a worst-case scenario for potential impacts. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-47-2

The comment suggests that the pier pilings could be placed in the ocean as artificial reefs under the direction of California Ships to Reefs (CSTR). The comment identifies a site outside of the Harbor on Dana Point's Legislative Granted Lands and indicates that Dana Point would retain ownership under this option. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-47-3

The comment suggests that the pier pilings could be placed in the ocean as artificial reefs under the direction of CSTR. The comment identifies a potential second site 1.5 miles southwest of the Harbor and indicates that Dana Point would also retain ownership under this option. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-47-4

The comment suggests that the pier pilings could be placed in the ocean as artificial reefs under the direction of CSTR at any of the potential sites identified. However, under this alternative the pier pilings would be donated to CSTR, which would take ownership at some point during the reefing process. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-47-5

The comment concludes the letter by urging consideration of one of the artificial reef options. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-47-6

The comment includes three attached exhibits illustrating potential locations for offshore artificial reefs. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DANA POINT BOATERS ASSOCIATION

LETTER CODE: P-48

DATE: November 20, 2011

Response P-48-1

The comment is introductory and states that comments were both emailed and hand delivered. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR, and no further response is required.

Response P-48-2

The comment is a summary of the Dana Point Harbor Revitalization Plan relative to the current lending environment for capital improvement projects. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4.

Response P-48-3

The comment is a proposal for a change in the scope, approach, and financing for the proposed project. The comment includes recommendations for a systematic replacement of docks over a period of years and encourages transparent financial reporting for funding and expenses for the proposed improvements. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4.

Response P-48-4

The comment is an assessment of the financing that will be required for implementation of the Dana Point Harbor Revitalization Plan and the projected revenue for the boat slips. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4.

Response P-48-5

The comment is a list of recommendations for the revitalization of the Harbor, focusing on a systematic replacement of the facilities on an as-needed basis. The comment also includes

recommendations related to forecasting slip revenues, the pricing of slip rates, timing of the improvements, funding for improvements, and suggestions for financial reporting of expenditures. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-48-6

The comment is a table of suggestions by the Dana Point Boaters Association (DPBA) for Harbor improvements, including the types and locations of facilities preferred by DPBA. This comment addresses financial, economic and policy issues that are outside of the scope of CEQA and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

JEFF JOHNSON

LETTER CODE: P-49

DATE: November 19, 2011

Response P-49-1

The comment is introductory and states the commenter's views on the project and familiarity with Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-49-2

The comment states that educational programs will be eliminated and the safe use of other programs will be compromised. Please see Common Responses 2 and 4.

Response P-49-3

The comment states the commenter's views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-49-4

The comment states the commenter's views on the project design for the OC Sailing and Events Center docks. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-49-5

The comment states the commenter's views on the impacts the project will have on the OC Sailing and Events Center programs and facilities. Please see Common Response 4. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-49-6

The comment states that any changes to the OC Sailing and Events Center facility should be made in collaboration with the users of the facility. This comment represents the commenter's views on the project and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

MARY JANE JOHNSON

LETTER CODE: P-50

DATE: November 19, 2011

Response P-50-1

The comment states that the proposed OC Sailing and Events Center docks violate the California Coastal Commission rules. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-50-2

This comment states that the project would eliminate public access and Sea Scout use of the facilities. Please see Common Responses 3 and 4.

Response P-50-3

The comment states that the project would create visual pollution to the area, but does not specifically discuss any visual or aesthetic impact. Visual impacts of the proposed project were thoroughly assessed in the Draft SEIR in Section 4.8, Aesthetics. Additionally, see Response to Comment P-29-7.

Response P-50-4

The comment states that the additional large yachts will increase the air pollution in the environment. The existing Harbor has 2,409 slips of various sizes. The proposed project will reduce the number of slips to 2,293. The exact size, ratio of 2-stroke gasoline, 4-stroke gasoline and diesel engines and the age of the boats that use the existing slips and would use the proposed slips, is unknown. Therefore, because there is an overall reduction in the number of slips, it was assumed that the increase in the average vessel size due to the proposed project would be offset by the reduction in the total number of slips within the Marina. Further, the actual usage time of any type of vessel is extremely difficult, if not impossible to estimate; there is no way to accurately estimate the number of hours or times a higher-emission boat may be used as compared to a lower-emission one. It cannot be automatically assumed that, as asserted in the comment, overall operational emissions will increase due to the presence of additional larger boats. Air quality impacts were thoroughly assessed in the Draft SEIR in Section 4.5, Air Quality.

STEPHEN HILL

LETTER CODE: P-51

DATE: November 19, 2011

Response P-51-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-51-2

The comment states that the proposed project would create a safety and access hazard to the educational facilities and will reduce access at Baby Beach by 20 percent. Please see Common Responses 2 and 3.

Response P-51-3

The comment states that the project will result in parking impacts. Please see Common Response 5.

Response P-51-4

The comment states that the proposed boat pump-out facility has the potential to cause environmental impacts to Baby Beach. Please see Common Response 2.

Response P-51-5

The comment states that the project would result in a loss of a community facility. This comment raises economic and social issues, both of which are outside of the scope of CEQA, and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4.

Response P-51-6

This comment states the commenter's views on the project, and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

WESTWIND SAILING – DIANE WENZEL

LETTER CODE: P-52

DATE: November 19, 2011

Response P-52-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment also describes the purpose and mission of Westwind Sailing, LLC. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-52-2

This comment expresses concerns related to the proposed OC Sailing and Events Center dock configuration related to congestion, wind direction and loss of shoal area in the basin. Please see Common Responses 1, 2, 3 and 4.

Response P-52-3

The comment states that it would be more valuable for a lift to be provided to those with special needs rather than ADA docks. Additionally, the comment expresses concern regarding the prevailing winds and the proposed design. Please see Common Responses 3 and 4. The ADA is intended to ensure equal opportunity and access for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. The provision of ADA facilities as proposed is intended to ensure compliance with the ADA mandate.

Response P-52-4

The comment is a conclusion and states the commenter's views on the project. The comment is related to boater education which is not an issue subject to CEQA review, and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DANA POINT AQUATIC FOUNDATION – DIANE J WENZEL

LETTER CODE: P-53

DATE: November 19, 2011

Response P-53-1

The comment is introductory, states the commenter's views on the project and serves as an introduction to the comments provided below. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-53-2

The comment provides a history of the Dana Point Aquatic Foundation and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-53-3

The comment states that the proposed layout of the docks will impact an already crowded area and threaten the continuation of the education and recreational programs. Please refer to Common Responses 1, 3 and 4.

Response P-53-4

The comment states that the project will impact public access to educational programs provided within the Harbor and will present hazards due to the design of the proposed docks. Please refer to Common Responses 1, 2 and 3.

Response P-53-5

The comment states that privatization of the docks would impact public access and educational purposes as defined in the Tideland Grant for the Harbor. Dana Point Harbor is held in trust by the County of Orange in accordance with the State Tidelands Grant. Chapter 321 of the Statutes of 1961 was an Act of the State legislature (effective on September 15, 1961) that granted ownership of certain tidelands and submerged lands of the State of California (including Dana Point Harbor) to the County of Orange. Conveyance of the Harbor area by the State Lands Commission was subject to several conditions, including the following: "That said lands shall be used by said County and its successors, only for the establishment, improvements and conduct of a harbor and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation and for use, public park, parking, highway, playground

and business incidental thereto; and said County or its successors shall not at any time, grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purposes whatever; provided that said County or its successors may grant franchises thereon for limited periods (but in no event exceeding 50 years) for purposes consistent with the trust upon which said land are held by the State of California and with the requirements of commerce and navigation at said Harbor and collect and retain rents from such leases.” The proposed Marina Improvement Project will continue to be in accordance with all provisions and conditions of the Tidelands Trust. Please also refer to Common Responses 3 and 4.

Response P-53-6

The comment states that the parking requirements for private slips would impact public parking. Please see Common Response 5.

Response P-53-7

The comment states that the project would reduce the recreational water area in the educational basin by approximately 25 percent. Please see Common Response 3.

Response P-53-8

The comment states that the proposed dock configuration would impede the flow of boat traffic and recreational uses of the beach will be exposed to additional pollution. Please see Common Responses 2 and 3.

Response P-53-9

The comment is a conclusion and states the commenter’s views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

MIRACLES FOR KIDS – TOM SWANECAMP

LETTER CODE: P-54

DATE: November 20, 2011

Response P-54-1

The comment is introductory and states the purpose of the Miracles for Kids program and their uses of the project area. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-54-2

The comment expresses concerns regarding congestion of uses in the Baby Beach area. The comment consists of opinion and does not include any specifics or evidence to support the views expressed and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. Please see Common Response 1.

BARBARA MERRIMAN

LETTER CODE: P-55

DATE: November 20, 2011

Response P-55-1

The comment states the commenter's views on the project, expresses disappointment over public involvement, and states that the alternatives do not meet the project objectives. CEQA requires that an EIR/SEIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. See Response to Comment P-22-1. This comment will be forwarded to the decision makers for their consideration.

Response P-55-2

The comment states that the planning of the project has been piecemeal and there are constraints on how and where to add docks because of boater parking. This comment will be forwarded to the decision makers for their consideration.

It should be noted that the California Environmental Quality Act forbids 'piecemeal' review of the significant environmental impacts of a project." It mandates "that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." Thus, the Guidelines define "project" broadly as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment...." [CEQA Guidelines Section 15378, subd.(a).] The lead agency may not chop the project into smaller units in order to avoid consideration of the entire project. Such as division of a project into separate projects occurred when a shopping center was divided into two parts for separate environmental review. "This approach is inconsistent with the mandate of CEQA that a large project shall not be divided into little ones because such division can improperly submerge the aggregate environmental considerations of the total project.

To enhance protection of the environment, CEQA defines "project" broadly to encompass "the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." [CEQA Guidelines Section 15378, subds.(a), (c).] This definition precludes "piecemeal review which results from 'chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.'" However, when two projects, are related (such as in time or location as with the landside and marina projects considered here) but neither project is a crucial or functional element of the other and neither depends on the other to proceed the projects are independently justified, separate projects with different project proponents—not piecemealed components of the same project. However, both are addressed in related EIRs so that their cumulative contributions to each other are considered. Similarly, when funding and other issues meant that a

major highway project did not occur, an EIR for the highway segment within the city did not constitute improper piecemeal review under CEQA, reasoning that the highway segment had “substantial independent utility” (that is, “local utility” independent of the full highway), and that uncertainties existed regarding the ultimate completion of the full highway independently. Under circumstances such as described and as exist in regard to the revitalization and marina projects they are justified, separate projects, not piecemealed components of the same project. Please also refer to Common Response 5.

Response P-55-3

The comment is a conclusion and states the commenter’s views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DOUGLAS HEIM

LETTER CODE: P-56

DATE: November 20, 2011

Response P-56-1

The comment suggests that the slips should be repaired before the buildings in the commercial core and that there should be no new slips at Baby Beach and no reduction in channel width. The comment also comments on the design and repair of structures in the commercial core area. The landside improvements mentioned in the comment were addressed in the Dana Point Revitalization Project FEIR No. 591. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please see also Common Response 1.

STEVE BOEHNE

LETTER CODE: P-57

DATE: November 20, 2011

Response P-57-1

The comment states the commenter's familiarity with Dana Point Harbor and expresses their opposition to the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-57-2

The comment states that Baby Beach parking should continue to be available to the public and not designated for boaters. Please see Common Response 5 and Response to Comment P-14-3.

Response P-57-3

The comment states that the proposed additional boat docks and reduced open water in the turning basin would decrease the safe passage of non-motorized craft in the channel. Please see Common Responses 1 and 2.

Response P-57-4

The comment states the commenter's views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

SURFERS ENVIRONMENTAL ALLIANCE – ANDREW MENCINSKY

LETTER CODE: P-58

DATE: November 20, 2011

Response P-58-1

The comment is introductory and requests an extension on the review period for the Draft SEIR. CEQA mandates that a review period of 45 days be provided for a Draft SEIR. However, in response to stakeholder requests, OC Dana Point Harbor extended the Draft SEIR review period from 45 days to 62 days, with the review ending on November 21, 2011.

LIS DUBOIS

LETTER CODE: P-59

DATE: November 20, 2011

Response P-59-1

The comment is introductory and describes the commenter's familiarity and experiences with Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-59-2

The comment states that the project would reduce public access to the water, increase boat traffic and create safety concerns. Please see Common Responses 2 and 3.

Response P-59-3

The comment states that the increase in motorized vessels will pose a hazard related to safety, pollution and traffic. Please see Common Responses 1, 2, 3, and 5.

Response P-59-4

The comment states the commenter's views on the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

JOSEPH AND BARBARA GILDNER

LETTER CODE: P-60

DATE: November 21, 2011

Response P-60-1

The comment is an introductory statement describing the commenter's personal familiarity with and experiences in Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-60-2

The comment states opposition to the parking plans and expresses concern that private enterprises are taking the funds from the slip fees that have been paid over the years and suggests a reduction in the commercial rebuild project. The landside, or commercial core, improvements were addressed in the Dana Point Revitalization Project FEIR No. 591. The project addressed in the Draft SEIR is a separate and independent project with different project components. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Also, please see Common Response 5 and Response to Comment P-55-2.

Response P-60-3

The comment expresses support for more slips in the 40–50 ft range and requests that the proposal be downsized to accommodate the needs of all who use the Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

HUMAN POWERED WATERCRAFT ASSOCIATION

LETTER CODE: P-61

DATE: November 21, 2011

Response P-61-1

The comment states the commenter's views on the planning process for the proposed project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-61-2

The comment states that the project would not protect boating interests or coastal-dependent access. The comment further states that the boater facilities should be revitalized before the commercial interests. The landside, or commercial core, improvements were addressed in the Dana Point Revitalization Project FEIR No. 591. The project addressed in this Draft SEIR is a separate and independent project with different project components. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Also, please see Common Response 5 and Response to Comment P-55-2.

Response P-61-3

The comment states that an increase in slip size would impact the environment, boater access, and aesthetics. Please see Common Response 3 and Response to Comment P-29-7.

Response P-61-4

The comment states that channel encroachment would pose a sun shading impact and expresses opposition to the proposed docks near Baby Beach. Impacts related to shading of marine resources were thoroughly addressed in Section 4.7 of the Draft SEIR. The comment does not raise specific questions regarding the treatment of these issues in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-61-5

The comment states that the Draft SEIR does not address the needs of the human-powered watercraft, and the project does not include human-powered watercraft facilities. This comment states the commenter's views on the project and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Also, see Common Response 3.

PAMELA PATTERSON

LETTER CODE: P-62

DATE: November 21, 2011

Response P-62-1

The comment is introductory and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-62-2

The comment discusses the needs of adaptive boaters and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-62-3

The comment expresses concerns regarding congestion, encroachment into the Educational Basin, public access, impacts to educational facilities, and safety related to shoaling and boat traffic. Please see Common Responses 1, 2, 3, and 4.

Response P-62-4

The comment states that the project will disrupt the eelgrass and fragile marine ecosystem. Biological impacts, including impacts to eelgrass, were addressed in Section 4.7, Biology of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-62-5

The comment states that the proposed dock configuration would affect the launching and docking for boating students. Please see Common Responses 1 and 4.

Response P-62-6

The comment states that the presence of a pump-out station and motorboats that will be docked in front of Baby Beach will increase pollution near the bathers. Please see Common Response 2.

Response P-62-7

The comment states that the project will create a safety concern near Baby Beach. Please see Common Response 2.

Response P-62-8

The comment states the commenter's views on the project, but does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

BOATERS FOR DANA POINT HARBOR

LETTER CODE: P-63

DATE: November 21, 2011

Response P-63-1

The comment is introductory and states the purpose of the organization Boaters for Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-2

The comment cites several sections of CEQA and states that the Draft SEIR does not meet the requirements of CEQA regarding consideration of alternatives. The comment states that the first alternative (the No Project Alternative) has been correctly considered and rejected. The comment consists of opinion and does not include any specifics or evidence to support the views expressed, nor does it specifically question the treatment of any issue in the Draft SEIR. CEQA requires that an EIR or Draft SEIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. This comment will be forwarded to the decision makers for their consideration. See also Response to Comments P-63-3 and P-63-6, below.

Response P-63-3

The comment states that Alternatives 2 and 3 have been designed to fail and not meet the project objectives by excluding certain elements of the objectives.

Section 21100 of the Public Resources Code (PRC) and Section 15126 of the CEQA Guidelines require an EIR/SEIR to identify and discuss a No Project/No Development Alternative as well as a reasonable range of alternatives to the proposed project that would feasibly attain *most of the basic objectives of the project* and would avoid or substantially lessen any of the significant environmental impacts. The primary objective in the selection of alternatives is to develop alternative project scenarios that would *avoid or substantially lessen any of the significant effects of the project*. There is no requirement that the alternatives meet all of the project objectives. In fact, project alternatives that lessen or avoid impacts are generally smaller, less intensely developed projects that typically do not meet all of the project objectives due to the scaling down of the project in order to lessen any identified impacts. The project alternatives developed in the Draft SEIR are considered to be appropriate and adequate in meeting the intent of CEQA.

Response P-63-4

The comment elaborates on how Alternative 2 and 3 were designed to fail by leaving out a part of the proposed project that lessens the impacts but does not meet project objectives. Please see Response P-63-3.

Response P-63-5

The comment states that Alternative 3 was designed to fail and does not address the need for replacement of the waterside facilities. Please see Response to Comment P-63-3.

Response P-63-6

This comment is the commenter's opinion that it is not logical that all alternatives were rejected because they did not meet project objectives. Please see Response to Comment P-63-3.

It should also be noted that CEQA requires that an EIR or SEIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. [CEQA Guidelines Section 15126.6] The No Project/No Development Alternative must be evaluated along with its impact. That analysis must discuss the existing conditions as well as what could be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The range of alternatives required in an EIR/SEIR is governed by the "rule of reason," which requires that the EIR/SEIR set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of the project. Only alternative locations that would avoid or substantially lessen any of the significant effects of the project need be considered if the proponent can reasonably acquire, control, or otherwise have access to any alternative site. An EIR/SEIR need not consider an alternative under which the effect cannot be reasonably ascertained and implementation is remote and speculative. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

An EIR is not required to consider alternatives which are infeasible. Factors that may be taken into account when addressing the feasibility of alternatives are site suitability; economic viability; availability of infrastructure, General Plan consistency, other plans or regulatory limitations; and jurisdictional boundaries. Determination of feasibility involves a balancing of various economic, environmental, social and technological factors. (Public Resources Code Section 21061.1 [statutory definition of "feasibility"]). In this sense, 'feasibility' under CEQA encompasses 'desirability' to the extent that it is based on a reasonable balancing of the relevant economic, environmental, social and technological factors." CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. An EIR must identify the environmentally superior alternative. It need not consider multiple variations of alternatives or alternatives to project components.

Response P-63-7

The comment suggests an additional alternative to the proposed project and summarizes how the commenter believes this Alternative 4 meets all of the project objectives. The comment does not specifically question the treatment of any issue in the Draft SEIR. This suggested alternative and comment will be forwarded to the decision makers for their consideration. Please see Response to Comment P-63-6.

Response P-63-8

The comment states that Alternatives 2 and 3 have been designed with the specific purpose of failing to meet the project objectives, which makes the Draft SEIR invalid under CEQA. This comment states the views of the commenter but does not specifically question the treatment of any issue in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please see Response to Comment P-63-6.

Response P-63-9

This comment states that the commenter's suggested alternative is feasible, will accomplish the project objectives, is a reduction in environmental impacts, and would not have economic, social, or other conditions that would make the suggested alternative infeasible. This comment states the views of the commenter but does not specifically question the treatment of any issue in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please see Response to Comment P-63-6.

Response P-63-10

The comment states that the commenter hopes Dana Point Harbor does not certify the Draft SEIR, and the commenter would like to see public hearings before the Orange County Planning Commission and the Orange County Board of Supervisors. The County, as the CEQA Lead Agency, is the legal agency to take action on the Draft SEIR. Public hearings before the Orange County Planning Commission and the Orange County Board of Supervisors will occur as part of the Draft SEIR certification and project discretionary approval process.

Response P-63-11

The comment states that the Lead Agency has not complied with CEQA by not following a timely submission of the Draft SEIR. This comment does not raise any environmental issues under CEQA or their treatment in the EIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-12

The comment states that the Scoping Meeting is out of date due to the passage of time and that the allotted review period for the Draft EIR was too short. CEQA mandates that a review period of 45

days be provided for a Draft SEIR. However, in response to stakeholder requests, OC Dana Point Harbor extended the Draft SEIR review period from 45 days to 62 days, with the public review period ending on November 21, 2011. There is no requirement to hold a scoping meeting under CEQA; the time that has elapsed since the original scoping meeting was held does not invalidate the Draft SEIR analysis or conclusions.

Additionally, the comment states that the Harbor Director treated the process as a political game and not a professional community planning activity. This comment is the commenter's view on the process of the project and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-13

The comment states that Boaters for Dana Point Harbor request to be an interested party and to meet with the Harbor Director or his staff regarding the project. This comment is the commenter's view on the process of the project and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-14

The comment states that the Harbor Director did not include all interested parties in his selection of the members of the Boater Focus Group, nor were meetings conducted with transparency. This comment does not raise any environmental issues under CEQA or their treatment in the EIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-15

The comment states that the County Board of Supervisors should consider assigning a different Lead Agency. Under CEQA, the Lead Agency for a project is that agency which has the primary authority to approve a project. The comment does not specifically question the treatment of any issue in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-63-16

The comment requests that the alternative proposed by the commenter be given fair and professional evaluation. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

DAVID AND AUDREY ZINKE

LETTER CODE: P-64

DATE: November 21, 2011

Response P-64-1

The comment is introductory and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-64-2

The comment states that the proposed project does not include adequate parking for boaters. Please see Common Response 5.

Response P-64-3

The comment expresses the belief that the boaters are financing most of the project, but the replacement of the docks and slips will be completed last. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-64-4

The comment states opposition to any channel narrowing and expresses safety concerns. Please see Common Responses 1 and 2.

Response P-64-5

The comment states opposition to eliminating the 3 ft overhang currently allowed. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-64-6

The comment requests that no land or dock area be eliminated from the shipyard. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-64-7

The comment is concerned that County officials have intimidated members of the public from speaking in opposition to the project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

APRIL SALEM AND FAMILY

LETTER CODE: P-65

DATE: November 21, 2011

Response P-65-1

The comment is introductory and states opposition to the proposed project. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-65-2

The comment states that the Dana Point Harbor is a safe entry for a small craft during storms, and the focus of the Harbor should remain a Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-65-3

The comment states that the Harbor is lucky to have nonnative birds year round. The comment is an observation and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-65-4

The comment states that adding more slips near Baby Beach will increase the noise. Overall, the number of slips will be reduced under the proposed project, and no additional noise impacts due to the reconfiguration of slips is anticipated. Noise impacts were thoroughly addressed in Section 4.6 of the Draft SEIR.

Response P-65-5

The commenter is opposed to the slip configuration because it would result in more gates within the Harbor, which would create additional noise. The comment does not specifically question the treatment of any issues in the Draft SEIR; however, noise impacts were thoroughly addressed in Section 4.6 of the Draft SEIR. Additionally, this comment will be forwarded to the decision makers for their consideration.

Response P-65-6

The commenter is opposed to narrowing the channel. A Boater Traffic Study was completed and summarized in the Draft SEIR. The study determined that no significant impacts would result from

the proposed channel narrowing. However, this comment will be forwarded to the decision makers for their consideration.

Response P-65-7

The comment states opposition to the planned dock changes for the Sea Scout slips and expresses concerns that their boats will not be accommodated. Please see Common Responses 3 and 4.

Response P-65-8

The comment states that parking was removed without a vote and given to kayak racks and vessels. Please see Common Response 5.

Response P-65-9

The comment expresses concerns that an increase in boats with larger engines would increase pollution. Please see Common Response 2.

Response P-65-10

The comment lists the commenter's fears for the future of the Harbor and views on the project, but does not raise any environmental issues under CEQA or their treatment in the EIR. This comment will be forwarded to the decision makers for their consideration.

CHOC – KRISTIN M HAWKING, MSW

LETTER CODE: P-66

DATE: November 21, 2011

Response P-66-1

The comment is introductory and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-66-2

The commenter is concerned that the project will bring powerboats closer to the designed area for recreational activities. Please see Common Response 2.

STAND UP PADDLE ALLIANCE – MIKE MUIR

LETTER CODE: P-67

DATE: November 21, 2011

Response P-67-1

The comment is introductory and provides information about the Stand Up Paddle Alliance organization. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-67-2

The comment states opposition to the project and expresses concerns that the encroachment of the new docks into the educational basin would impede access for human-powered watercraft. Please see Common Response 3.

Response P-67-3

The comment states that the proposed project would create a safety hazard within the channel. Please see Common Responses 1 and 2.

Response P-67-4

The comment states that the Draft SEIR did not adequately research the impacts of the docks on the ecosystems and tidal flow. Impacts of the proposed project on the surrounding biology were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-67-5

The comment states that the limited access and impacts to ecosystems will impact the education opportunities. Please see Common Response 4 and Response to Comment P-67-4.

SAVE BABY BEACH COALITION

LETTER CODE: P-68

DATE: November 21, 2011

Response P-68-1

The comment is introductory and introduces the purpose of the Save Baby Beach Coalition (Coalition) in providing comments on the Draft SEIR. The Coalition expresses its opposition to construction of the proposed OC Sailing and Events Center docks and the public participation process. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-68-2

The comment states that the proposed OC Sailing and Events Center docks are in conflict with the California Coastal Act and will impact sensitive coastal resources, recreational opportunities, and public access to the sea. Please see Common Responses 1, 3, and 4.

Response P-68-3

The comment states that the proposed project will decrease water quality within the basin. Please see Response to Comment P-21-3.

Response P-68-4

The comment states that the proposed project will substantially degrade the Basin's habitat. Impacts of the proposed project on the surrounding biology were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comment S-5-4.

Response P-68-5

The comment states that the proposed project will require the public to relocate to other areas due to access and congestion concerns. Please see Common Responses 1 and 3.

Response P-68-6

The comment states that the proposed project will substantially reduce the scenic value and views of the ocean. Please see Response to Comment P-29-7.

Response P-68-7

The comment states that the proposed project will negatively impact parking. The comment further summarizes the previous comments. Please see Common Response 5.

Response P-68-8

The comment states that the Draft SEIR piecemeals the project and fails to provide adequate cumulative analysis. Please refer to Response P-55-2

Response P-68-9

The comment states that a longer extension for the public review period for the Draft SEIR was requested to be made to January 1, 2012, but that the County extended it by only 15 days. CEQA mandates that a review period of 45 days be provided for a Draft SEIR. However, in response to stakeholder requests, OC Dana Point Harbor extended the Draft SEIR review period from 45 days to 62 days, with the review ending on November 21, 2011.

Response P-68-10

The comment states that the County acted to discourage public comment and that the public was not involved in the process. As stated above in Response to Comment P-68-1, CEQA mandates that a review period of 45 days be provided for a Draft SEIR. However, in response to stakeholder requests, OC Dana Point Harbor extended the Draft SEIR review period from 45 days to 62 days. CEQA does not require a longer review period, and no unusual circumstances occurred that would require a longer review period. OC Dana Point Harbor was responsive to the request to extend the public review period based solely on stakeholders' requests. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-68-11

The comment states that the Draft SEIR's analysis does not include the environmental and construction history of Dana Point Harbor in order to assess the project's cumulative impact. In accordance with CEQA, the baseline for analysis of project impacts is generally considered to be the condition of the project site at the time the Notice of Preparation (NOP) is filed. As stated in the CEQA Guidelines Section 15125, "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." The Draft SEIR was developed based on baseline conditions at the time the Revised NOP was prepared (December 2009). In addition, the baseline conditions for each environmental topic were fully described in the Existing Setting section in Chapters 4.1 through 4.11 of the Draft SEIR.

Response P-68-12

The comment states that the Draft SEIR does not provide adequate analysis of impacts to the public's access to water-oriented uses at Baby Beach and that existing uses within and adjacent to the site will be disrupted. The proposed OC Sailing and Events Center docks are consistent with the marine and recreational uses within the Harbor and will not divide any existing uses. Additionally, the proposed docks, if constructed, will not reduce the size of the sandy beach or change access to the beach or waterfront. The proposed project is consistent with the California Coastal Act, which protects the public's access to coastal areas. The proposed project will not interfere with the public's right of access to the sea and will not interfere with or modify the public's right of access to the Dana Point Harbor facilities. Also, please see Common Response 3.

Response P-68-13

The comment states that the impacts of the project alternatives are not adequately evaluated. The comment further proposes to work with the County to identify a more compliant alternative. CEQA requires that an EIR or SEIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. See Response to Comment P-22-1.

Response P-68-14

The comment states that the Draft SEIR fails to describe the full and long-term construction impacts. The comment raises concerns related to long-term noise, safety, parking, water pollution, habitat, and public access. Formulation of mitigation measures should not be deferred until some future time. (Guidelines, § 15126.4(a)(1)(B). An EIR/SEIR is inadequate if the success or failure of mitigation efforts depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR/SEIR. However, lead agencies have been permitted to defer the formulation of specific mitigation measures after the lead agency (1) undertook a complete analysis of the significance of the environmental impact, (2) proposed potential mitigation measures early in the planning process, and (3) articulated specific performance criteria that would ensure that adequate mitigation measures were eventually implemented. The Draft SEIR did meet the above criteria as there was a complete analysis of potential environmental impacts and all mitigation measures include specific performance criteria as to who, when and how the measures shall be implemented. Also, please see Response to Comment P-21-3.

Response P-68-15

The comment states that the impacts to the aquatic environment are not accurately reported. Impacts of the proposed project on the surrounding biology were thoroughly addressed in Section 4.7 of the Draft SEIR. Also, please see Response to Comment S-5-4. The comment presents no report or other evidence to support the statements made and there is no specific reference to any specifically identified alleged deficiencies in the analysis.

Response P-68-16

The comment states that impacts to current and future traffic and parking issues are not properly analyzed. In accordance with the requirements contained in the Dana Point Harbor Revitalization Plan and District Regulations, Implementation Plan Chapter II-14, Off-Street Parking Standards and Regulations (Section 14.2h) certified by the California Coastal Commission, "The location and amount of new development adjacent to park and beach areas shall not adversely impact public use of the low cost water oriented recreation, park and beach uses by ensuring that adequate parking spaces are maintained for these uses. Accordingly, all Coastal Development Permits for new development in Planning Areas 1, 4 and 5 shall demonstrate that the intensity of the proposed development and the proposed hours of operation will not adversely impact public use of the beach or park area within the Planning Area." In addition, the Draft SEIR included an analysis potential parking impacts on pages 4.4-14 and 4.4-15 in Section 4.4, Transportation. Mitigation Measures 4.4-2 and 4.4-3 include provisions to ensure that potential parking impacts are reduced to a less than significant level. Also, please see Common Response 5.

Response P-68-17

The comment raises concerns related to access and congestion in the areas of Baby Beach. Please see Common Responses 1 and 3.

Response P-68-18

The comment states that the Boater Traffic Study is outdated and lacks key data. The Dana Point Harbor Boat Traffic Study (Moffat and Nichol, November 2007) was prepared to analyze boat traffic conditions in the inner channel under existing conditions and with the proposed renovation configuration. The study analyzed historical boat traffic data from similar Marinas and conducted observations of boat traffic on a summer Saturday in the Harbor. The layout of docks, number of slips and boater conditions within the Harbor has not changed since the Boat Traffic Study was conducted, and therefore the study is considered to still be accurate for purposes of discussing the boat traffic conditions.

Response P-68-19

The comment states concerns related to OC Dana Point Harbor's relocation of the swim buoys at Baby Beach over the years. The swim buoys are removed periodically for certain events held in the area, such as the Mongoose Cup stand up paddleboard event, but the concrete anchors for the buoys are left in place. In 2008/2009 the actual buoy anchors were removed for harbor dredging activities. A review of historic aerial photos shows that the current location of the swim buoys is very consistent with the location of the buoys in the 1980's and 1990's. An aerial photo from 2003 shows the buoy location slightly more to the east and closer to the OC SEC docks. Any shift that may have occurred in the buoy anchor location as a result of the 2008/2009 dredging did not relate to "pending new construction" as questioned by the commenter. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-68-20

The comment states that the proposed project would degrade the cultural resources and public use experience at Baby Beach and states that Baby Beach is historically significant. As stated in the Draft SEIR, the Program EIR completed for the Dana Point Harbor Revitalization Project (FEIR No 591) concluded that based on results of the records searches, contact with the State of California's Native American Heritage Commission, and field reconnaissance completed by Chambers Group, no archaeological and/or historical resources were located within the Project area. Therefore, this issue was not evaluated further in the Draft SEIR.

The public use experience at Baby Beach, and the commenter's observation that Baby Beach is an important cultural resource, are personal opinions and do not specifically question the treatment of any issue in the Draft SEIR. Baby Beach does not meet the standards for cultural or historical resources, as defined in CEQA Guidelines Section 15064.5. In order for a site to be historically significant it must meet one of the criteria listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) A) including the following: A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history. Additionally, the proposed Marina Improvement Project would not result in a substantial adverse change in the significance of any historical resource since it would not materially impair the significance of any cultural or historic resource.

Response P-68-21

The comment states that the Draft SEIR fails to fully analyze the impacts to biological life and does not accurately document the present habitat that exists in the educational Basin. Impacts of the proposed project on the marine biological environment were thoroughly addressed in Section 4.7 of the Draft SEIR. Also, please see Response to Comment S-5-4.

Response P-68-22

The comment disagrees with the Draft SEIR's conclusion that the project will result in approximately 33,000 square feet (sf) of increased foraging habitat; the comment requests recalculating the true amount of habitat area that will become available. As stated on page 4.7-28 of the Draft SEIR, the net amount of dock surface areas and pile surface areas throughout the Harbor is expected to decrease by approximately 32,990 sf due to reconfiguration of the dock systems. This is due to the design including double-wide slips and overall fewer slips than currently exist. The calculations were made based on the existing square footage of the docks as compared to the square footage contained in the conceptual design plans. This decrease in dock surface area will result in a long-term, beneficial impact to open water habitat. This will increase waterbird (and endangered species) and seabird foraging habitat and reduce shading effects on Harbor waters.

Response P-68-23

The comment states that the previous biological surveys were flawed because they were conducted at a time when the Harbor was experiencing a harsh environment due to higher water pollution levels and siltation events. Project-specific eelgrass surveys were conducted in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP, National Marine Fisheries Service 1991, as amended). Eelgrass surveys were conducted during February/March of 2007 and in October/November of 2007. Further, in June of 2010, the earlier Dana Point Harbor marine biological surveys in the vicinity of Baby Beach and the Sailing Center Docks along the eastern one-third of Baby Beach were updated. Therefore, the eelgrass surveys were conducted over several different time periods and represent an accurate condition of the marine biology in the Harbor. In addition, pre- and post-dock construction eelgrass surveys will be required per the provisions of the SCEMP. Based upon these surveys, a determination will be made if mitigation is required, and a mitigation plan to offset eelgrass habitat losses will be developed if eelgrass losses occur. Please see Response to Comment S-5-4.

Response P-68-24

The comment states that the dock design results in safety and emergency vehicle hazards in the event of an emergency on the proposed OC Sailing and Events Center docks. This comment is an opinion and does not specifically question the treatment of any issue in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-68-25

The comment states that safety issues related to tsunamis should be further addressed. As stated on page 4.4-17 of the Draft SEIR, a tsunami or seiche could cause damage to the Marina facilities and boats docked at the Harbor. However, the Marina Improvement Project would not change these existing conditions, and there is an established warning system in place that would provide early notification of an advancing tsunami that would allow for evacuation. Additionally, there would not be a substantial change from existing conditions with regard to Marina facilities and the number of boats docked at the Harbor. Therefore, potential impacts to public safety due to inundation by a tsunami or seiche were determined to be less than significant.

Response P-68-26

The comment states that an accident or failure of the proposed pump-out station near Baby Beach would have a water quality and public health impact. Pump-outs are necessary to prevent sewage spills and encourage improved water quality in the Harbor. Pump-outs exist in the Harbor today. In fact, there is an existing pump-out in the OC Sailing and Events Center /Baby Beach area, which is located at the end of the guest docks. The proposed pump-out will replace this existing pump-out in the same general area, located about 150 feet to the west of this existing location, as shown on Figure 3.11 on page 3-30 of the Draft SEIR. Pump-outs are self-contained collection systems and are necessary to prevent sewage spills and encourage improved water quality in the Harbor. The availability and use of pump-out stations should improve water quality in the Harbor overall, including the Baby Beach area. Please see Common Response 2.

Response P-68-27

The comment states that the proposed OC Sailing and Events Center docks will change tidal and runoff flows and will impact water quality in the basin during storm events. The comment is an opinion and does not include any specifics or evidence to support the views expressed. The Draft SEIR included a complete analysis of runoff and water quality impacts in Section 4.3, Hydrology and Water Quality. As stated on page 4.3-17 of the Draft SEIR, "...the docks are not considered an impervious area, as typically defined, because of the gaps in the docks that are over open marina waters. Therefore, the project would not increase storm water flows into the West and East Marinas since there is no increase in the impervious area or capacity of the marina. Because the proposed project is not increasing the capacity of the marina or adding a new use to the Harbor, there will be no increase in pollutants generated on site above existing conditions. As a result, the drainage pattern, runoff volumes, and pollutants from on and off the site would remain essentially the same as in the existing condition." Also, please see Response to Comment P-21-3.

Response P-68-28

The comment states that the Draft SEIR omitted a visual impact analysis and lighting analysis of the proposed docks. Aesthetic and visual resources, including lighting, were thoroughly addressed in Section 4.8 of the Draft SEIR. Also, please see Response to Comment P-29-7.

Response P-68-29

The comment requests that buoys marking the location of the proposed OC Sailing and Events Center docks be installed to allow the public to better understand what visual impacts may occur. Aesthetic and visual resources, including lighting, were thoroughly addressed in Section 4.8 of the Draft SEIR. Also, please see Response to Comment P-29-7.

Response P-68-30

The comment states that the proposed OC Sailing and Events Center docks will restrict the public's access to recreational uses in the Basin and will result in health impacts. The comment does not identify any project-specific impacts as addressed in the Draft EIR and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. The comment raises social issues, which are outside of the scope of CEQA. This comment will be forwarded to the decision makers for their consideration. Please refer to Response to Comment P-19-4 and Common Response 3.

Response P-68-31

The comment states that the proposed project will limit access and result in negative economic impacts to businesses. This comment raises economic and social issues, both of which are outside of the scope of CEQA, and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration. Please see Common Response 3 and Response to Comments P-3-4 and P-19-4.

Response P-68-32

The comment is a summary and conclusion to the letter, restating the concerns regarding the perceived piecemealing of the project and consideration of alternatives as outlined in the previous comments. See Response to Comments P-22-1 and P-55-2.

Response P-68-33

The comment is an attachment to the comment letter and contains an example of the Save Baby Beach Petition Letter that was circulated and signed by the Coalition members. This letter was submitted by individuals separately and responded to several times within this document. This comment will be forwarded to the decision makers for their consideration.

Response P-68-34

The comment is an attachment containing a list of signatures from the Save Baby Beach Petition. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This attachment will be forwarded to the decision makers for their consideration.

Response P-68-35

The comment is an attachment containing a list of additional comments made by individuals on the Save Baby Beach Petition Letter. These comments are addressed individually within this document. This attachment will be forwarded to the decision makers for their consideration.

LORI J VAN HOVE

LETTER CODE: P-69

DATE: November 21, 2011

Response P-69-1

The comment is introductory and states that the commenter has concerns regarding the project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-69-2

The comment states that the project will further impact parking issues at the Harbor. Please see Common Response 5.

Response P-69-3

The comment states that eliminating the 3 ft overhang rule will force boaters into more expensive slips. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-69-4

The comment states that the proposed project represents the interests of businesses over boaters. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

ALLEANNA CLARK

LETTER CODE: P-70

DATE: November 21, 2011

Response P-70-1

The comment describes the commenter's personal familiarity with, and experiences in, Dana Point Harbor and expresses concerns related to water quality and congestion resulting from the proposed OC Sailing and Events Center docks. Please see Common Response 1 and Response to Comment P-21-3.

JOHN CLARK

LETTER CODE: P-71

DATE: November 21, 2011

Response P-71-1

The comment is introductory and expresses concerns regarding the proposed project. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-71-2

The comment states that the proposed OC Sailing and Events Center docks will reduce safe access for recreational activities. See Common Responses 1 and 3.

Response P-71-3

The comment states that the proposed OC Sailing and Events Center docks will increase pollution in a swimming area. Please see Common Response 2.

Response P-71-4

The comment states that the proposed OC Sailing and Events Center docks will limit the amount of parking for public access. Please see Common Response 5.

Response P-71-5

The comment states that the proposed OC Sailing and Events Center docks will impact biological life in the Harbor. Impacts of the proposed project on the surrounding biology were thoroughly addressed in Section 4.7 of the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-71-6

The comment also describes the commenter's personal familiarity with, and experiences in, Dana Point Harbor and raises issues related to congestion and safety. Please see Common Responses 1, 2, and 3.

Response P-71-7

The comment states that additional parking will be needed due to the proposed OC Sailing and Events Center docks. The proposed Waterside Improvement Project reduces the overall number of boat slips in the Harbor. Please see Common Response 5.

Response P-71-8

The comment states that the project will impact eelgrass and water quality. Impacts of the proposed project on the surrounding biology were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments P-21-3 and S-5-4.

Response P-71-9

The comment is a conclusion to the letter and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

TOM NULTY, JR.

LETTER CODE: P-72

DATE: November 21, 2011

Response P-72-1

The comment states that the proposed project is a plan to reduce the number of smaller affordable slips and did not present enough reconfigurations. The comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-72-2

The comment proposes an alternative to the project where the slips would be rebuilt as they are now (including no channel encroachment, realignment elimination of 50 ft slips, or loss of parking) and should be constructed immediately. See Response to Comment P-22-1 regarding the consideration of alternatives.

Response P-72-3

The comment states that there are areas of inconsistency with baseline numbers and a lack of transparency with regard to fiscal accountability. This comment raises economic issues, which are outside of the scope of CEQA. See Response to Comment P-19-4. See also Response to Comment P-68-11 regarding baseline conditions.

SHIRLEY ZANTON

LETTER CODE: P-73

DATE: November 21, 2011

Response P-73-1

The comment is introductory and describes the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-73-2

The comment expresses concerns regarding safety with motorized vessels near Baby Beach due to the proposed OC Sailing and Events Center docks. Please see Common Response 2.

Response P-73-3

The comment expresses safety concerns related to launching and docking by students in the OC Sailing and Events Center programs, as well as impacts public access for educational purposes. Please see Common Responses 1, 3 and 4.

Response P-73-4

The comment is a conclusion to the letter and does not raise any environmental issues under CEQA or their treatment in the Draft SEIR. This comment will be forwarded to the decision makers for their consideration.

WILLIAM J KINDEL

LETTER CODE: P-74

DATE: November 21, 2011

Response P-74-1

The comment states that the Boat Traffic Study (2007) does not account for the growth in human-powered watercraft use in the Harbor and their launching at Baby Beach. The Boat Traffic Study was conducted to assess the impacts related to narrowing the inner channels and was not intended to address the launching of human-powered watercraft at Baby Beach. See Response to Comment P-68-18. See also Common Response 1.

Response P-74-2

The comment states an opinion related to the narrowing of the channels, but does not question the specific treatment of environmental issues in the SEIR. The Dana Point Harbor Boat Traffic Study (Moffat and Nichol, November 2007) was prepared to analyze boat traffic conditions in the inner channel under existing conditions and with the proposed renovation configuration. See Response to Comment P-68-18.

Response P-74-3

The comment states that the encroachment into Baby Beach is the opposite of what should be done. The comment is an opinion and does not question the specific treatment of environmental issues in the SEIR. See Common Response 3 for access issues related to Baby Beach. This comment will be forwarded to the decision makers for their consideration.

Response P-74-4

The comment states that the addition of a pump-out station near Baby Beach is a potential liability. Please see Common Response 2.

Response P-74-5

The comment states that the Boat traffic Study did not adequately address human-powered watercraft. Please see Response to Comment P-74-1.

Response P-74-6

The comment is a conclusion to the letter stating opposition to the project and does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

MICKEY AND PEGGY MUNOZ

LETTER CODE: P-75

DATE: November 21, 2011

Response P-75-1

The comment is introductory and describes the commenter's personal familiarity with Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-75-2

The comment states that the proposed OC Sailing and Events Center docks will take up to 20 percent of the Baby Beach cove. Please see Common Response 3.

Response P-75-3

The comment expresses concerns related to congestion in the Baby Beach area. Please see Common Response 1.

Response P-75-4

The comment states that the project will limit parking available to the public. Please see Common Response 5.

Response P-75-5

The comment states that access to the water will be reduced under the proposed project. Please see Common Response 3.

TOM JONES

LETTER CODE: P-76

DATE: November 21, 2011

Response P-76-1

The comment states opposition to the proposed OC Sailing and Events Center docks. This comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

DAN AND CAROL PELKEY

LETTER CODE: P-77

DATE: November 22, 2011

Response P-77-1

The comment describes the commenter's personal familiarity with Dana Point Harbor and asks that no changes be made to Baby Beach. The comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

SUPLOVE – DEB JOHNSTON

LETTER CODE: P-78

DATE: November 22, 2011

Response P-78-1

The comment states opposition to the proposed OC Sailing and Events Center docks and describes the commenter's personal familiarity with Dana Point Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-78-2

The comment expresses concerns related to congestion and access resulting from the proposed OC Sailing and Events Center docks. Please see Common Responses 1 and 3.

Response P-78-3

The comment expresses concerns related to introducing power boats into the area and placing a pump-out station near Baby Beach. Please see Common Response 2.

Response P-78-4

The comment restates concerns related to public access and asks that the plans for the OC Sailing and Events Center docks be eliminated. Please see Common Response 3. This comment will be forwarded to the decision makers for their consideration.

ED AND ELAINE RAUTERKUS

LETTER CODE: P-79

DATE: November 21, 2011

Response P-79-1

The comment questions why such large expensive changes need to be made at the Harbor. The comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

RYAN AND LAUREN HARRINGTON

LETTER CODE: P-80

DATE: November 21, 2011

Response P-80-1

The comment is introductory and describes the commenter's personal familiarity with and experiences in Dana Point Harbor. This comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

Response P-80-2

The comment expresses concerns regarding safety due to congestion, shoaling areas, public access, channel encroachment, and impacts to educational programs. Please see Common Responses 1, 2, 3 and 4.

Response P-80-3

The comment states that the proposed plan will disrupt the existing eelgrass and fragile marine ecosystem in the basin. Impacts of the proposed project on the surrounding marine biological resources, including eelgrass, were thoroughly addressed in Section 4.7 of the Draft SEIR. Please see Response to Comments S-5-4 and P-21-3.

Response P-80-4

The comment expresses safety concerns related to launching and docking by students in the OC Sailing and Events Center programs. Please see Common Responses 1 and 4.

Response P-80-5

The comment states that motorboats docked in front of Baby Beach and the proposed pump-out station will increase pollution near the bathers. Please see Common Response 2.

Response P-80-6

The comment states that the presence of the large dock with big boats as a result of the project will change the visual character of the area and it will become aesthetically undesirable. Please see Response to Comment P-29-7.

Response P-80-7

The comment states that the addition of motor boats will increase safety concerns for non-motorboat users launching at Baby Beach. Please refer to Common Responses 1 and 2.

Response P-80-8

The comment restates concerns stated in the above comments and asks that other options be considered. This comment does not raise any environmental issues under CEQA or their treatment in the SEIR. This comment will be forwarded to the decision makers for their consideration.

SURFERS ENVIRONMENTAL ALLIANCE

LETTER CODE: P-81

DATE: December 11, 2011

Response P-81-1

The comment states that the Surfer's Environmental Alliance opposes any new development or docks adjacent to the Baby Beach area due to potential safety and congestion issues. Please see Common Responses 1 and 2. This comment will be forwarded to the decision makers for their consideration.

EIR ERRATA

INTRODUCTION

Any corrections to the Draft Subsequent Environmental Impact Report (SEIR) text and figures generated either from responses to comments or independently by OC Dana Point Harbor, are stated in this section of the Final SEIR. The Draft SEIR text and figures have not been modified to reflect these SEIR modifications.

These SEIR errata are provided to clarify, refine, and provide supplemental information for the Dana Point Harbor Marina Improvement Project Draft SEIR. Changes may be corrections or clarifications to the text and figures of the original Draft SEIR. Other changes to the SEIR clarify the analysis in the SEIR based upon the information and concerns raised by commenters during the public review period. None of the information contained in these SEIR modifications constitutes significant new information or changes to the analysis or conclusions of the Draft SEIR.

The information included in this SEIR errata that resulted from the public comment process does not constitute substantial new information that requires recirculation of the Draft SEIR. The California Environmental Quality Act (CEQA) Guidelines, Section 15088.5, states in part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the Draft EIR included in these EIR modifications do not constitute “significant” new information because:

- No new significant environmental impact would result from the project or from a new mitigation measure;
- There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
- No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
- The Draft EIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the Draft SEIR is not required because the new information added to the Draft SEIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate Draft SEIR.

For simplicity, the Draft SEIR modifications contained in the following pages are in the same order as the information appears in the Draft SEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by underlining (underline) where text has been added. The applicable page numbers from the Draft SEIR are also provided where necessary for easy reference.

PAGE 4.3-1 OF THE DRAFT SEIR

The text on page 4.3-1 in Section 4.3, Hydrology and Water Quality, of the Draft SEIR was revised to provide clarification. This change to the Draft SEIR does not result in a significant impact and has no material effect on the findings of the SEIR.

Project Location

Dana Point Harbor (Harbor), located within the City of Dana Point (City), is within the Dana Point hydrologic sub-area (HSA) (901.14) of the San Juan hydrologic unit (901), within the San Diego Basin. The Marina Improvement Project lies within the San Juan Creek Watershed (Watershed), which ultimately drains to the Pacific Ocean. More specifically, the Marina Improvement Project lies within the Dana Point Coastal Streams Watershed, a subwatershed of the San Juan Creek Watershed. The Dana Point Coastal Streams receiving water for the project site is the Harbor.

~~San Juan Creek Watershed~~

~~The San Juan Creek Watershed covers 133.9 square miles and includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano. Its main tributary, San Juan Creek, originates in the Santa Ana Mountains district of the Cleveland National Forest in the easternmost part of Orange County.¹ A number of coastal drains discharge to the Pacific Ocean through Dana Point Harbor. San Juan Creek and its main tributaries, Arroyo Trabuco Creek and Oso Creek, flow into the Pacific Ocean, south of the Harbor. Salt Creek and its tributaries Arroyo Salado Creek and San Juan Canyon Creek discharge to Salt Creek Beach, north of Dana Point Harbor.~~

Dana Point Coastal Streams Watershed

The Dana Point Coastal Streams Watershed is located in southern Orange County, approximately 50 miles south of Los Angeles and 65 miles north of San Diego. The main tributary of the Dana Point Coastal Streams watershed is Salt Creek, which ultimately drains into the Pacific Ocean. The 6-square-mile watershed is almost fully developed and includes portions of the Cities of Dana Point and Laguna Niguel, and a very small area of San Juan Capistrano that does not drain into this watershed. Remaining undeveloped areas include open space within the Aliso and Wood Canyons Regional Park in the upper watershed and the Salt Creek Corridor Regional Park in the eastern part of the watershed. A few small, unnamed drainages and larger tributaries (Arroyo Salado Creek and San Juan Canyon Creek) join Salt Creek as it makes its way through the watershed. Also included in the Watershed are a number of coastal drains that discharge to the Pacific Ocean through Dana Point Harbor.²

² Orange County Watershed and Coastal Resources Division Web site, <http://www.ocwatersheds.com//.asp>, accessed April 20, 2007.

² OC Watersheds, Dana Point Coastal Streams, <http://www.ocwatersheds.com/DanaPointCoastalStreams.aspx>, Accessed 11/29/11.

PAGE 4.3-3 OF THE DRAFT SEIR

The text on page 4.3-3 in Section 4.3, Hydrology and Water Quality, of the Draft SEIR was revised to provide clarification. This change to the Draft SEIR does not result in a significant impact and has no material effect on the findings of the SEIR.

The West Marina receives runoff from five storm water pipes. There are two 18 in pipes that discharge runoff from areas adjacent to the Ocean Institute dock and Ensenada Place. The 51 in El Encanto Storm Drain discharges runoff from a storm drain network that extends beyond the Harbor. A small 15 in pipe discharges runoff from Dana Point Harbor Drive, west of Island Way, and a 24 in pipe discharges drainage from the Baby Beach ~~West~~ East Storm Drain.

The existing Harbor storm water pipe system and drainage areas are summarized in Table 4.3.A.

Table 4.3.A: Existing Storm Drain Facilities

Pipe Location	Drainage Area (DA)	Pipe Size (inches)	Watershed (Drainage) Area (acres)
East Marina			
Boat Launch Ramp	1	18	10.4
Golden Lantern Storm Drain	2	60	247
East of Island Way	3	18	10.7
West Marina			
West of Island Way, Dana Point Harbor Drive	4	15	5.3
El Encanto Storm Drain	5	51	195
Ocean Institute dock	6	18	4.63
Baby Beach West <u>East</u> Storm Drain	7	24	34.1
Ensenada Place	8	18	14.7

Source: Dana Point Revitalization Project FEIR No. 591

PAGE 4.3-7 OF THE DRAFT SEIR

The text beginning on page 4.3-7 in Section 4.3, Hydrology and Water Quality, of the Draft SEIR is expanded with the following information to provide clarification. This change to the Draft SEIR does not result in a significant impact and has no material effect on the findings of the SEIR.

The State Water Board approved the 2010 Integrated Report on August 4, 2010. The 2010 Integrated Report includes changes to the 2006 Clean Water Act Section 303(d) list of impaired water bodies and Clean Water Act Section 305(b) report on the quality of waters in California. On November 12, 2010, the United States Environmental Protection Agency (EPA) approved the inclusion of all waters to California's 2008-2010 Section 303(d) list of impaired waters requiring TMDLs and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. The EPA did not include any additional waters in San Diego Region 9. The EPA is providing the public an opportunity to review its decision to add waters and pollutants to California's 2008-2010 Section 303(d) list.

On August 4, 2010, the State Water Board approved the 303(d) list portion of the 2010 Integrated Report. The 2010 Integrated Report includes changes to the 2006 Clean Water Act Section 303(d) list of impaired water bodies and Clean Water Act Section 305(b) report on the quality of waters in California. The 2010 Integrated Report and supporting documents were submitted to the United States Environmental Protection Agency (EPA) for final approval on October 11, 2010. On November 12, 2010, the EPA approved the inclusion of all waters to California's 2010 303(d) list of impaired waters requiring TMDLs and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. The EPA provided public notice and the opportunity for public comment on the proposed additions, which ended December 23, 2010. On October 11, 2011, the EPA issued its final decision regarding the water bodies and pollutants the EPA added to California's 2010 303(d) list.

According to the EPA-approved 2010 303(d) list of impaired waters, Dana Point Harbor is impaired for copper toxicity and zinc. Further, EPA delisted indicator bacteria for Baby Beach from the 303(d) list.

~~According to the EPA State Water Board approved 2010 Integrated Report, Dana Point Harbor is impaired for copper, toxicity, and zinc. The Pacific Ocean shoreline at Baby Beach is impaired for enterococcus and total coliform (both are pathogens). Table 4.3.B summarizes the receiving waters and their classifications by RWQCB Region 9.~~

Table 4.3.B: 303(d) Impairments of Downstream Water Bodies

Receiving Water	Hydrologic Unit Code	303(d) Impairment	Size Affected
Dana Point Harbor — Bay and Harbor	901.14	Copper Toxicity Zinc	119 acres
Pacific Ocean Shoreline— Dana Point HSA, at Dana Point Harbor at Baby Beach	901.14	Enterococcus Total Coliform	— miles

Source: California's 2010 Integrated Report, approved by the United States Environmental Protection Agency on November 12, 2010.
HSA — hydrologic subarea

There are no TMDLs currently approved for Dana Point Harbor that could regulate contributions of surface runoff into impaired water bodies; TMDLs for Baby Beach and Dana Point Harbor are pending. There are no existing target design constituents in the San Juan hydrologic unit.

On June 11, 2008, the Regional Water Quality Control Board, San Diego Region, adopted a Basin Plan amendment to incorporate the TMDLs for Indicator Bacteria developed for Baby Beach in Dana Point Harbor and Shelter Island Shoreline Park in San Diego Bay. The TMDL Basin Plan amendment was subsequently approved by the State Water Resources Control Board on June 16, 2009, and the Office of Administrative Law (OAL) on September 15, 2009. The EPA granted final approval on October 26, 2009.

In order to ensure that the TMDL requirements are met and as required under state law, an Implementation Plan was developed and describes the regulatory and/or enforcement actions that the San Diego Water Board can take to reduce pollutant loading and monitor effluent and/or receiving water. The TMDLs will be implemented primarily by reissuing or revising the existing NPDES requirements for municipal separate storm sewer systems (MS4s) discharges to include Water Quality Based Effluent Limitations (WQBELs) that are consistent with the assumptions and requirements of the bacteria wasteload allocations (WLAs) for MS4 discharges. The USEPA expects that most WQBELs for NPDES-regulated municipal discharges will be in the form of BMPs.

ATTACHMENT A
CODED COMMENT LETTERS

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-6390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



September 29, 2011

Mr. Brad Gross, Director

County of Orange – OC Dana Point Harbor

24650 Dana Point Harbor Drive
Dana Point, CA 92629

Re: SCH#2003101142; CEQA Notice of Completion; Subsequent draft Environmental Impact Report (SEIR) for the "Dana Point Harbor Marina Improvement Project," located in the southwest portion of the City of Dana Point, Orange County, California.

Dear Mr. Gross:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the proposed project.

S-1-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** in the areas (APEs) you specified. The absence of archaeological resources does not preclude their existence.

S-1-2

S-1-3

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

S-1-4

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

S-1-5

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

S-1-5

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

S-1-6

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

S-1-7

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

S-1-8

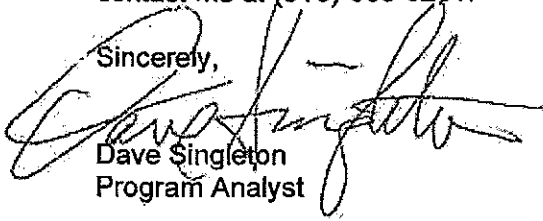
To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

S-1-9

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

↑
S-1-9

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Orange County
September 29, 2011

S-1

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
(714) 323-8312

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed sCH#2003101142; CEQA Notice of Completion; Subsequent draft Environmental Impact Report (SEIR) for the Dana Point Harbor Marina Improvement Project; located in the City of Dana Point; Orange County, California.

DEPARTMENT OF TRANSPORTATION

District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592



Flex your power!
Be energy efficient!

November 3, 2011

Brad Gross
County of Orange
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, California 92629

File: IGR/CEQA
SCH#: 2003101142
Log #: 1327G
SR-1

Subject: Dana Point Harbor Marina Improvement Project

Dear Mr. Gross,

Thank you for the opportunity to review and comment on the **Draft Subsequent Environment Impact Report (SEIR) for the Dana Point Harbor Marina Improvement Project**. The Dana Point Harbor Marina Improvement Project will include removal of nearly all floating docks and piles; reconstruction of portions of the degraded wall; installation of new docks, guide piles (or alternate anchoring methods), gangways, security gates, dock boxes, and utilities. The project includes public access improvements to gangways and docks in compliance with the ADA guidelines, and construction of temporary docks located in the Harbor's Main Channel and along the breakwater adjacent to Doheny State Beach. The project site is located the Dana Point Harbor, in the southern portion of the City of Dana Point. The Harbor is a County of Orange facility operated by OC Dana Point Harbor. The nearest State route to the project site is Pacific Coast Highway (SR-1).

S-2-1

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. Any project work proposed in the vicinity of the Department's right-of-way would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet the Department's requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Department to meet requirements for any work within or near State right-of-way. All entities other than the Department working within the Department's right-of-way must obtain an Encroachment Permit prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, right-of-way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Caltrans Encroachment Permits Manual. The latest edition of the manual is available on the web site:

S-2-2

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

↑
S-2-2

Sincerely,

Maya Maki for,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

November 3, 2011

Mr. Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, California 92629

NOTICE OF AVAILABILITY OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE DANA POINT HARBOR MARINA IMPROVEMENT PROJECT, (SCH#2003101142), ORANGE COUNTY

Dear Mr. Gross:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Subsequent Environmental Impact Report (SEIR) for the above-mentioned project. The following project description is stated in your document: "Dana Point Harbor (Harbor) is located in Capistrano Bay on the Southern Orange County coastline approximately halfway between Los Angeles and San Diego Counties. The harbor is a County of Orange (County) facilities located within the City of Dana Point (City) and offers recreational boaters, County residents, tourists, and others a number of recreational activities, retail shopping, and dining opportunities. The harbor is bordered by the Pacific Ocean to the south; Dana 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. Land uses surrounding the Dana Point Marina Improvement Project within the Harbor boundaries include Marine Services, commercial retail, restaurants, public parking, public waterways, yacht clubs, Harbor patrol facilities, a hotel, Harbor-related public recreational areas, the Ocean Institute, and public parks. The project site is located entirely within the Coastal Zone and is under the land use planning and regulatory jurisdiction of the City (landslide areas) and the California Coastal Commission (CCC) (waterside areas)".

S-3-1

Based on the review of the submitted document DTSC has the following comments:

1. DTSC provided comments on the project re-issued Notice of Preparation (NOP) on January 27, 2010; some of those comments have been addressed in the submitted draft SEIR. Please ensure that all those comments will be addressed in the final Environmental Impact Report.
2. DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a

S-3-2

S-3-3

Mr. Brad Gross, Director
November 3, 2011
Page 2

Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

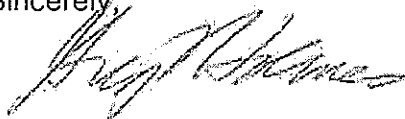
↑
S-3-3

3. Also, in future CEQA documents please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

S-3-4

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3355



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

November 7, 2011

Brad Gross
Orange County, Dana Point Harbor Dept.
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Subject: Dana Point Harbor Marina Improvement Project
SCH#: 2003101142

Dear Brad Gross:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 4, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

11-09-11P05:03 RCVD

S-4-1

S-4-2

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003101142
Project Title Dana Point Harbor Marina Improvement Project
Lead Agency Orange County

Type SIR Supplemental EIR

Description The Dana Point Harbor marina Improvement Project renovations will include removal of nearly all floating docks and piles; reconstruction of portions of the degraded quay wall; installation of new docks, guide piles (or alternate anchoring methods), gangways, security gates, dock boxes, and utilities. Additionally, new dry stack storage staging docks and dinghy docks, along with renovations to the Youth and Group docks, guest docks, Harbor Patrol docks, commercial fishing docks, and sport fishing docks are included in the proposed Project. The project includes public access improvements to gangways and docks in compliance with the ADA guidelines, and construction of temporary docks located in the Harbor's Main Channel and along the breakwater adjacent to Doheny State Beach. The total number of boat slips would result in a net loss of no more than 155 slips.

Lead Agency Contact

Name Brad Gross
Agency Orange County, Dana Point Harbor Dept.
Phone (949) 923-2236
email
Address 24650 Dana Point Harbor Drive
City Dana Point
State CA **Zip** 92629
Fax

Project Location

County Orange
City Dana Point
Region
Lat / Long 33° 27' .6" N / 117° 42' 0" W
Cross Streets Golden Lantern Street / Dana Point Harbor Drive
Parcel No. Water Area
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 1, I-5
Airports No
Railways OCTA Metrolink
Waterways San Juan Creek and Pacific Ocean
Schools Capistrano Valley Unified School District
Land Use Recreational Marinas/Dana Point Harbor Planned Community (City of Dana Point)/Harbor Marine Water (City of Dana Point)

Project Issues Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wildlife; Landuse; Cumulative Effects; Soil Erosion/Compaction/Grading; Aesthetic/Visual; Air Quality

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 09/20/2011 **Start of Review** 09/21/2011 **End of Review** 11/04/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



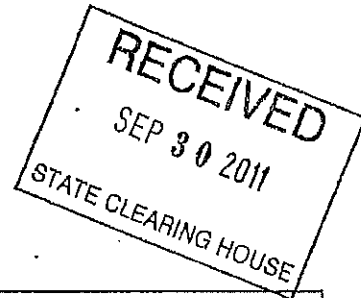
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September 29, 2011

Mr. Brad Gross, Director

County of Orange – OC Dana Point Harbor

24650 Dana Point Harbor Drive
 Dana Point, CA 92629



Re: SCH#2003101142; CEQA Notice of Completion; Subsequent draft Environmental Impact Report (SEIR) for the "Dana Point Harbor Marina Improvement Project;" located in the southwest portion of the City of Dana Point; Orange County, California.

Dear Mr. Gross:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified in the areas (APEs) you specified.** The absence of archaeological resources does not preclude their existence.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

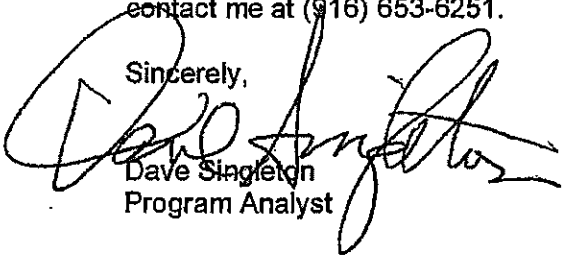
Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the typed name and title.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Nov-21-11 05:07pm From-California Coastal

+5625905084

T-483 P.001/003 F-521

EDMLIND G. BROWN, JR., GOVERNOR

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



FAX TRANSMITTAL FORM

Date: 11/21/11

No. of Pages (Including Cover): _____

Fax Number: (949) 923-3792

TO: <u>BRYAN GROSS</u>	FAX Number: <u>562-590-5084</u>
Subject: <u>SEIR (SCH# 2003101142)</u>	

Comments:

FROM: FEHIE SY

- | | |
|--|---|
| <input type="checkbox"/> Urgent/Hand Carry | <input type="checkbox"/> Per Your Request |
| <input type="checkbox"/> Confidential | <input type="checkbox"/> Please Comment |
| <input type="checkbox"/> Information | <input type="checkbox"/> Original Will Follow |

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



November 21, 2011

OC Dana Point Harbor
Attn: Brad Gross, Director
24650 Dana Point Harbor Drive
Dana Point, CA 92629

**Re: Dana Point Harbor Marina Improvement Project
Draft Subsequent Environmental Impact Report (SCH# 2003101142)**

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Marina Improvement Project. According to the Draft Subsequent Environmental Impact Report, the proposed project includes the following: replacement of waterside facilities in the West and East Basins in Dana Point Harbor, connection of dock gangways with the quay wall and bulkheads within those basins and replacement of gangways and security gates to both marina areas. Additionally, new Embarcadero/Dry Stack Storage Staging docks and dinghy docks, along with renovations to the marine services docks, OC Sailing and Events Center docks, guest slips, 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 displaced boats during project implementation, a temporary dock will be utilized located near the east breakwater next to the Harbor entrance is included in the project. Once renovations are complete, the temporary dock may be used on a permanent basis as a yacht broker dock. However, permanent use of the dock would require approval by the U.S. Army Corps of Engineers.

S-5-1

The proposed project is located within the Coastal Zone in the City of Dana Point. The entire project is located within the Coastal Commission's jurisdiction. Thus, the project must be evaluated for consistency with the Chapter 3 policies of the Coastal Act and will require a Coastal Development Permit from the Coastal Commission.

S-5-2

The following comments address the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed project raises issues related to biological resources and boating.

S-5-3

Draft Subsequent Environmental Impact Report
Dana Point Harbor Marina Improvement Project
Page 2 of 2

1. Biological Resources

The Draft Subsequent Environmental Impact Report states that eelgrass in the vicinity of the proposed OC Sailing and Event Center docks may be adversely impacted. In response, Mitigation Measure 4.7-2 has been imposed, which requires pre- and post-construction surveys and based upon these surveys, a determination will be made if impacts to eelgrass are anticipated and a mitigation plan to offset these losses will be developed. Avoidance of any adverse impacts to eelgrass should be the priority. However, if impacts to eelgrass are unavoidable, an approximation of the amount of eelgrass to be impacted should be made and a preliminary eelgrass mitigation plan developed. You should not wait until completion of the eelgrass surveys to develop a preliminary eelgrass mitigation plan.

S-5-4

2. Boating

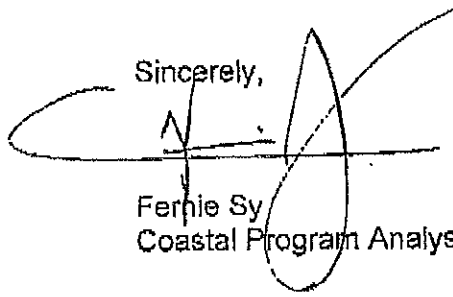
The Draft Subsequent Environmental Impact Report discusses and analyzes the proposed replacement of docks. For the Marine Services Docks, Sport Fishing Docks and OC Sailing and Events Center Docks, the document states that since these areas accommodate a varying number and size of boats on a fluctuating basis, that the capacity is discussed in terms of linear feet, not number of slips. However, in order to get a better understanding of the slip replacement work in these areas, the analysis should also provide the information of how many slips are removed and added.

S-5-5

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project. Commission staff request notification of any future activity associated with this project or related projects. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when an application is submitted for a Coastal Development Permit. Please feel free to contact me at 562-590-5071 with any questions.

S-5-6

Sincerely,



Fernie Sy
Coastal Program Analyst II

Cc: State Clearinghouse



Jess A. Carbajal, Director
300 N. Flower Street
Santa Ana, CA
P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5188

NCL 11-043

November 1, 2011

County of Orange - OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, California 92629

SUBJECT: Notice of Availability of a Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project located in the City of Dana Point.

To Whom It May Concern:

The County of Orange has reviewed the Notice of Availability of a Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project and offers the following comments:

Environmental Resources:

In response to your request for input on the subject project, Environmental Resources has reviewed the document, and offers the following technical comments:

- 1. Page 4.3-1, Existing Setting, Project Location/San Juan Creek Watershed

Although the San Diego Regional Board has placed Dana Point Coastal Streams under the Laguna subunit of the San Juan Hydrologic Basin, Dana Point Coastal Streams is not a subwatershed to San Juan Creek as it does not drain into the creek. A description of the Dana Point Coastal Streams watershed can be found in the Dana Point Coastal Streams watershed workplan which can be downloaded from the OC Watersheds website at { HYPERLINK "http://www.ocwatersheds.com/DocumentsPublicReview.aspx" }. An excerpt is provided below including added reference to Dana Point Harbor:

The Dana Point Coastal Streams Watershed is located in southern Orange County, approximately 50 miles south of Los Angeles and 65 miles north of San Diego. The main tributary of the Dana Point Coastal Streams watershed is Salt Creek, which ultimately drains into the Pacific Ocean. The 6-square-mile watershed is almost fully developed and includes portions of the cities of Dana Point and Laguna Niguel, Dana Point Harbor and a very small area of San Juan Capistrano. Remaining undeveloped areas include open space within the Aliso and Wood Canyons Regional Park in the upper watershed and the Salt Creek Corridor Regional Park in the eastern part of the watershed. A few small, unnamed drainages and larger tributaries (Arroyo Salado Creek and San Juan Canyon

L-1-1

L-1-2

Creek) join Salt Creek as it makes its way through the watershed. The creek originates in the city of Laguna Niguel and flows underneath Marina Hills Drive, Niguel Road, Pacific Island Drive, and lastly, Pacific Coast Highway, before discharging into the Pacific Ocean. A number of coastal drains also discharge to the Pacific Ocean through Dana Point Harbor.

L-1-2

2. Page 4.3-3, Existing Storm Drain Facilities

There is a drain at the east end of Baby Beach which conveys runoff from a small parking lot area near the beach. It is unclear whether this drain is included in the table of storm drain facilities.

L-1-3

3. Page 4.3-4, Existing Conditions, Baby Beach Water Quality

Provided description of water quality conditions presumes closures are mainly because of untreated runoff but this relationship has not been clearly defined. Please modify to include additional information on bacteria impairment at Baby Beach from Baby Beach Bacteria TMDL FY 2009-10 progress report. The report can be downloaded from the OC Watershed website at { HYPERLINK "http://www.ocwatersheds.com/DanaPointCoastalStreams_BabyBeach.aspx" }.

An excerpt is also provided below. Additional information on BMPs implemented at the beach in response to bacteria impairment can also be found in the progress report.

Routine testing of bacterial water quality at Baby Beach began in 1995. In August of 1996 high fecal indicator bacteria concentrations in beach waters prompted health officials to close the water to swimmers. An extensive 11-month investigation included:

- *video camera inspection of nearby sewer lines,*
- *inspection of plumbing of harbor restrooms,*
- *development and testing of groundwater at 15 monitoring wells,*
- *analysis of runoff from blufftop neighborhoods,*
- *installation of plugs in storm drains to the beach,*
- *reduction of irrigation and fertilizer use at adjacent park areas,*
- *increased cleanup of animal excrement in the park area,*
- *installation of signage to discourage the feeding of birds, and*
- *removal of an old abandoned septic tank,*

L-1-4

The source of the high bacteria levels remained unknown in spite of these efforts. The beach was reopened on July 1, 1997 but high bacteria counts remained a recurring problem.

In 2000, health risk advisory signs were posted at Baby Beach again for an extended period of 54 days. As a result, Baby Beach was placed on the 2002 303(d) list as impaired by indicator bacteria. In 2004, The San Diego Regional Water Quality Control Board (San Diego Water Board) began development of Total Maximum Daily Loads (TMDLs) to address high bacteria concentrations at Baby Beach and at other impaired harbor and bay beaches in the San Diego Region. On June 11, 2008, the San Diego Water Board adopted TMDLs to address elevated bacteria concentrations at Baby Beach in the Dana Point Harbor and Shelter Island Shoreline Park in San Diego Bay (Resolution No. R9-2008-0027). Final approval of the Baby Beach Bacterial Indicator TMDL by the state Office of Administrative Law (OAL) occurred in September 2009.

OC Dana Point Harbor
November 1, 2011
Page { PAGE }

Bacteria source investigation work and source control efforts have continued at Baby Beach since the initial 1996 beach closing. Although a definitive source of the high bacteria levels has not been identified, there has been significant improvement in the water quality at Baby Beach through the implementation of multiple Best Management Practices (BMPs). Since 2007-08 Baby Beach has received an "A" on Heal the Bay's annual beach report card and has been delisted for "fecal coliform" (one of three tested indicator bacteria) from the State Water Resources Control Board 2010 Clean Water Act Section 303(d) List/305(b) Report (2010 Integrated Report).

↑
L-1-4

- 4. Page 4.3-7, Regulatory Setting, Federal Requirements of the Clean Water Act, Second Paragraph, Last Line.

Description is outdated as the EPA issued its final decision regarding the waters it added to the State's 303(d) list on October 11, 2011.

L-1-5

- 5. Page 4.3-7, Regulatory Setting, Federal Requirements of the Clean Water Act, Third Paragraph, Second Line.

Not all species of enterococcus and coliform bacteria are pathogens. See for reference: { HYPERLINK "http://water.epa.gov/type/rsl/monitoring/vms511.cfm" }. Revise "{both are pathogens}" to "{both are bacterial indicators for pathogens}"

L-1-6

- 6. Page 4.3-7, Regulatory Setting, Federal Requirements of the Clean Water Act.

Provided regulatory description is out of date, as final approval of the Baby Beach Bacterial Indicator TMDL by the state Office of Administrative Law (OAL) occurred in September 2009. Please modify description accordingly. It should be noted that Baby Beach was delisted for fecal coliform as part of the 2010 Integrated Report and that the listing for total coliform is related is the shellfish criteria and not REC objectives.

L-1-7

If you require any additional information, please contact Grant Sharp at (714) 955-0674.

Sincerely,

Michael Balsamo
Manager, OC Community Development
OC Public Works/OC Planning
300 North Flower Street
Santa Ana, California 92702-4048
{ HYPERLINK "mailto:Michael.Balsamo@ocpw.ocgov.com" }

MB/mmc

cc: Chris Crompton, Environmental Resources



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: November 18, 2011
bgross@ocdph.com

November 18, 2011

Mr. Brad Gross
Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

**Review of the Draft Subsequent Environmental Impact Report (Draft EIR)
for the Proposed Dana Point Harbor Marina Improvement Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the Final Subsequent Environmental Impact Report (SEIR) as appropriate.

L-2-1

The AQMD staff is concerned about the significant regional impacts from the proposed project. Specifically, the lead agency determined that the project will exceed the AQMD's CEQA significance thresholds for regional NOx and VOC emissions; therefore, the AQMD staff recommends that the lead agency require the additional construction mitigation measures listed below pursuant to Section 15126.4 of the CEQA Guidelines.

- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,
- During project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:
 - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

L-2-2

- ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for AQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>



L-2-2

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

L-2-3

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final SEIR. Further, staff is available to work with the lead agency

Mr. Brad Gross

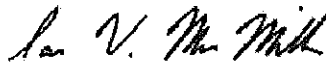
3

November 18, 2011

to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

↑
L-2-3

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:DG

ORC110922-03
Control Number

10-21-11P12:52 RCVD

101 W. Avenida Santiago
San Clemente, CA. 92672
October 14, 2011

Dear O.C. Dana Point Harbor Officials,

I would like to make a public comment about the SEIR draft report for the O.C. Sailing and Events Center to move the existing docks to the western most side of the facility near Baby Beach. Not only does this idea not make any sense, it is a very dangerous concept and will really impact the public's use of the harbor in a negative way.

P-1-1

First, the harbor is not adequate in size now for Kayakers, standup paddlers, small boat sailors and the Dana outriggers. Taking up space by putting in docks in front of Baby Beach will reduce the space for these activities and cause more dangerous situations for those citizens involved in these sports.

Second, the plan states that due to the shallow depths, "only small boating craft would have access" to these docks. The Sea Scouts, who have been in the harbor at the Youth and Group Facility (O.C. Sailing and Events Center) for over thirty five years (before the buildings were built) have five large vessels in length from 24 feet to 38 feet. These vessels are used by hundreds of Orange County youth and adults each year, including Saddleback College, Westwind sailing, Aventura Sailing and the Mariners Ship 936 - the largest Sea Scout ship in California. Where in the plan are there docks for these larger vessels? The plan calls for docking them along the channel between the Dana Point Yacht Club and the O.C. Sailing and Events Center. This is a very unsafe idea that will put many adults and kids at risk. The tidal bores and winds that run through the channel at this point are ferocious and can be dangerous, not to mention the narrowing of the channel for tacking boats, kayakers, standup paddlers, and other non-motorized users.

P-1-2

Third, Putting the docks on the west side of the O. C. Sailing and Events Center is a very dangerous idea because of the wind direction in this part of the harbor. The prevailing winds would push boats into the docks creating a very dangerous docking situation for young sailors docking their vessels. Now, with the docks on the eastern side of the facility, docking is much easier and safer for novices because the docking vessels are behind a building which shields the wind and are headed into the wind. Any sailor knows that docking into the wind is much safer.

Fourth, there will be inexperienced youth and adults entering and leaving slips with kayakers, standup paddlers and other small craft right next to them. This will create a very hazardous situation for all involved and could end up in deaths and lawsuits.

Lastly, in the SEIR it states: "...it (moving the docks to the western side of the facility) will not significantly alter the existing uses and activities associated with this facility." This is a blatant lie. The western oriented docks will have a major negative impact on all of the youth and adult programs at the facility for the reasons stated above.

P-1-3

I hope the designers who thought up this really dangerous and impractical idea reconsider their plans for putting the O.C. sailing and Events Center docks on the western side of the facility. Again, the area for small boat sailing, kayaking, paddling, etc. is already too small; there is no safe docking for larger boats used by those groups who use the facility and the wind direction will cause the docking of boats to be very dangerous and accidents and lawsuits are going to happen.

P-1-4

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Prestridge", followed by a long horizontal line extending to the right.

Bill Prestridge
101 W. Avenida Santiago
San Clemente, CA. 92672

billprestridge@gmail.com
949-498-8585

October 25, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr Gross:

I am writing about the Draft SEIR for the renovation of the Baby Beach area. I have been a resident of the local area for over 15 years and enjoy a number of activities in the Baby Beach area. I introduced my children to sailing when they were very young through Westwind Sailing where I sailed as an adult. When they got older they both attended the summer camps and sailing clinics offered by Westwind. My son became a volunteer instructor for Westwind as soon as he was old enough and is now in his 3rd year of working for them as a paid instructor.

Our family is also deeply involved with the Mariners Sea Scouts with my son currently in the program for his 4th year. I am on the Board of Directors and serve in a variety of volunteer positions for this wonderful organization. I've also participated as a volunteer working with the adaptive learning adults who have come down to the basin to experience the joys of sailing, paddle boarding and kayaking

My daughter has served as a volunteer counselor for the Ocean Institute summer camps overseeing dozens of small children in the Baby Beach area. We've all learned to paddle board off of Baby Beach, enjoy the kayaks stored on the east dock, and come down to the harbor almost every weekend to sail or paddle board.

I share all of this to let you know how familiar I am with the level of activity and traffic which occur at the Baby Beach basin. Given this familiarity, I have deep concerns about the Draft SEIR. Specifically:

- The proposed configuration of the new docks on the west side of youth facility puts large motorized vessels in dangerously close proximity to Baby Beach
- These motorized vessels are typically skippered by Mariners youth who are novice skippers putting the youth on the boats, the toddlers on the shore and the surrounding kayakers and paddle boarders at risk
- This part of the basin is too shallow to safely accommodate boats with keel hulls

P-2-1

P-2-2

- There is no space for correction should an engine fail or prevailing winds require a sudden change of direction by a vessel increasing the risk of a boat running aground or ending up on the beach
- The primary population enjoying the beach at Baby Beach are babies and toddlers. Adding motorized vessels to the west docks will have a negative environmental impact on this vulnerable population with increased pollution in very close proximity to the swim beach.
- The existing docks on the westside are already very congested with activity involving Capris, Lasers, Sabots and paddle boards. Adding more vessels and people to this dock area will create an untenable level of congestion
- The proposed docks in the basin will encroach upon at least 20% of the available launch area and sailing area for novice sailors, kayakers and paddle boarders. The reduced water and beachfront space will make an already crowded area that much more congested due to reduced area.
- This encroachment and resulting congestion creates a dangerous situation and dramatically increases legal exposure for all involved parties including the County, Westwind and the Mariners organization.

↑
P-2-2

P-2-3

P-2-4

In my opinion, the Draft EIR does not adequately address these issues related to access, congestion, pollution and liability and should not be approved.

Thank you for your consideration.



Valerie Burchfield Rhodes
16 High Bluff
Laguna Niguel, CA 92677

William C. Palmer
83 North Road
Hopkinton, RI

October 27, 2011

Mr. Brad Gross, Director
OC Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for operating and maintaining such a wonderful Boat and Recreation Harbor. My wife Jean, our daughter with her friend, and I, recently toured the Dana Point Harbor Area.

The whole scene is magnificent. There is not a beach in New England, that even compares with what we saw in your district. We had a wonderful time there.

Our family sponsors the Tandem Wave Organization of California. We watched our first, professional Tandem Surfing Contest at the Velzy recently. It was quite a time for all of us.

I am writing you, to explain my concerns with the proposed dock project, next to Baby Beach. I have read through a copy of the Environmental Impact Report, for the proposed Dana Point Harbor Marina Improvement Project.

Listed below, are a few sections of the report, describing the proposed project at the Baby Beach Area, and my concerns with them:

- Under the 12 Plan Priorities developed in 1997, Objective #10, "Keep existing parkland, beach and landscape", is being overlooked, by removing substantial usable water area at the Baby Beach. I have seen the "plan" view, or looking down view, of the proposed dock work at Baby Beach... and various "Key Views" presented in the report. Is there a proposed project "virtual" Key view, as seen from standing on Baby Beach, looking South, towards the stone jetty, with the proposed dock work on the left side, and the large Sea Scout Sailboats interacting with individuals, trying to launch human powered SUPs, outrigger canoes, small sailboats, and swimmers in the same area? This is a potentially dangerous scenario. Unacceptable for all parties involved...
- The EIR contains several different studies conducted for the project, from watercraft traffic, air quality, water quality, even noise decibels for marine life. However, has there been a study of the "activities", which occur at Baby Beach, including numbers of people? Is there any photography of these

P-3-1

P-3-2

P-3-3

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activities? Has a study been undertaken, showing the potential displacement of said activities/people, at Baby Beach, if the reduction of the beach frontage and square footage of water area available occurs?

P-3-3

- Has an economic impact study been completed, showing the potential effects to local merchants, if the Baby Beach frontage and square footage of water area available, is reduced by the proposed construction. I have personally seen videos being filmed, SUP and sailing lessons, and several various types of small, human powered activities at Baby Beach. Clearly not only do people enjoy the beach but there are people that earn part of their living at Baby Beach as well as the many shops and restaurants they would visit.

P-3-4

- There appears to be Inconsistency with Coastal Act Article 3 which states Recreation: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas "shall be protected for such uses". Oceanfront land suitable for recreational use shall be protected. As a visitor from afar its clear to us that Baby Beach is a unique, existing, sheltered ocean beach, and a Perfectly suitable place for recreation. From children to beginner, to experience several water recreation/activities, in a safe, peaceful and beautiful setting is hard to find. Baby Beach and the open area in front of it "should be protected" for such uses. In fact, the proposed project would not enhance the existing water-oriented recreational activities of the Baby Beach. By reducing the available water area of the Baby Beach, the proposed project would "lower the quality" of these recreational activities, with the displacement of people and equipment, creating a potentially dangerous situation for everyone.

P-3-5

- The EIR also claims that proposed project does not change the existing types of recreational and/or open space on site. Pg.4.9-8. In fact, the proposed project would change the existing "open space" on site, by reducing the usable beach front and water, substantially.

- The EIR claims proposed project includes renovations to existing facilities within the Marina and does not remove or preclude any existing recreational facility or affect the range of available recreational activities currently available in the Marina. Pg 4.9-9. Agreed, the proposed project does not remove or preclude any existing recreational facility or affect the range of available recreational activities currently available at Baby Beach. However, the proposed project "does remove a substantial area of usable water and beach front", which may be deemed "an existing recreational facility", in which these existing recreational activities are conducted.

P-3-6

- The EIR claims that because the proposed project enhances existing

P-3-7

recreational facilities and does not remove or otherwise affect any of the Harbor's recreational facilities, the project will have no long-term negative impact on the public's use or access to recreation facilities in the area, including Doheny State Park. 4.9-9. In fact, the proposed project "does not" enhance Baby Beach, or the available water area.



P-3-7

- Further, the proposed project "does affect" the Baby Beach recreational facility, by removing substantial usable area of the Beach's water. The obvious "short and long" term negative impact of the project, on the public's use of the proposed construction at Baby Beach, will be the displacement of the beach population, with their small watercraft, to a much smaller and more congested area.
- Another negative impact of the project on the public's use of Baby Beach, will be the "continual, potentially unsafe interaction", between the sailing vessels at the newly proposed docks, adjacent to Baby Beach, and the beach goers, with small human powered watercrafts, using the Baby Beach area.

P-3-8

I personally, have never seen any place quite like Dana Point Harbor. While touring the Dana Point area recently, Jean and I had our very first SUP Lesson at Baby Beach. Our short time there was amazing. Baby Beach in Dana Point Harbor is a "very unique place in the world". Baby Beach should remain preserved, as it is, for future generations of local and tourist water people to experience...

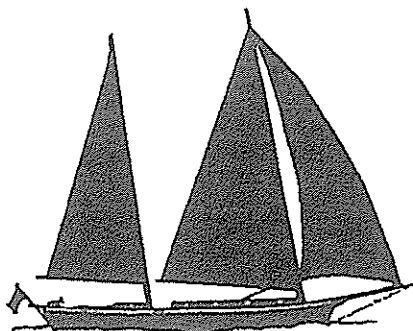
P-3-9

I hope that you and Dana Point Harbor, would please take these few concerns of mine into consideration, and Preserve The Baby Beach Area.

Thank You.
Sincerely,

William C. Palmer
83 North Road
Hopkinton, RI

11-01-11A11:08 RCVD



SOUTH COAST SAILING TEAM

A sea exploring unit of the Boy Scouts of America

October 29, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for The Dana Point Harbor Marina Improvement Project dated September 20th. I am writing to express my concerns over the modification planned for the OC Sailing and Event Center. My remarks are directly pointed to the facility. I realize that the total harbor plan is very comprehensive. I wish only to express my dismay at the suggested changes for the facility previously known as the youth and group facility.

P-4-1

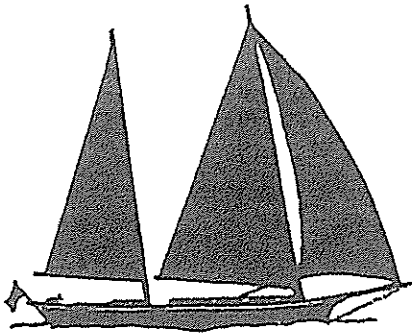
Question 1 Has anyone utilizing the present center requested a change in the facility?

I was a member of the county planning committee that worked with the naval architect in designing the present structure. I formally represented the Sea Scouts on that committee. We were very proud of our work at the time. The facility after opening received a number of prestigious design awards. Since that time for over twenty-five years I have been the Director for the sea scouts in Dana Harbor. The facility has always totally served our needs. The county employees and management have always been totally cooperative and responsive in helping us serve thousands of youth and adults of the community. As the Sea Scout representative, I have worked closely with all of the other organizations utilizing the facility. I am completely unaware of anyone that desires a revamping of the facility. All of us are aware of the need for renewing the aged docks and buildings. We support totally the effort by the county to upgrade existing docks and buildings. We do not support the proposed design changes in the facility.

P-4-2

Question 2 Despite the claim that the linear dock footage for the facility would be increased, is it not true that the length and size of vessels that the facility could accommodate would be

P-4-3



greatly curtailed due to the decreased size of the individual docks, the movement of the docks to the outer harbor from the inner harbor and the shoaling of the water in the area proposed for the new docks?

In the existing facility there are two docks that could accommodate 40 foot vessels, five docks that could accommodate 48 foot vessels and one that could accommodate a 55 foot vessel.

Question 3 Is it not true that four of the vessels currently utilized by the Sea Scouts, Saddleback College and Westwind Sailing for their programs would no longer be accommodated by the new facility?

These vessels are 35, 36, 37 and 38 feet in length. The largest vessel shown to be accommodated on the new plan is 32 feet in length'

Question 4 Have studies been done to evaluate the effect of surge currents in the area of the proposed new docks?

At the present time, there are only three vessels kept in the outer harbor at this end of the harbor. These vessels are owned by the Ocean Institute. For the last nine years I have been charged with the safe dockage of two of these vessels. Due to the extreme surges that can occur, I have utilized chain dock lines and windlasses to safely lash these vessels to the docks.

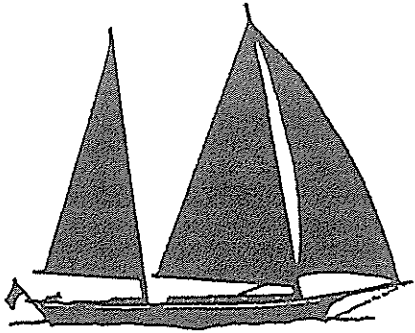
Question 5 Have studies been done to evaluate the rate of shoaling in the proposed area for the new docks?

Recently the schooner, *Spirit of Dana Point* went aground in the anchorage area south of the proposed area for the new docks. A diver for the Orange County Harbor Department Maintenance Staff determined that the shoal area outlined by buoys maintained by the county had grown out into the harbor beyond the buoys. The buoys were subsequently moved an additional fifteen to twenty feet away from the swim beach.

P-4-3

P-4-4

P-4-5



Question 6 Has the topography of the bottom in the area proposed for the new docks been charted to establish minimum depths?

Vessels are shown on the plan to be docked between the proposed docks and the existing pier. A docking approach to the outside dock would require maneuvering in the water between the dock and the pier. It is known that fourteen foot sailboats occasionally touch bottom in this area. Thirty-two foot vessels as shown on the plan would definitely draw more water than a fourteen foot sailboat.

P-4-5

Question 7 Has the relative effect of the wind in the area proposed for the new docks compared to the existing docks been studied?

All of the vessels docked at the facility have been utilized in the past for teaching docking. The larger sailing vessels at the facility are normally docked with the use of inboard engines. The vessels as they turn into the present docks under prevailing winds encounter steady head winds partially blocked by the buildings at the facility. In the proposed docks, depending on the direction of the dock, students will encounter swirling winds, beam winds, head winds and tail winds.

P-4-6

Question 8 Has the increased danger to swimmers imposed by vessels with propellers and manned by students been studied?

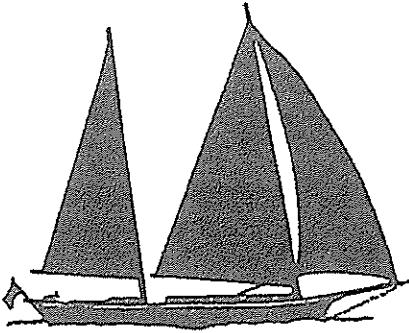
Although it is true that many of the docks will be contained, it is also true that the proposed dock configuration forces some vessels to be operated in very close proximity to the swim beach.

P-4-7

Question 9 Since the area in front of Baby Beach defined by the shoal buoys and the beach swimming buoys is presently devoted to small sail boat sailing, stand up paddling, wind surfing and kayaking, what is the estimated percentage loss to this usage?

Presently larger vessels do not enter the area outlined by the shoal buoys. This area is devoted primarily to use by small human powered or wind powered vessels. Under the proposed dock

P-4-8



plan, space would be taken for the docks, the vessels docked there and maneuvering inside and outside the dock area by engine powered vessels.

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P-4-8

Question 10 Has the impact of the proposed docks on the vessel traffic in the channel directly between the Event Center Mole and the Dana Point Yacht Club Mole been studied?

Presently the channel is heavily used by docked vessels entering and departing the West Basin as well as human powered vessels. The proposed plan would narrow the channel by a considerable degree both with the addition of a dock and the continuing maneuvering of vessels to momentarily dock at the pump out station. In addition all small vessels stored on the dock next to the facility sidewalk would be forced to enter this channel before being brought to a teaching space within the proposed dock space.

P-4-9

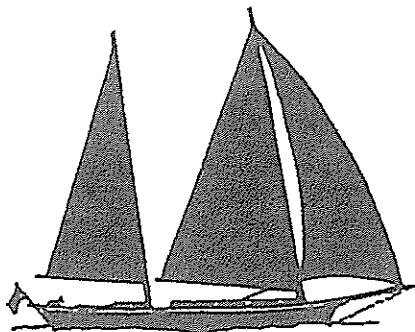
Question 11 Has a study been done to determine the effect on teaching caused by the concentration of all activities on one side of the facility with a focus on the increased distances between classrooms, lockers, storage and maintenance areas?

It is not uncommon on a Saturday morning for students to be testing on swimming ability in the area near the crane, practicing rigging on the northeast docks, performing maintenance on the larger vessels on the southeast docks and practicing basic sailing and launching paddle boards off the west docks. As proposed by the new dock plan, all of these activities would require movement of material and personnel down the same ramp and onto narrow congested dock spaces.

P-4-10

Question 12 Has a study been done to determine how to provide for the present uses of the parking area north of the docks, between the event center and the present guest docks?

If as proposed, the docks to the east of the facility and the present guest docks are to be dedicated to the docking of private vessels, than one would assume that parking spaces would need to be dedicated for these private renters. At the present time this parking lot is used for public parking, storage of Sea Scout equipment, storage of Outriggers and related equipment, storage of equipment for a number of organizations and dry storage of a variety of small vessels. The loss



of this space to the activities of the center would greatly impact the present usage of the facility. Removal of this storage space to the lot directly north of the center would greatly impact the public parking of the users of the beach and the center multipurpose building.

Question 13 Has a study been done to determine the negative effect on the use of the crane created by the elimination of a part of the dock underneath the crane?

P-4-10

Presently vessels being lifted out of the water or into the water are swung over the south side of the crane pier. The crane design allows no other usage. Vessel tag lines can be utilized by persons on the to-be-removed ramp. Vessels can be moved from the dry storage area utilizing the to-be-removed ramp. Vessels waiting for crane usage can be stored on the to-be-removed dock under the crane and the to-be-inaccessible dock on the southeast side of the crane.

Question 14 Has a study been done to determine the impact of increased foot traffic occasioned by the additional movement of private boat owners with their guests and equipment being added to the present users of the facility and the walking public?

P-4-11

All private slip renters for the proposed southeast docks would be forced to walk the entire length of the facility sidewalk to reach the ramp and share the pump out dock with the transient vessel operators.

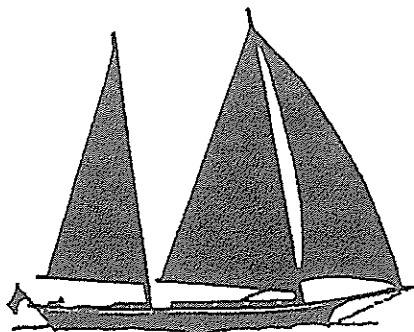
Question 15 What if any are the expected advantages envisioned to be created by the proposed dock plan for the public use of the OC Sailing and Event Center?

P-4-12

Question 16 What if any are the instructional advantages envisioned to be created by the proposed dock plan?

The Sea Scouts of Dana Point are high school age members of the Boy Scouts of America. The local unit to which all belong is designated as Mariners, Ship 5936. A separate unit for 12 and

P-4-13



13 year old youth, not affiliated with the Boy Scouts of America is designated as Mariner Juniors. The sponsoring organization for both groups of boys and girls is the South Coast Sailing Team, a 501c3 non-profit corporation.

I personally have been honored to serve as President of the Corporation and Skipper of the units since their founding. I have also served as Captain of the PILGRIM for the last twenty-five years and the Captain of the SPIRIT OF DANA POINT for the last six years. My wife and I moved our family to the City of Dana Point before the harbor coffer dam was removed in 1969. Over the years, our six children and fourteen grandchildren have played on Baby Beach and benefitted from the activities at the Sailing and Event Center.

It is extremely important to me as a citizen of Dana Point and Orange County for over forty-one years, that the public at large have an opportunity to enjoy the park land and water access provided by the Harbor. I feel very strongly that removing the public docks from the east side of the facility to the west side would seriously denigrate the mission of the Center and negatively impact the thousands of youth and adults that utilize Baby Beach.

Your kind consideration of my questions is very much appreciated.

Fair winds and following seas,

Captain Jim Wehan
President
skipwehan@fea.net

P-4-13

Habib Hosseiny, Ed. D.
3347 Paseo Halcon
San Clemente, CA 92672
October 30, 2011

Mr. Brad Gross, Director
OC Dana Point Harbor
24650 Dana point Harbor Dr.
Dana Point, CA 92629

Dear Mr. Gross:

Dana Point Harbor Marina has been a safe and pleasant haven for our children and grandchildren. The scenery is attractive and the environment is relatively clean in the area of Baby Beach. The Improvement Project dated September 20th unfortunately appears to have a reverse effect to this great and friendly site. The Project suggests building a dock in the area of Baby Beach where all the joyful activities take place. Children of all ages are brought there to get educated in water sports.

P-5-1

As it is now, we sometimes have difficulty to find parking or a place to have our picnic while the children are with their instructors or team leaders. I cannot imagine how people can continue their healthy activities there if the Project squeezes their area.

I am truly hoping that Dana Point Harbor rethink about building the dock in the area of Baby Beach and thus limiting the space for all the necessary projects that are going on there. Further, I will continue my efforts to preserve Baby Beach and stop the construction of decks that would bring a great deal of boats which are definitely harmful for the environment. How can we have a healthy environment with all the motor boats burning gasoline next to our children? I believe OC Dana Point Harbor should think about expanding safe areas instead because the population keeps growing and more space is needed.

P-5-2

Respectfully submitted,

Habib Hosseiny, Ed. D.
949-388-0995 home phone
hhosseiny@aol.com

October 30, 2011

Brad Gross, Director
OC Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to view the Draft Subsequent Environmental Impact Report for The Dana Point Harbor Marina Improvement Project dated September 20th. I'm writing to let you know my concerns with the planned construction of dock at Baby Beach.

P-6-1

I have been stand up paddling in this harbor for 31/2 years and racing outrigger canoes for Dana Outrigger for 2 years. I spend 4 to 5 days a week year round at Baby Beach. It is my home away from home. Baby Beach is such a beautiful location. I have seen many many sunrise and sunsets at the beach.

I'm am opposed to the proposed changes to Baby Beach for a number of reasons. It will take away much of the beauty of the open water. Baby Beach is has been an ideal location for brand new and novice paddlers to learn these wonderful water sports. As an outrigger paddler it will limit our access into the water only allowing one boat at a time in and out of the launch area. This could be dangerous on a crowded weekend given how many paddlers, kayaker and student sailors there are in launch area, especially with so many of them trying these sports for the first time. Not to mention if it is a windy day, which is very common. I also can't imagine how difficult and risky it would be to have the young student sailors trying to navigate straight out into the main harbor channel. This seems like accident waiting to happen.

P-6-2

Therefor the EIR design is inconsistent with the needs of the public and isn't accessing accurately the impact it will have on Baby Beach.

Like I said I spend so much time at this beach and it is already very crowded to take away this space takes away the beauty and pride of this harbor and makes it unsafe.

I hope that the Dana Point Harbor take into consideration my issues and recognizes the importance of the safety hazards and reduces the impact the proposed project at Baby Beach. I will follow this process closely and will be working with my community to expand awareness of the project. I will be one of the many who will work to preserve Baby Beach, the Educational Facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

P-6-3

Sincerely,



Leslie Nelson
growingplacesild@gmail.com
949-331-4040

11-22-11P03:28 RCVD

11/1/11

Please do not add docks to Dana Point Baby Beach area. This area is so crowded on the weekends and during the summer as it is. Please talk to the Mariner Sea Scout program and Westwind and the other established users, which are so vital for youth activity and developing leaders in our community. Talk to the people who use baby beach paddle boarding, kayaking and all of the other non-motor sports. It is a peaceful place to decompress from this crowded world.

P-7-1

Please do not add docks in this area. It would really be sad to destroy this wonderful place.

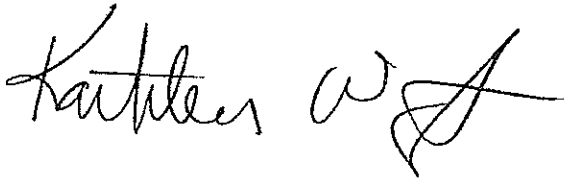
Please don't let money overrule the decision.

Our family uses this area of the harbor 2-3 times a week for sailing, kayaking, learning, bonding and just as a place to appreciate how blessed we are to live in this area. Please don't change that.

P-7-2

Thank you,

Kathleen, David, Jackie, Tim, Spence and Aaron Wetzel
6 Precipice
Laguna Niguel, CA 92677



November 2, 2011

Brad Gross
Director OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th. I am writing in hopes that my concerns over the planned construction and the proposed dock in the vicinity of Baby Beach will be reviewed and taken into consideration.

P-8-1

I am a 9-year resident to Dana Point and San Juan Capistrano. I moved to the area so that my son, then in 3rd grade, could take advantage of the harbor area for recreation and education in water sports. As a single parent, I needed programs that were cost effective, consistent throughout the summer and breaks, and mostly safe for me to leave him and not worry at work all day long.

My concern is that by adding a deeper channel and taking away the safe area where the kids currently sail and play, we will have traumatic accidents. I know many, many families who take advantage of baby beach because it has been such a landmark area for kids. When new folks move to the area the first thing I tell them is to take advantage of the area for their kids. How many kids can say they get to learn how to sail and stand-up paddle in grade school? I understand that adding more slips may relieve a bit of financial burdens from the harbor, but isn't there a better way? Could we not increase classes and usage for the families who already take advantage of this wonderful park area in order to add revenue opportunities for the harbor?

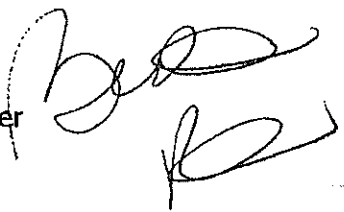
P-8-2

Now my son is getting older but I am in the process of adopting, I truly hope that my new child will have the same opportunities as my son has had to grow up with the benefits of the baby beach activities and educational center. Please consider our ideas and concerns Mr. Gross, I know your main focus is building a better harbor, and we truly appreciate that, but having a safe baby beach is a great value for all of the residents in South Orange County, one we all want to continue with in a safe, affordable way.

P-8-3

I will follow this process closely and continue to work with the community to expand awareness of this project. My goal is for baby beach to remain a safe activity center for all families for years and years to come and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

Thank you for your time and consideration,
Becki Kolander
San Juan Capistrano resident and homeowner
949.280.8614
becki@beachsidemarketinggroup.com



180 Eastsound Shores Road
Eastsound, Washington 98245
November 3, 2011

Brad Gross, Director
Orange County Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

My husband and I and our two sons lived in Laguna Niguel for 25 years before we retired to Washington state. During that time, most of our weekends were spent in Dana Point at the "baby beach".

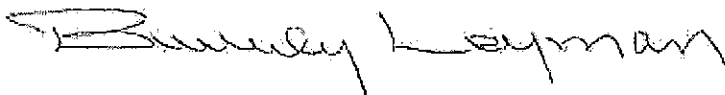
My husband was the first windsurfing dealer in the area and for many years he provided a hub for WS enthusiasts who wanted to launch at the beach. We numbered in the dozens each week, mostly family members, ages 3 years to 70 years of age. We were respectful of the place making sure it was clean and accommodating for other groups.

Later on, we, and many other outdoors people, used the beach to launch surf skis, kayaks, paddle boards and stand-up paddle boards. Again making sure the park rules were followed.

However, the biggest gift from "baby beach" was to our children. They grew up in a healthy environment with other children and adults who loved the space like they did. Their friends were beach goers too. One of our sons still lives in the area.

It is important to allow the same advantages to the community in Dana Point by keeping "baby beach" as it is. It is an important healthy environmental resource.

Sincerely,



Beverly Leyman

P-9-1

Brad Gross, Director

OC Dana Point Harbor

24650 Dana Point Harbor Drive

Dana Point, CA 92629

Dear Mr. Gross,

I have recently reviewed the Draft Subsequent Environmental Impact Report for Dana Point Harbor Marina Improvement Project, dated September 20th, 2011. I would just like to express my concerns with some of the changes described in that EIR regarding the area around Baby Beach and the Educational Basin. I am familiar with this area quite well having sailed small boats with Westwind Sailing as well as launching my Stand up Paddle board from the area of Baby beach near the OC Sailing Center.

P-10-1

The existing configuration allows for ease of traffic for both Stand up Paddle boarders, small sailing vessels and bathers and beachgoers while taking into account the designated anchorage area. The plans begin to limit access of baby beach by building a dockage area to accommodate boats up to 14' to 35', several of which are power vessels, would bring some serious concerns to an already crowded area at times.

- Adding these docks would certainly cause concern for electrical hook-ups causing a danger to people in the water nearby at the swimming beach. Has this issue been properly reviewed as the radius of the electrical current in the case of an accident from the closest boat slip to the swimming beach is within range of danger, not only ensuring configuration during construction phase is within normal height and specification above waterline for outlets, but also taking into consideration the Liability the Marina and harbor takes on by allowing electrical power hookups so close to a swimming beach?

P-10-2

- The building of a boat sewage pump-out station is very close to the swimming beach and spillage and leaks are a concern to increase an already heightened bacteria level in the area of the swimming beach. What is being done to ensure that this will not adversely affect the environment of the area of the educational basin used by swimmers and paddlers? Has a proper study been done to ensure that this pump-out station is far enough away from a public swimming beach?

P-10-3

- By adding the docks, the area used by the small boat sailing organizations, such as Westwind Sailing and OC Sailing center will have less room in which to provide a proper learning environment, which is a vital purpose of the educational basin. I am aware that there are plans to lessen the existing slips available overall and the building of a Dry Dock Storage Building to compensate for the lost slips. I have lived several years on the East Coast near similar Dry Dock Storage on the Chesapeake Bay and can say from experience that this will bring about an increased amount of traffic into the public Anchorage Area thus negating the overall area available in the Educational Basin for the small boats and paddling traffic normally seen there. This dry dock storage will also bring about a larger amount of traffic in the main shipping channels. Have studies been done looking at the increased traffic into the anchorage basin and its adverse effects on increased traffic in general within the harbor? What is to ensure that increased traffic here will not affect the Educational Basin?

P-10-4


- The proposed slip configuration within the Educational Basin on the West side of the OC Sailing center will force the small boats to navigate directly into the main boat channel, which as I have suggested above, will likely be a more crowded place. Since these vessels at the OC Sailing center are sail-only vessels with no power, what has been done to ensure them a proper and safe access to the educational basin? Has this been fully considered?

P-10-4

The above comments and concerns are just some items that I can see being problematic to not only myself, but others that use the Educational basin. I would hope that you can comment on my points above and take them into consideration. The most important thing is to understand the value that the Educational Basin gives to the many thousands of people that live within a few square miles of it. There is really no place like it for many miles North or South of Dana Point. Enhancing this area of the Dana Point Harbor rather than restricting its existing capabilities must be explored in more detail.

P-10-5

Regards,



11/03/2011

Josh Smolenak

246 Ave Victoria #C

San Clemente, CA 92672

Cell: 215-840-4277

November 4, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

After review of the Draft SEIR for Dana Point Harbor Improvement Project for the proposed changed to the Orange County Sailing & Events Center docks, I have several critical areas of concern in boat use and safety issues that are outlined below.

P-11-1

SEIR Section: "4.4.5.2 Potentially Significant Impacts" states:

"Renovations to the OC Sailing and Events Center docks result in similar linear footage when compared to the existing facility. Operationally, the OC Sailing and Events Center will continue to use the docks for sailing programs. The uses at the site are not changing, and therefore, **no impacts related to boating use in this area are anticipated.**"

P-11-2

My Comments: In contrast to the SEIR text, this project **will cause significant impact to OC Sailing and Events Center boating use** for the following reasons.

1. Proposed new docks are not long enough to berth the oceangoing keelboats used by South Coast Sailing Team for educational youth training for Sea Scouts, Westsind Sailing, and also adult sail training for Saddleback College.
2. Water depth of the proposed new docks will not be sufficient to accommodate these oceangoing keelboats.
3. The proposed 3-sided docking area with the entrance opening facing directly into the typical prevailing wind presents an extremely unsafe condition for vessels when docking downwind under sail. A sail vessel when docking will be pushed into the opening and unable to stop before hitting far end of the dock. Dangerous condition for sail training.
4. Proposed new dock on end of quay between Orange County Sailing Center and the Dana Point Yacht Club will narrow the channel at an area where strong water current already exist during tidal changes. Currently, it is sometimes hazardous to sail small vessels near this area when tidal current is strong due to loss of steerage, causing vessel to be swept up onto the rocks. This has happened to me on more than one occasion and I have rescued numerous other vessels from this rocky area after same situation has occurred to others. Future vessels

P-11-3

tied up parallel to the newly proposed dock presents potential for small vessels to collide with the vessels tied up to the new dock causing potential for additional damage and liability.

- 5. Proposed new dock on end of quay between O.C.S. & Events Center and the Dana Point Yacht Club will narrow the channel causing additional concern and increased danger for sail vessels tacking upwind going West when passing through this area.
- 6. Small vessels operating off the new proposed dock near the "Baby Beach" area will severely restrict beach access the paddle-craft being launched from the beach. Increasing potential for collision between humans and vessels using the new dock.
- 7. New proposed dock in front of "Baby Beach" will further constraint the anchor basin area that is utilized for the tall-ships "Pilgrim" and "Spirit of Dana Point" as they depart their normal dock area. These vessels have a very small distance to turn and this will further restrict their safe operating area by the numerous small vessels using the new docks.



P-11-3

Section 30213 requires: "... Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. . .

SEIR states: "The proposed project does **not change the cost or availability of visitor and recreational facilities.**

My Comment: **Cost and availability for users of the O.C. Sailing Center is impacted by the following:**

P-11-4

- 1. Large oceangoing keelboats used for sail training by the Sea Scouts, Westwind Sailing and Saddleback College will not be able use the new docks due to shallow water depth. Moving these vessels to a full rental dock would be cost prohibitive causing a cessation of training with these vessels.
- 2. Potential for increased liability costs and cost to repair vessels that will be damaged when trying to dock downwind into the proposed 3-sided docking area.

Thank you for the opportunity to express my concerns.

Sincerely,

Kendall S. Bailey

Advisor, Sailing/Seamanship Instructor: South Coast Sailing Team, Sea Scout Ship 936

32921 Calle Miguel

San Juan Capistrano, Ca 926775-4432

Email: buckyb2@pacbell.net

Steve Wyman
615 Calle Del Cerrito
San Clemente, CA 92672
949-361-9920

November 6, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th. I have been a frequent visitor, recreational boater and dock tenant at Dana Point Marina since 1987. I am writing to express my concerns about the proposed changes to the OC Sailing and Events Center Docks and Baby Beach.

P-12-1

Specifically:

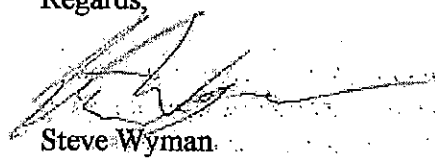
The pump out dock plan would significantly narrow a high traffic channel where there is often more vessel traffic, wind and current than surrounding areas. There are often powerboats mixed in with sailboats, dinghies, kayaks and stand up paddlers in this bottleneck that marginalizes sea room for safe navigation. The proposed dock extending into this area, plus the beam of vessels tied up to pump out will make it even tighter. Boats maneuvering (making u-turns into the prevailing wind) to tie up at the pump out dock will also complicate the traffic pattern. Has the safety and convenience of this dock location been adequately modeled and reviewed?

P-12-2

Moving the docks for the OC Sailing Center to the western, usually upwind side of the Events/Sailing Center complex will also concentrate traffic into a higher risk area near bathers and small man powered vessels. Many of the sailors, paddlers and boaters using the County facility to launch and return vessels in that vicinity are novices that lack the seamanship skills to safely navigate out of or into downwind berths while also avoiding vessel traffic and other obstacles in the crowded basin. The encroachment of the new docks into the Baby Beach area will also severely limit the use and enjoyment of that space. The many kayakers and paddlers that launch from that area will be forced into closer proximity with bathers and larger vessel traffic since much of the currently open water would be filled with dockage. This area is chaotic at times in the current configuration. Aren't you concerned about restricting the water for navigation in this area further? Will it be a safe and pleasant area for users to enjoy, or an unsafe sideshow? The OC Sailing Center, Baby Beach and pump out dock are all serving their intended users well and safely in the current configuration. If it's not broke, why fix it? Thank you for your consideration of these sincere concerns for the continuing safety, functionality and enjoyment of a great public recreation area.

P-12-3

Regards,



Steve Wyman

11-08-11P01:28' ROVDY

November 6, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point CA 92629

Dear Mr.Gross,

I am writing to express my concerns over the planned construction of a new boat dock and other modifications to O.C. Sailing and Events Center.

I have enjoyed the Dana Point Harbor since the early 1990's. The harbor was a frequent weekend sailing destination on our boat berthed in Long Beach. Since moving to Dana Point in 2001 we use the harbor for berthing and launching of sail boats and Baby Beach for launching paddleboards and for peaceful days swimming and relaxing. I have long been a supporter of the South Coast Sailing Team and very familiar with O.C. Sailing and Events Center.

P-13-1

Concerns: A,B,C

A) The new boat dock will extend approx. 150 feet in front of Baby Beach. This is a prime area for paddle boards, kayaks and small boats to launch and get underway. It is also a place where teaching goes on and people learn. People fall from their paddleboards, and boats capsize. People of all ages are in the water attempting to refloat themselves.

P-13-2

Question: Does the introduction of new boat docks and boats create a danger in what is now a public use area?

Question: Will people be restricted from using Baby Beach and the water in front of it because of any perceived danger in connection with the new boat docks?

B) Baby Beach is a popular location for families and many kinds of human powered watercraft. Because of its popularity, parking is a problem.

P-13-3

Question: Will the addition of private yachts with the yacht owners and their visitors create additional parking and traffic problems?

Question: What plans have been developed to handle the additional traffic and parking at Baby Beach?

C) The proposed boat dock creates an unsafe learning environment for boating students at OCSEC. Students with no sailing experience will have to sail directly into the main channel with no ability to determine if they are safe from larger boats. The opportunity for serious accidents is great.

P-13-4

OCSEC has made a huge contribution to the knowledge and seamanship of young people for many years. They, and the general public, including me, should be able to safely enjoy and learn at Baby Beach and the basin in front of it. This should not be taken away.

P-13-5

Sincerely,



Ron Cook
33955 Calle La Primavera
Dana Point, CA 92629
949-489-1559
roncook@cox.net

To Whom it May Concern
Proposed Construction in West Harbor
Nov. 7, 2011

I am writing this letter to protest the impact of the current proposal to the OC Sailing & Events Center.

This harbor is unique in the fact that it has such a lovely space for youth activates and accommodates those who do not own boats but would like to enjoy the harbor. My husband leaned to sail at the youth docks and now we are boat owners and slip renters in Dana Harbor.

P-14-1

The new plans do not provide slips of adequate length to accommodate The Sea Scouts boats. The Scouts have finally, after many years, acquired boats of suitable lengths for their sailing activities and sailing for disadvantaged youths of Orange County. The Sea Scout program has provided opportunities for hundreds of Orange County youth to participate in sailing.

P-14-2

The proposed changes to the harbor in this area are hurtful to the general public and the environment. The events center is an affordable venue for family parties, community classes, community meetings and private meetings. In the new plan the parking has been decreased greatly, which would impact the public from easy access to this area. New dock construction will force overcrowding and reduce access in this area for youth activities. The costal act is structured to protect the public's right to the sea. Construction of new docks will put boats within 15 feet for Baby Beach (which is a sensitive costal resource and documented in the Costal Commission's handbook of recreational beaches in California) at mean low tide and increase safety issues.

P-14-3

P-14-4

In closing the harbor was not built for a commercial mall by the sea. Its soul purpose was to provide boating. The foresight of the planners included a wonderful, and very useful youth and public area for water activities. These facilities are still adequate for the youth activities and public water sports after many years so why are you trying to fix something that is not broken?

P-14-5

We do not want or need more commercial development and decreased parking. The harbor is not Orange County and Dana Point's Cash Cow.

Sincerely,



Toni Flores

Leah Nollau Fetah
30378 Paseo del Valle
Laguna Niguel, CA 92677

November 7, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I have signed this petition to express my opposition to the Harbor's proposed development in front of and adjacent to Baby Beach as shown in the Environmental Impact Report (EIR) provided for public comment. I understand and support the revitalization of the harbor, but not at the expense of one of the only safe, family-friendly recreation spots in the county.

P-15-1

My family has been utilizing this area since the marina was first built! I have been kayaking from this area for over 25 years, and now my children enjoy kayaking and paddle boarding from this launch area. My 6 year old son is looking forward to Sea Scouts, and I am greatly opposed to this expansion that threatens his safe enjoyment of the harbor.

OC Dana Point Harbor's proposed expansion will negatively impact the safe environment within the Educational Basin by severely limiting access for human-powered crafts that have launched from the Baby Beach for decades, forcing them to compete for space with the children's swimming area. The plan also will bring powerboats even closer to the only designated area for bathers and other recreational activities. Moreover, I object to the potential risks of placing of a waste pump-out station yards from a children's play area. All of these will impact public access, the fragile biodiversity of the basin, and the recreational nature of area.

P-15-2

As part of the local community and visitors from far and wide that see the benefit of keeping Baby Beach and the Educational Facilities free of any development that blocks public access, I encourage you to do the right thing: reverse your decision to privatize the docks used by the community for education, maintain a safer distance of the pump-out stations from bathers, and eliminate the plans to expand docks in and around Baby Beach. The claims in the EIR concerning this development appear to be inconsistent and inadequate as written given the impact this development clearly would have to the public and environment.

P-15-3

Sincerely,

Leah Nollau Fetah

November 7, 2011

Dear Mr. Gross,

I have signed this petition to express my opposition to the Harbor's proposed development in front-of and adjacent to Baby Beach as shown in the Environmental Impact Report (EIR) provided for public comment. I understand and support the revitalization of the harbor, but not at the expense of one of the only safe, family-friendly recreation spots in the county.

P-16-1

OC Dana Point Harbor's proposed expansion will negatively impact the safe environment within the Educational Basin by severely limiting access to human-powered crafts that have launched from the Baby Beach for decades and forcing them to compete for space with the children's swimming area. The plan also will bring powerboats even closer to the only designated area for bathers and other recreational activities. Moreover, the potential risks of placing of a waste pump-out station yards from a children's play area. All of these will impact public access, the fragile biodiversity of the basin, and the recreational nature of area.

P-16-2

As part of the local community and visitors from far and wide that see the benefit of keeping Baby Beach and the Educational Facilities free of any development that blocks public access, I encourage you to do the right thing: reverse your decision to privatize the docks used by the community for education, maintain a safer distance of the pump-out stations from bathers, and eliminate the plans to expand docks in and around Baby Beach. The claims in the EIR concerning this development appear to be inconsistent and inadequate as written given the impact this development clearly would have to the public and environment.

P-16-3

Sincerely,



Becky Leetch
33971 Silver Lantern
Apt C
Dana Point, CA. 92629
949-240-2846

Donna and Arthur Carter
215 Calle Roca Vista
San Clemente, CA 92672
949-498-5524

November 7, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana point Harbor Drive
Dana Point, CA 92629

Ref: Dana Point Harbor Marina Improvement Project

Dear Mr. Gross:

We wish to have our voices heard in **opposition** to the proposed dock work next to the OC Youth Facility and Baby Beach. The Carters are members of the Dana Point Yacht Club since 2007 for one reason only: to provide a sailing venue for our two children, Teddy (14) and Hannah (9). Both are heavily involved in youth sailing and would be badly impacted by the proposed so-called improvements to the guest docks. Additionally, Teddy has been in Westwinds, Junior Mariners and now Mariners since 2006 and that facility would be effectively decimated by the guest dock proposal.

P-17-1


The OC Youth Facility has been designed to provide effective programs for youth that will grow up the next generation of boaters. Its mission has been carefully crafted and executed in the able hands of Skip Wehan and his crew. To have the guest docks impinge on the operations of not only Westwinds, but also Mariners and other programs run out of the OC Youth Facility would be simply wrong. This is clearly a money grab on the part of the OC Harbor that would reduce recreation areas to the detriment of youth programs and effectively privatize the waters.

P-17-2

We loudly and vehemently oppose any attempt on the part of the OC Dana Point Harbor to change or impact the OC Youth Facility and Baby Beach by reducing the size of the recreation area or putting guest docks there. We are also disturbed by the blatant attempt to push this through without adequate public review or comment; it was only by the hue and cry of Mariners and other interested parties that had the public comment period extended. This is wrong and we demand an end to this ill-considered proposal.

P-17-3

Sincerely,


Arthur Carter Donna Carter Teddy Carter Hannah Carter

cc: California Coastal Commission

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I want to state my strong opposition to the planned changes in Dana Point Harbor. I have been a lifelong resident of South County and have enjoyed using Dana Point Harbor since the breakwaters were erected. I have two major concerns with the proposed changes in and around the turning basin near Baby Beach. I believe these changes will damage long standing and successful programs and uses of the Harbor.

In recent years we have spent vastly more time at the Harbor because our daughter has been involved in the Mariners Sea Scouts program overseen by Jim Wehan. The program has been a defining element of her your adult life, providing leadership training, maritime skills and an introduction to sailing. She has grown into a strong and capable young woman thanks in large part to the program run on County docks. She has particularly loved learning to sail through the Mariners program.

P-18-1

My first concern is the encroachment of new docks into the turning basin near Baby Beach.

The Sea Scout program has a collection of boats of various sizes, from small craft up to 35 foot cruising vessels. For safety reasons the sailing of small boats has to take place within the Dana Point breakwater. As it is, the areas of open water needed to learn basic sailing techniques within the Harbor are restricted. If new docks encroach into the turning basin there will be little open water left to navigate. Compounding the problem are the plans of the Ocean Institute to push their docks into the turning basin from the west side. With expansion coming from both sides the turning basis will be significantly reduced in size.

P-18-2

In addition to affecting the Sea Scout sailors, the hundreds and hundreds of people currently enjoying sailing smaller crafts, paddling boards and kayaks and swimming will have nowhere to go. Coming and going from the County beach and docks for years now, I have watched the use of Baby Beach skyrocket. The beach and parking lot are teeming with Stand Up Paddle enthusiasts at all times. The small parking lot and beach are put to the test serving the paddling athletes, young families leading toddlers into the water and large family groups and parties at the tables and barbeques. It is a distinctly happy place serving diverse groups. I believe that proposed changes will restrict the area's current use which would be a mistake.

My second concern is the impingement of the Sea Scout and Westwind programs through decreased dock space.

The Sea Scout program has a collection of boats of various sizes up to 35 feet. Their cruises to Catalina and up and down the coast are the testing grounds of all the Sea Scouts have learned in their weekly classroom work. These boats are fundamental to the

P-18-3

program and need to be kept at the docks near the Mariners shed as they are used as classrooms several times each week. It is unclear if the new docks would accommodate all the Sea Scout vessels.

↑
P-18-3

The Sea Scouts, are the maritime arm of the Boy Scouts of America. The program not only teaches the specifics of maritime skill and safety, it also teaches young people about leadership and responsibility. I am deeply concerned that this long standing and well respected program's dock space is being minimized to accommodate more rental slips. I believe organizations such as Sea Scouts must be encouraged and strengthened, not minimized.

P-18-4

The same argument applies to the Westwind program. Our daughter works for Westwind in the summer and through her involvement we have come to know the exemplary people running a program that teaches countless people to sail and paddleboard all year long. We have seen how many people are served by Westwind and the pure joy in their faces when they return to the docks with a new skill. There is an intensively used dock facility.

In the proposed plans it appears that the Sea Scout and Westwind programs will lose total dock space and will be forced to "double up" on dock facilities. The location of the pumping dock will make maneuvering around this facility more difficult and dangerous as beginning sailors, paddle boarders and kayakers will be crossing paths multiple times a day with boats headed for the pumping station.

P-18-5

The many different groups coming and going from this small section of Dana Point Harbor are pursuing healthy and happy forms of recreation. The number of citizens currently making use of the area is staggering. All hours of every day the docks, turning basin and beach are buzzing with activity. We are all taxpayers being served by this heavily used and greatly enjoyed area. Please let it continue to serve the wide population it does now.

P-18-6

Please do not allow the changes that would expand the docks near Baby Beach. These changes would impinge on the turning basin and negatively impact sailors, paddle boarders, families on Baby Beach, the Sea Scouts and the Westwind programs.

Thank you.
Cynthia Fletcher
1774 Rimrock Canyon
Laguna Beach, CA 92651
cindyf1774@msn.com

Dear Mr. Brad Gross,

My name is Billy Kho and I am writing you today to express my concerns with the proposed dock expansion that affects Baby Beach, in Dana Point Harbor.

I have been frequenting Baby Beach now for 11 years, ever since my youngest daughter Malia was born. As an avid waterman and ocean fanatic I first started going to Baby Beach back when Malia was born because it was a safe local area to bring my kids without having to worry about waves, shore break, current etc. It was named Baby Beach for a reason, it is an area where families with young kids could enjoy. Baby Beach became a routine family outing for the Kho family, and Dana Point Harbor became a frequent hangout. After a day at the beach we would hit many of the local eateries, El Torito, The Brig, RJ's, Wind n Sea etc. We loved the community so much that our kids joined the local water activities spawned by Baby Beach's perfect location. Sailing classes at Westwind Sailing, Youth outrigger with Dana Outrigger club, countless outings to The Ocean Institute with and without school groups. This area of the Harbor is like no other place in Orange County. It is a safe area for our kids to enjoy the ocean. With the addition of the proposed dock expansion, that safety is extremely compromised. Not only will it bring more boat traffic, but it will also limit public access due to parking accommodations for boaters that will inevitably be developed as well. The spirit of this area we call Baby Beach, that so many of us enjoy and love will be ruined for what? Adding a few more docks for boat owners, for a few extra bucks for the County and Dana Point Harbor to profit. Bringing more boats in this area of the Harbor will also contribute to more pollution in this section of the Harbor, due to the environmental impact more boats produce; diesel fuels, gasoline, oil and also waste due to a the proposed pump out station. All this in an area of the Harbor where the ocean is more stagnant because it is the furthest most area from the outgoing ocean. I also believe that changing the face of Baby Beach will also affect local business. Compromised access will affect local businesses in the Harbor with the reduction of the

P-19-1

P-19-2

P-19-3

P-19-4

population that enjoy Baby Beach for how it is used today. I am drafting this letter not only for myself or for my daughters Malia and Kaeli, but for the thousands of people who comprise the Baby Beach Community. I am drafting this letter in the hopes to preserve a special place, a place where people from throughout the country associate the City of Dana Point, a place that future generations can enjoy. I implore you to please save Baby Beach.

↑
P-19-4

Sincerely,

Billy Kho and family

11 November 2011
James E. Talay
22641 Baltar
Mission Viejo, CA, 92691
Boat Slip, West Basin, F133

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing at this time to request your reconsideration of planned changes to the Sea Base located within OC Sailing and Event Center. I have kept a personal sailboat boat in the marina for several years and have followed issues related to the Harbor Redevelopment Initiative. It was not until several weeks ago that I became aware of proposed changes to the Sea Base slip configuration and the nearby Baby Beach.

P-20-1

I have a 14 year old son who has benefitted from the Mariner Program for 3 years now and my 11 year old daughter looks forward to joining in March.

I truly hope you are aware of the positive impact that this program has had on generations of local youth. These confident, responsible young men and women have gone on to do amazing things in life, thanks in no small part to the opportunities and stewardship afforded them by this program and it's group of volunteers.

In addition to the dedicated group of volunteers, the boats used in the program have been donated to the Sea Base. These donated boats are the main training platform for the group and they require minimum water depth and adequate docking space. This is a group that does important work on a very tight budget. It is my understanding that the proposed reconfiguration of the Sea Base will make it difficult for them to continue on its current path and would seem to create a safety issue with regard to the paddlers utilizing Baby Beach. Many of these local folks are new to the sport and would not benefit from the proposed dockage right off the beach.

P-20-2

I would expect that a county engineer visiting the area on a crowded weekend day, at low tide would understand the unworkability of the proposed plan. The floating dock currently used by West Wind Sailing is often high and dry at low tides. Trying to dock the larger Sea Scout boats in that area would be inherently dangerous and, most likely, require periodic dredging.

P-20-3

Please review and take notice of the detailed inputs provided your office by the cognizant mariners associated with the Sea Base. The information provided and the questions posed are of value and should be taken seriously. These people can be a great resource as you go forward. You and your staff are in a position to affect change and, with careful attention, any change would be positive.

P-20-4

Please reconsider your current direction, as it is problematic to this local resource and will negatively impact the opportunity afforded future generations of area youth.

Let me know if I can assist in any way,

Regards,
Jim Talay

November 11, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th. I am writing to express my concerns for proposed dock in the vicinity of Baby Beach, the need for improved water quality and reduced sedimentation in Dana Point Harbor.

As a Dana Point resident since 1982, a sailing instructor for the Sea Scouts - Mariners Ship 936 and a member of the Ocean Institute Board of Directors, Dana Point Harbor is very important to the livelihood of my family. My two children grew up in Dana Point and enjoyed the recreational aspects of Baby Beach, the maritime aspects of Sea Scouts and the educational programs of the Ocean Institute.

P-21-1

In reviewing this report I draw on my professional expertise as a Registered Civil Engineer, my 50 years of sailing experience and my 29 years of continuous use of the Dana Point Harbor. I have concerns about the suggested changes to the dock configuration near the current youth and group facility. I also am concerned that nothing is being done to improve water circulation, improve water quality or reduce the excessive sedimentation that occurs in the harbor, particularly in the west marina area.

Concerns regarding the dock configuration near the youth and group facility

1. Shoaling in the area of the proposed docks west of the youth and group facility will create dangers for the boats currently operated by the Sea Scouts.
2. These dock slips are for vessels with engines and are too close in proximity to the swimming beach.
3. The dock configuration is incompatible with the prevailing wind direction, creating the need for boats under sail to navigate through shallow water near swimmers. The existing dock configuration for large sailing vessels is much safer as the slips are far away from the swimming beach and the boats are docked in an orientation that is pointed head to wind.
4. The proposed dock configuration creates an unsafe launch / land area for students of the public access small boat sailing programs in the narrow and congested channel between the youth and group facility and DP Yacht Club.

P-21-2

These concerns are in direct conflict with one of the "Specific project objectives" which states:
Maintain a safe environment for all levels of the boating community, Harbor users and merchants

Concerns regarding water quality and siltation

1. The water quality in the harbor and baby beach area is generally poor. As noted in Section 3 of the report, the beach has been closed many times in the past due to water quality impairments. The upgraded pump-out stations included in this project are appreciated, as are the water quality mitigation requirements during construction; however, I believe that more should be

P-21-3

done by this project to improve water quality along the lines of the successful "Baby Beach Storm Drain to Sanitary Sewer Diversion and Filtration Project".

- 2. Historically, the west marina area requires periodic dredging to maintain safe passageway for boats, a process that creates degradation in water quality. Water quality could be improved in the harbor if there is anything that can be done to reduce the heavy sediment load entering the harbor that creates the shoals that require periodic dredging.

In support of the stated Project Goal "*promoting practices that improve water quality*", consideration should be made to fund a study that would formulate recommendations for improving water quality and reducing sedimentation in the harbor to be funded as a part of this project.



P-21-3

Please recognize the importance of my concerns regarding this projects negative impact to public safety and water quality. I would appreciate of an alternative dock configuration that would keep the larger Sea Scouts sailing vessels where they are currently docked, on the east side of the youth and group facility. Also, further study of improvements that would improve water quality and reduce sedimentation should be considered.

I plan to follow this project closely and to work to expand community awareness. It is in our best interest to improve all aspects of Dana Point Harbor in a way that increases its aesthetic, educational and recreational value to our community while preserving public safety and enhancing environmental quality.

P-21-4

Thank you for your consideration of these issues.
Sincerely,

Doug Abramson, P.E.
33292 Astoria St.
Dana Point, CA 92629
949-842-3322



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Customer: [Black, Doug](#) Location of Request: [edit](#)

[external customer](#) Facility: N/A [edit](#)

[Dana Point CA \(map\)](#)

[dblack1@cox.net](#)

[View customer's 1 open cases](#)

Preferred Contact Method: Email

Submitted By: [Black, Doug](#) Primary Owner: [Smith, Lisa](#)

customer [reason](#)

Topic: [Residents>OC Dana Point Harbor \(DC Dana Point Harbor\)](#) Secondary Owner: [Lawrence, Paul](#)

[change](#) [reason](#)

Date/Time Created: 11/12/2011 11:22

Date/Time Closed:

Custom Fields:

Original Request

RE DP Harbor "upgrade" plan:

1) Has the County developed appropriate and realistic alternatives? Isn't there a much more appropriate "Alternative 4" that should have been studied? A better plan would be:

Re-lay out the existing slips exactly the way they are now with the relatively minor exception of providing ADA compliance.

Do not encroach on the channel,
 Do not build out in front of baby beach
 Do not reorient the West basin slips.
 Do not eliminate any 50' slips,
 DO build out up to 2-300 35+ slips in the East Anchorage
 Do not eliminate the 3' overhang and force boaters into more expensive slips
 Do not strip the Shipyard of any waterside slips or land

2) Replacement of the slips should begin immediately as they are falling - do not force boaters to wait until the expanded stores and restaurants have consumed all of the money and time.

Customer Communications

[Send an Email](#) [Log Communication](#) [Mail Merge](#)

No records of communication activities found

* Customer Communications are visible on the customer's case status page.

Internal Activity

[Add/Email Notes](#) [New Task](#) [EO Communication](#)

Internal Notes

No records for internal activities found

Tasks

Close Task	Due	Subject	Assigned By	Assigned To	Status
No records for internal activities found					

Case Contacts

[Manage Collaborators](#) [Add All Elected Officials](#) [Reassign Primary/Secondary](#)

Role	Name	Email	Phone
Primary Owner	Smith, Lisa	lisa.smith@dphd.ocgov.com	(949) 923-3796
Secondary Owner	Lawrence, Paul	paul.lawrence@dphd.ocgov.com	(949) 923-2286

P-22-1

33011 Terrapin Court, San Juan Capistrano, CA 92675

12th November 2011

Dear Sir/Madam,

Re: Proposed Dana Point Harbor Marina Improvement Project

I am writing to object to the proposed changes to the area known as Baby Beach, which would refigure the dock area by the Orange County Sailing and Events Centre.

P-23-1

Having looked at the proposals, it is clear that it is the wrong development in the wrong location. It also appears that the varied impacts of this development have not been addressed or are just being ignored.

While no doubt there has been an estimation of the revenue that these additional slips will generate, has there been an estimation of the revenue that will be lost as a result of this development?

P-23-2

Baby Beach is a place that we visit on a regular basis to paddleboard and kayak. Afterwards we drive to nearby Dana Point restaurants rather than drive all the way back into San Juan Capistrano to eat. Similarly we bring all of our out-of-town visitors to Baby Beach to kayak. Some of these visitors stay at hotels in San Clemente and at Newport Beach but they spend money in Dana Point that they wouldn't have otherwise. I am sure that we are not the only people that live outside of Dana Point (as well as those who do live there) that bring in revenue to Dana Point businesses as a result of the current access to Baby Beach for non-motorised craft. Restaurants will not be the only ones affected. Dana Point businesses such as UP Sports and the several surf shops in town who sell these kinds of crafts will be impacted by fewer sales which impacts City revenues through lower sales tax receipts. The proposed changes with their impact on access by craft such as kayaks and outrigger canoes by the OCSEC area plus the crowding of the basin in front of the beach will result in an unsafe environment for users including the many visitors that use Baby Beach. This will discourage people from using the area. As a result they will go elsewhere and will not spend money at Dana Point businesses they would otherwise have done so.

P-23-3

Another objection concerns the Orange County Sailing and Events Centre dock. The proposed dock configuration will create an unsafe learning environment for boating students at the OCSEC. As a regular paddler in the basin at Baby Beach, I have first-hand experience observing these students. It appears apparent that those behind the proposed changes have not. If they had they would realize that these students will not be able to exit or enter the narrow proposed OCSEC dock area with the level of expertise that will be required with the level of expertise that they have. Even in a wide-open area, they are

P-23-2

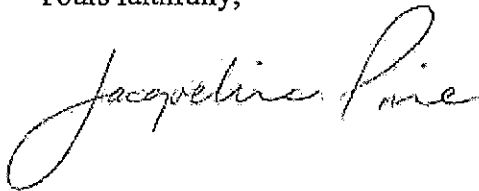
unable to adequately control the direction of their boat. To expect them to do so while trying to enter a narrow dock area from a channel reduced in size, which will most likely be occupied by one or more other boats at the same time is simply astonishing. It is unbelievable that anyone would think that an extremely serious accident would not result if these proposals are allowed to go ahead.

↑
P-23-4

Thanks to its current free, easy public access, Baby Beach is an area that is used and enjoyed by a wide variety of people (mostly residents) all year round. Regardless of the time of day (and even in cold weather) I visit there, there are many people using the beach, water, and surrounding lawns: families celebrating life events, fathers teaching children to paddle etc. At the same time I can be there looking out at the basin for an hour or more and not see a single motorized boat coming in or out of the channel. Yet the proposals propose reducing the larger population's access to a well-used resource to provide space for a few that will barely use the area at all. In the greater harbor area the space for non-motorised craft is comparatively small. To reduce it further negatively affecting a vast majority of people who are non-boat owners is financially and in terms of public relations, shortsighted.

P-23-5

Yours faithfully,



Jacqueline Price (Mrs.)

November 13, 2011

Dear Mr. Gross,

As I receive news of the new plans for the turning basin of Dana Point Harbor, I feel as though I am witnessing a tragedy take place right before my eyes. I feel obligated, not only myself, but to all my friends and peers in the sailing world to do as much as I can try and stop this new building plan from becoming a reality in our harbor. I started sailing when I was seven years old, almost 12 years later I am now 18 years old, and I spend a good chunk of my free time occupying the harbor. I first learned to sail with Westwind sailing, after which I went on to race with Dana West Yacht Club for 4 years and I recently finished up my fourth year teaching at Westwind sailing (this year as a US sailing certified head instructor) so I can say I've gotten to know the harbor pretty well over the years. Dana point harbor is a wonderful environment for young blossoming sailors. Not too big, but not too small, I would have to say that up to 80% of the time I have spent on the water over the course of my life has been in the turning basin or the outer channel of Dana Point Harbor. Whether I was practicing starts or just cruising with a friend, it's a pretty convenient place to go for a minimum haste little sail.

P-24-1

Looking at these new plans, I fear that the present scenario I just portrayed above might no longer be a reality if these plans are executed. These new facilities will over-complicate small boat sailing for all those who enjoy it and effectively ruin it for those novice sailors incapable of maneuvering around the new facilities. Baby beach, a fun, safe environment for small children and west wind campers will be hindered by the yachts who will be using it for extra parking. Furthermore, I find it doubtful that the west end of the harbor will remain as clean as it is now with the new population of yachts occupying it. Waste and pollutants from the yachts will contaminate the turning basin (or what's left of it) to the point where it is barely inhabitable.

P-24-2

P-24-3

Given the above information, I can do little more then write this letter to the individuals responsible for the construction of these new facilities and urge them that following through with these plans would be an enormous mistake.

P-24-4

Sincerely,


Max Monahan

November 14, 2011

Dear Mr. Gross,

My son started sailing at Westwind Sailing when he was 7 years old. Then went to Dana West Yacht Club and raced his sabot for 4 years. Then joined the Mariners (Sea Scouts) and now works for Westwind sailing as one of their head instructors. So as you can see Dana Point Harbor has been and is a big part of our lives.

P-25-1

When my son and I looked at the Harbor plans for the area around the Youth Facility we were very disappointed to think that there was little thought on how this would impact so many people....such as families enjoying the Baby Beach, everyone who participates in Westwind Sailing, the Mariners and all the rest who use the facility. There are health risks with the quality of the water adding more slips for more vessels in that location and there are safety risks from adding more slips as well. If you can visualize the esthetics of the plan, it would look over crowded and cramped plus causing more problems than just the ones above.

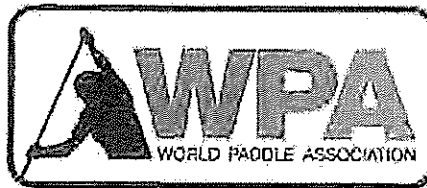
P-25-2

Please take the time to reconsider your decision. There is a lot more at stake than just money. This is about the "good" for everyone.

P-25-3

Thank you.


Debra Monahan



Mr. Brad Gross:

We were recently informed of the possible boat slip additions in front of the area commonly known as Baby beach. After viewing the proposed slip expansion we became very concerned with how this new development would impact the Baby beach area.

P-26-1

Since many of the World Paddle Association members frequently launch and bring their families to the Baby beach area we feel that many of these paddlers and families will no longer utilize Baby beach and with this said would also impact the businesses in the area.

The Baby beach area allows for many paddlers and families a safe and friendly area to launch, park and spend the day enjoying the harbor area. The development plans would make the area more congested with parking and increase boat traffic in a smaller area which would bring more danger to those out in the water. We feel the development to the Baby beach area will only deter those who have enjoyed the area for the reasons stated will now seek other places to spend their time.

P-26-2

If you reduce the amount of people coming to the area than you will reduce amount of income that will be spent with the local retailers in and around the Dana Point Harbor area.

P-26-3

On behalf of the World Paddle Association and our members please re-consider your plans with the development at Baby beach and help continue to best serve those who increase the economy for the Dana Point Harbor area.

P-26-4

Sincerely,

Byron Kurt
President

byron@worldpaddleassociation.com

11-12-11A02151 #CV0

World Paddle Association

info@worldpaddleassociation.com or 888.WPA.4959 (888.972.4959)

November 15, 2011

Brad Gross, Director

OC Dana Point Harbor

24650 Dana Point Harbor Drive

Dana Point, CA 92629

Dear Mr. Gross:

Our family has been involved with the South Coast Sailing Team (SCST) for nearly 20 years. Our son, Christopher, who is now deceased, was an active member of SCST for several years. Christopher passed away in 1996 as a result of a diving accident unrelated to any SCST activities. However, we have continued to support the Sea Scout program over these years because we believe strongly in its mission, the positive impact it has on youth of all walks of life, and its emphasis on ocean safety. We also fund a college scholarship program in memory of Christopher whereby recipients are selected annually based on their leadership accomplishments, including their focus on safety at sea.

P-27-1

While we applaud the vision and the thinking that has gone into the Marina Improvement Project, we are extremely concerned about the negative impact the proposed changes have on the facility previously known as the Youth and Group Facility. As contemplated, the changes would substantially increase the safety risk to the youth in the SCST program and the public at large that uses Baby Beach. The new location for the SCST program is not ideal on many counts, but most of all it exposes the young sailors and the many users of Baby Beach, particularly families with young children, to materially increased risks due to the proximity of the proposed new docks.

P-27-2

One of the most enduring and wonderful aspects of Dana Point Harbor and Marina is the public access that it affords to people of all income levels, backgrounds, and ages. Unfortunately, the proposed project would also be a major step backwards in this regard as parking will be reduced and traffic increased. The negative impact of changing this balance will be most acutely felt in the public areas surrounding Baby Beach and the Youth and Group Facility. These areas are the heart and soul of the public venues for those very users that otherwise have limited access to beach and aquatic facilities in Orange County.

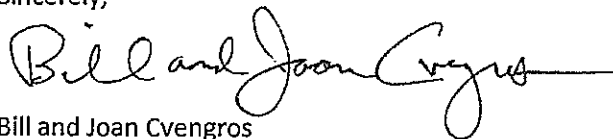
P-27-3

There are other technical aspects of the proposed Improvement Project that should be considered with regard to the impact on the Baby Beach area and the Youth and Group Facility. These relate to inconsistencies and issues that arise when considered in light of the California Coastal Act. I will leave these technicalities to others to point out. However, our concerns are more basic and fundamental. Removing the public docks from the east side of the facility to the west side is a major denigration of the harbor for the youth using the Sailing and Event facilities and the many youth, adults, and families that enjoy the Baby Beach area. While the Improvement Project may provide enhanced docks for a few extra large boats, it will adversely impact several thousand people most of whom are fortunate to have any access to small human powered or wind powered vessels.

P-27-4

We hope that you will reconsider the aspects of the Improvement Project that negatively impact the SCST program, Baby Beach, and the nearby public facilities.

Sincerely,

A handwritten signature in black ink that reads "Bill and Joan Cvengros". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Bill and Joan Cvengros

November 15, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Brad,

As a frequent user of the Dana Point Harbor, I am writing this letter is to provide comment and express the concerns over the proposed development as indicated in the Draft Subsequent Environmental Impact Report.

I surfed Dana Point before there was a harbor. The very first time I came down the road from the top to park down by the pier and paddle out, I fell in love with the Dana Point area. The view was breathtaking! I was in my teens and back then, it was like going to Baja California from where I lived in Huntington Beach. There were four really good surf spots here, abalone shells everywhere and because of the unique eddies, the wind would blow offshore while everywhere else would be blown out.

To say that Orange County has had very little regard for preserving the natural beauty and keeping it for generations to come is an understatement. Driving down the coast, the ocean view has disappeared in lieu of high cost private developments. I'm embarrassed at what has been done in the name of quality of life. Yet am painfully aware that it is human nature to want to change and develop. I also realize that most of us are so vain that we actually think we can improve on nature. Oh well.

The Dana Point Harbor Revitalization Plan is more of the same, quality of life for those that own and can afford larger boats. If the powers that be would just make what is there better instead of changing and expanding, I wouldn't be writing this letter. The existing docks, the handicap access and parking need do need to be revitalized, if not redone. As a person who expects our taxes to provide resources for the public at large not the few who pay big bucks use resources at the expense of the few. I want to point out a few things that will be impacted if this plan goes forward and how Baby Beach will be changed and the public's access and the environment in this area will never be the same. I believe that access to Baby Beach will be reduced by approximately 25% by extending the Youth Facility and Sea Scouts docks further into the basin. To diminish it by adding more docks would be a greater loss than more revenue. 25% area reduction does not include how much area will be lost by the Ocean Institute dock expansion. I feel this design is in direct conflict with the Coastal Act to protect sensitive coastal resource areas. In addition to being a surfer and board shaper, I am also into standup paddle boarding. As you may be aware, paddle boarding is the fastest growing sport right now with 200% growth in the last 2 - 3 years. As a frequent user at Baby Beach, I know that there is

P-28-1

P-28-2

P-28-3

P-28-4



already not enough parking. On a busy weekend the traffic is at a crawl and parking non-existent. The EIR for this project does not reflect this and appears to indicate there are no issues with traffic or parking or at least I didn't find it in the SEIR. This is in stark contrast with those of us that are there and use the basin nearly everyday. Also, as the more people use the area, the development will cause a definite access issue. What do you think will happen when thousands of new homes are built out in the east county or along Ortega Hwy?


P-28-4

Baby Beach is very unique in the fact that it is the only location between Newport Harbor and Oceanside Harbor where a human powered watercraft can access the ocean without having to go through surf. This makes the basin a unique learning area for all types of beach launched watercraft. This recreational environment is rare. Once again, to reduce the area by constructing more docks is not in the public's best interest. This will put a high burden on Baby Beach, its recreational use and will only add to congestion and create safety concerns.

P-28-5

I realize the Dana Point Harbor revitalization task is monumental with so many varied interests and concerns. I hope that the Dana Point Harbor will consider my concerns. I am available to conserve our precious resource and will follow along with this project. I do intend to work actively with our community to increase awareness of this project.

Sincerely,



Michael Mauri
P.O. Box 3622
San Clemente, Ca. 92672

11/15/2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing to express my concerns over the proposed plans to construct docks in the West Basin in front of Baby Beach and to take away the current sailing programs.

I grew up in Dana Point and was part of the South Coast Sailing team. My daughter and family for over 30 years have taken advantage of the wonderful opportunities available through this amazing program. We have and continue to use the small boats to kayaks, to going for day sails on the large boats as well as trips to Catalina Island. I am saddened and upset to hear that the program is in jeopardy due to redevelopment for the wealthy. The kids that have gone through the programs have learned valuable skills from teamwork to leadership. Even though you may view it as only a sailing program, it is so much more! Do not be part of dropping another program for the youth. For you and your team to think that the program will continue on as normal is false. Where will the large boats that take the kids out for day sails and to Catalina be kept? There is a safety issue with these boats next to the small boats and all the children in the same vicinity of Baby Beach. If you think a slip here and there will be sufficient, it will not! The boats should all be kept together for maintenance reasons and for a consistent place for the teens to meet and learn skills together. The success of the sailing programs within your harbor and the amazing safety record for all, should be cause for celebration as to a wonderful job your team has done with the way the facilities are setup for all to enjoy. You should be proud to be a part of it. If you make the proposed changes, you will forever regret being part of closing this door on future generations to use the youth facilities from large boats to small. I hope you will also hold yourself responsible if a large yacht runs into a child and causes physical damage to death. As the Director for the Harbor, do not look at the money that will pour in from the few yachts, yet consider the joy the harbor and sailing programs provide. PLEASE DROP YOUR CURRENT PLANS!

P-29-1

P-29-2

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom out at low tide.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers.
- The project proposes that a boat pumpout station will be located close to Baby Beach which potentially increases pollution in the area.
- A large dock with big boats in front of Baby Beach will change the character of the area and will be aesthetically undesirable.
- The new dock in front of Baby Beach will be used for motor boats which creates safety concerns for non-motorboat users launching at Baby Beach.

P-29-3

P-29-4

P-29-5

P-29-6

P-29-7

P-29-8

Sincerely,

Therese Hall
90 Byron Drive
Pleasant Hill, CA 94523

11-21-11A1-237 2090

11/16/2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing to express my concerns over the proposed construction plans in the vicinity of Baby Beach. I have reviewed the Draft Subsequent Environmental Impact Report for the Harbor Marina Improvement Project dated September 20th 2011.

P-30-1

I am very concerned about the disruption of the environment after reading the report and I hope you are too. A project like this cannot go forward. I read the Professional Impact report as stated and I am an everyday user of Baby Beach, so I see the plant, bird and fish life with my own two eyes all the time. Just the other day while Standup Paddleboarding I saw four dolphins inside the west basin. On Halloween two friends of mine went scuba diving to document the Eel grass that is growing on the sea floor where the proposed docks will be constructed.

P-30-2

There are many birds particularly the Egrets that will be disturbed during this project. I have read the Professional reports and I don't like them. We have so much growth here already in Orange County. I feel we need to fight for what little we have left.


P-30-3

Baby Beach is such a special place in Dana Point. I use Baby Beach to Standup Paddleboard daily. My family and I have taken sailing classes from Westwind Sailing. County sponsored programs such as Westwind's was vital to my family's support this year after a trauma. I can't imagine the West Basin's recreational area getting smaller, leaving less room for sailing programs and paddle classes. The new dock construction will force over crowding on the north side of the beach, have you witnessed Baby Beach lately? On a warm day you will find 100 paddlers out on the water at the same time. Paddle sports are growing we need more space water sand and land.

P-30-4

Please do not move forward on placing docks in the West basin near Baby Beach. I hope that Dana Point Harbor will take my concerns into consideration. I will help educate the public on the expanded awareness of this project and the good you do as our Director.

Thank you,



Terri Plunkett
230 Del Gado Rd.
San Clemente, CA 92672
949 307-1396

November 16, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing to express my concerns over the Harbor's proposed development in front of and adjacent to Baby Beach.

I am a resident of Irvine and live near the top of Back Bay at Newport Harbor. Even though I live only a couple of blocks from beautiful Newport Harbor, I make the trip to Dana Point's Baby Beach at least 3 times a week to enjoy watersports at your harbor. The launch area at Baby Beach is special. The launch is safe and protected, with no powerboats in your immediate path. This is especially important for beginners and families. Also what brings me to your Harbor (city) is the atmosphere and friendship at Baby Beach. Just like a yacht club provides a gathering point for boat owners, the Baby Beach area is a special place for friends and families to gather. We have met so many great people at Baby Beach.

P-31-1

Without the Baby Beach area I would not be coming to Dana Point. There is no other safe launch point and with more boats jammed into the harbor it would not be a safe place for human powered vessels. Since coming to the Baby Beach launch site I have discovered your beautiful little city. I have spent a fair amount of tax dollars in Dana Point that could easily be diverted to Newport Beach. As recently as last week I made 2 large purchases at businesses in your city. These are businesses I never would have known about without coming to Baby Beach.

P-31-2

I encourage you to do the right thing: REVERSE your decision to privatize the docks used by the community for education, maintain a safer distance of the pump-out stations from bathers (especially since this area caters to very small children), and eliminate the plans to expand docks in and around Baby Beach. The claims in the EIR concerning this development appear to be inconsistent and inadequate as written given the impact this development clearly would have to the public and environment.

P-31-3

Sincerely,



Jill Cupp Vickery
26 Los Trancos Dr.
Irvine, CA 92617

11/16/2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing to express my concerns over the proposed plans to construct docks in the West Basin in front of Baby Beach and to take away the current sailing programs.

My Grandparents live down in Dana Point. I grew up participating in the different sailing programs during the summer months and continue to enjoy the large boats during the year when I visit. With the area decreasing next to Baby Beach, I can't imagine where the small boats will sail. As a child it is a scary experience being out in the open channel. The sailing area next to Baby Beach should not be decreased. It is very much needed.

P-32-1

As a teen, I joined the Mariners and participated in many years of events. I am forever grateful for the positive influence this program had on my life. I not only learned to sail, I grew in love with the ocean, learned invaluable life skills, was part of a team, felt like I belonged, learned how to be a leader and how to accept and appreciate all. I wish all teens could participate in this amazing program. I can't believe the harbor would decide to make big changes to the facilities that would close down the program and/or have it become a smaller venue. The large boats are needed for team bonding and the invaluable lessons learned out at sea.

P-32-2

Please reconsider your proposal of moving the Mariner boats from their current location! The youth that participate in the sailing programs are forever changed for the better. Don't be part of taking this away from us!

P-32-3

Sincerely,



Nicole Hall
Gonzaga University
502 E Boone Ave, MSC# 1746
Spokane, WA 99258



November 17, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach.

I am a resident of Dana Point and have been coming to Baby Beach for 10 years. My friends and I brought our children to Baby Beach when they were young because we liked the proximity of the parking to the beach and the fact that there were no waves. As they grew older, my kids would launch their kayak from the beach and then they learned to sail at the OC Sailing & Events Center. I always appreciated the family friendly atmosphere at Baby Beach and the protected shoal area for my kids to enjoy their boating experiences.

P-33-1

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEEC and DP Yacht Club.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom out at low tide.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEEC.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers.
- The project proposes that a boat pump out station will be located close to Baby Beach which potentially increases pollution in the area.
- A large dock with big boats in front of Baby Beach will change the character of the area and will be aesthetically undesirable.
- The new dock in front of Baby Beach will be used for motorboats which creates safety concerns for non-motorboat users launching at Baby Beach.

P-33-2

P-33-3

P-33-4

P-33-5

P-33-6

P-33-7

P-33-8

I hope that Dana Point Harbor takes into considerations these issues, recognizes the importance of the above and analyzes other options that will not have such a negative impact on the Harbor's resources. I will follow this process closely and continue to work with the community to expand awareness of this project. Finally, I will be one of many who will work to preserve Baby Beach, the Educational facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

P-33-9

Sincerely,

Elizabeth Harrington
32532 Azores Rd.
Dana Point CA 92629
lizabh4u@cox.net

11-21-11 11:38 AM RCVJ

November 17, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach and MY OPPOSITION TO YOUR PLAN.

My mother-in-law has owned a home in Dana Point for close to 30 years and we have been fortunate enough to spend vacations there for the last 13 years with our kids. My young children have thrived in the OC Sailing & Events Center through Westwind Sailing's summer camp program. I cannot see how Westwind will be able to continue to offer the amazing opportunities that they currently provide our kids if this new plan for the Marina is enacted. In addition, I feel you would be creating a variety of safety and health hazards with this new construction. Use of Dana Point Harbor, and Baby Beach area in particular, represent a long tradition for many families and it would be shameful to adjust the quaint atmosphere with additional over-sized boats in that small area. As I say, we have been bringing our kids to Baby Beach since they were born and I have been so grateful to have been able to offer safe and basic sailing training to them as they have grown up through Westwind Sailing. I have always appreciated the family friendly atmosphere at Baby Beach and the protected shoal area for my kids to enjoy their boating experiences. This current setting is one that is far too rare in our kids' modern life experience.

P-34-1

Please note the following key arguments I respectfully put forth in opposition to your plan:

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers.
- A large dock with big boats in front of Baby Beach will change the character of the area and will be aesthetically undesirable.
- The new dock in front of Baby Beach will be used for motor boats which creates safety concerns for non-motorboat users launching at Baby Beach.

P-34-2

P-34-3

P-34-4

P-34-5

P-34-6

P-34-7

P-34-8

I hope that Dana Point Harbor takes into consideration these issues, recognizes the importance of all of the bullet points I have listed above, and analyzes other options that will not have such a negative impact on the Harbor's resources.

I will follow this process closely and am spreading the word to all I know that love and appreciate the character of the Dana Point Harbor and Baby Beach as well as the opportunities provided to our young children to learn safe boating practices in a protected setting. The contamination to the water from a pumpout station alone will prevent any family I know from wanting to expose their young children to the contamination in that area if you go forward with this plan.

P-34-9

Dana Point Harbor, Baby Beach, and the educational facilities offer such a unique and rare opportunity to our children. In this day and age it is yet another sad commentary that you would not be willing to go to the extra effort to preserve some of the treasures from the past for our kids' benefit.

Sincerely,
Mary Ellen & Dave Brown
11021 N. 74th Street
Scottsdale, AZ 85260

11/17/2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach and to take away the docks for the different sailing programs that utilize the other side (now proposed for large yachts).

Why would you put the sailing programs at risk of closing down? Why make the area so small that the different groups are on top of each other?

Be proud of the harbor and what's available: The OC Sailing & Events Center is an educational boating facility protected by the Tideland Trust and Coastal Act. Its purpose is to provide low cost, public access recreational and educational boating opportunities for the public. The boating programs at the center include: Sea Scouts; Westwind sailing and paddling programs for adults, children, individuals with special needs and youth at risk; Dana Point Outriggers; Saddleback College, Marine Science Tech courses; Coast Guard Auxiliary; KG Beach Camps.

P-35-1

Concerns:

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom out at low tide.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers.
- The project proposes that a boat pumpout station will be located close to Baby Beach which potentially increases pollution in the area.
- A large dock with big boats in front of Baby Beach will change the character of the area and will be aesthetically undesirable.
- The new dock in front of Baby Beach will be used for motor boats which creates safety concerns for non-motorboat users launching at Baby Beach.

P-35-2

P-35-3

P-35-4

P-35-5

P-35-6

P-35-7

P-35-8

My family has utilized the different programs and facilities for over 30 years. Only help to improve the facilities. Do not be a part of taking them away!

P-35-9

Thank you,

Michael Hall
90 Byron Drive
Pleasant Hill, CA 94523

November 17, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. We are writing to express our concern over any modification to Baby Beach and the surrounding marina area.

We are residents of Laguna Niguel and have been coming to Westwind Sailing Facilities and Baby Beach for eight years. Our children and their friends have launched small outriggers from Baby Beach into the safe and calm ocean, and also learned to sail through Westwind. Because of the great experiences fostered, our son pursued the sport, currently racing Sabots, CFJ's, Lasers and 420's as a result of his introduction to sailing and incredible experience with Westwind, owner Diane Wenzel, and staff.

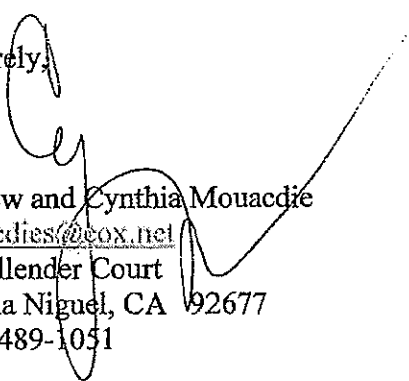
P-36-1

We could easily list numerous reasons why any modification to Baby Beach and the surrounding area would ill affect our current usage, however, -- to put it simply-- we now have teenagers that have grown to treasure and enjoy the special amenity of having access to a sheltered beach within an expansive harbor. Most importantly, Baby Beach in its current configuration provides a safe environment for our son and daughter's ocean exploration. Safety is paramount when children, teens and adults are in the ocean.

P-36-2

We hope that Dana Point Harbor analyzes other options that will not have such a negative impact on the Harbor's resources. Thank you in advance for your consideration.

Sincerely,


Andrew and Cynthia Mouacdie
mouacdie@cox.net
36 Callender Court
Laguna Niguel, CA 92677
(949) 489-1051

11-13-11 11:28 RCVD

Nicholas E. Flores
1285 Linden Avenue
Boulder, CO 80304

November 18, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

RE: Dana Point Harbor

Dear Director Gross,

I write in opposition of the new development proposed for Baby Beach and urge the Harbor to reverse course. The proposed development will create conflict between paddlers and boaters, making the area considerably less desirable and less safe for paddlers. Losses from this project will grow over time. I elaborate below.

P-37-1

As an economics professor at the University of Colorado Boulder, I study the economic impacts of recreational policies. I believe there are important economic fundamentals that come into play on this decision.

First, the immediate economic impact to paddlers is considerable. Reducing the amount of surface water available for paddlers and increasing sailboat traffic will make the area less desirable without a doubt. Economic losses for paddlers would not be great if there were many similar sites to put in and find some calm water. However Baby Beach is quite unique to the surrounding area. One has to move up or down the coast pretty far (creating more environmental impact) to find another spot like Baby Beach. Lacking these substitutes, Baby Beach is a very valuable site. Degrade the conditions for paddlers and you get large losses on account of this relative uniqueness. People facing considerable losses tend to get up in arms which is exactly what you are experiencing.

P-37-2

Second, stand up paddle boarding (SUP) is a sport that is experiencing amazing growth and this growth will likely be sustained for a long time. SUP is exploding in places like Lake Tahoe, Boulder, and Austin. SUP startup costs are relatively low compared to motor boating and sailing. Boards are relatively inexpensive and they are going to get a lot cheaper as manufacturer competition increases. Deciding in favor of sailing at the expense of SUP boarders is going against the obvious market trends. Economic losses from the proposed dock expansion are going to grow over time in tandem with the growth of the sport. I believe the Harbor wants to make a decision that is right for the public. Weighing the outcomes for the future is where most of the action is on this project. Market trends favor keeping the area in tact for SUP and other forms of paddling.

Overall, I think the economics of the situation favors maintaining or even improving the area for SUP boarders, canoe paddlers, and kayak paddlers. Thank you for considering my plea.

P-37-3

Respectfully,

Nicholas E. Flores (Ph.D., Professor, and Department Chair)

November 18, 2011

Mr. Brad Gross
Harbor Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Re: DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
DANA POINT HARBOR MARINA IMPROVEMENT PROJECT
SCH NO. 2003101142

Dear Mr. Gross:

I provide these comments on the above-referenced as an individual. The comments below and all references contained therein are hereby incorporated into the official record of proceedings of this project and its successors.

For several years I have been talking to the management and board of South Coast Water District (SCWD) regarding their plans to extend the "purple pipe" for recycled water into OC Dana Point Harbor. Specifically, I have talked to them about this extension occurring well before any construction activities would commence in the Harbor. I reference the email stream below as a starting point for these discussions.

P-38-1

From: "Michael Dunbar" <Mdunbar@scwd.org>
Date: October 30, 2008 10:18:25 AM PDT
To: "Penny Elia" <greenp1@cox.net>
Cc: "Dick Dietmeier" <dietmeier@cox.net>
Subject: RE: Dana Point Harbor Revitalization Plan - "purple pipe"

Penny,
I have spoken to Brad about the use of recycled water in the Harbor. We currently have purple pipe in the ground along Golden Lantern from Stonehill Drive down to Del Prado. We are also extending the purple pipe along Pacific Coast Highway down into the Town Center of Dana Point. We are also working with City of San Juan Capistrano and Moulton Niguel to get recycled water at the J.B. Latham Plant on Del Obispo. I would venture to guess that we should have purple pipe into the Harbor and Town Center within the next two years.
Mike

-----Original Message-----
From: Penny Elia [mailto:greenp1@cox.net]
Sent: Wednesday, October 29, 2008 1:54 PM
To: Michael Dunbar
Cc: Dick Dietmeier
Subject: Dana Point Harbor Revitalization Plan - "purple pipe"

P-38-2

Hi Mike -
Hope all is well. Sorry I had to leave the last Aliso water reuse meeting early, but so happy to hear we're moving forward.

I am meeting with Brad Gross tomorrow regarding the DP Harbor revitalization plan. One of the issues I keep asking him about is the extension of the purple pipe and how the new plan will implement this much needed program. You know I have the same questions about the whole Headlands project as well. As I was walking along Strands a few weeks ago I saw the sprinklers at the Headlands wasting thousands of gallons of water. The wind was blowing, the sun was out and the sprinklers were just going a mile a minute.

With all that in mind, could you please give me an idea of where SCWD is in the process of getting that famous purple pipe out to the Headlands and Dana Point Harbor?

Many thanks!
All the best -
Penny

After repeated unsuccessful attempts to reach SCWD General Manager Mike Dunbar over the past several weeks to discuss the progress of the recycled water extension into the Harbor and my goal to incorporate SCWD's update into these SEIR comments, I contacted SCWD Chairman Wayne Rayfield. Chairman Rayfield provided the following update on November 8, 2011:

- SCWD does have a plan for implementation once renovation of OCDPH is approved.
- SCWD also has a back up plan that would include providing recycled water from the coastal treatment plan or tapping into Moulton Niguel.
- Plan C, depending on variables, would be to take Salt Creek runoff and recycle that. This has been a longstanding hope but there are no approvals at this time and it will require Regional Board approval and a plan for disposal of brine and storage.

P-38-3

Attached is SCWD's five-year Capital Improvement Program. On Page 57, "Recycled, Golden Lantern South" will extend the recycled line in Golden Lantern from Del Prado to the Harbor. These improvements are planned for 2014-2015. OC Dana Point Harbor could commence construction of the Commercial Core in early 2014.

As you can see, there have been several scenarios presented by SCWD over the past three years. It's apparent at this date and time that Mr. Dunbar's original "guess" of the extension occurring by 2010 was miscalculated. It would also appear that a specific extension date is more than fluid.

P-38-4

It is imperative that recycled water be provided to OC Dana Point Harbor by SCWD by the time construction commences. An accurate timeline needs to be provided by SCWD management and its board to OC Dana Point Harbor. Our finite resources cannot be drained by yet another major development in this area. The Headlands/Strands project wasted millions of gallons of potable water during their initial construction phase. We simply cannot afford to have our water supply misused.

I remain committed to my outreach to SCWD management and its board and strongly encourage you to join me in these efforts.

Thank you for the opportunity to submit these comments.

Penny Elia
30632 Marilyn Drive
Laguna Beach, CA 92651
949-499-4499

Attachment: 2011-12 SCWD CIP Budget

Copy: Wayne Rayfield – SCWD
Mike Dunbar – SCWD
Sherilyn Sarb – California Coastal Commission
Teresa Henry – California Coastal Commission
Karl Schwing – California Coastal Commission
Fernie Sy – California Coastal Commission
Robert Morris – San Diego Regional Water Quality Control Board
Jimmy Smith – San Diego Regional Water Quality Control Board
Jon Conk – Project Dimensions, Inc.

P-38-5

2011-2012 DISTRICT CAPITAL PROJECTS

PROJECT DESCRIPTION	Account Number	Proposed BUDGET					Budgeted 5 Year Project Total
		2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	
Outside Agency Subtotal		3,124,707	3,915,862	3,763,578	2,099,260	1,914,553	\$ 14,817,960
Water Subtotal		3,140,000	1,740,000	4,312,000	4,130,000	-	\$ 13,322,000
Sewer Subtotal		4,755,000	11,455,000	17,717,000	14,305,000	11,340,000	\$ 59,572,000
San Juan Creek Property Development Subtotal		50,000	200,000	1,650,000	2,350,000	50,000	\$ 4,300,000
Recycled Subtotal		500,000	2,950,000	5,324,000	7,100,000	-	\$ 15,874,000
Groundwater Recovery Facility Subtotal		1,988,000	2,050,000	2,550,000	450,000	-	\$ 7,038,000
City of Dana Point Subtotal		250,000	650,000	1,150,000	-	-	\$ 2,050,000
Other Projects Subtotal		1,230,000	330,000	250,000	450,000	150,000	\$ 2,410,000
Vehicle and Equipment Subtotal		335,000	-	-	-	-	\$ 335,000
TOTAL PRIORITY ONE PROJECTS		\$ 13,184,707	\$ 17,556,862	\$ 16,513,578	\$ 10,248,260	\$ 13,689,553	\$ 73,577,960
TOTAL PRIORITY TWO PROJECTS		\$ 2,138,000	\$ 1,500,000	\$ 9,350,000	\$ 2,700,000	\$ 2,700,000	\$ 17,388,000
TOTAL PRIORITY THREE PROJECTS		\$ 50,000	\$ 1,385,000	\$ 8,041,000	\$ 5,845,000	\$ -	\$ 17,631,000
TOTAL PRIORITY FOUR PROJECTS		\$ -	\$ -	\$ 1,752,000	\$ 6,440,000	\$ 340,000	\$ 8,512,000
TOTAL CAPITAL		\$ 15,372,707	\$ 23,280,862	\$ 36,716,578	\$ 30,884,260	\$ 13,454,553	\$ 119,718,960
		12.84%	19.45%	30.67%	25.80%	11.24%	

SUMMARY

2011-2012 DISTRICT CAPITAL PROJECTS

Account Number	PROJECT DESCRIPTION	Proposed BUDGET					Budgeted 5 Year Project Total
		2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	
PRIORITY ONE							
OUTSIDE AGENCY							
07-002	Water Reservoir Storage - Santa Margarita Water District						500,000
08-017	JRWSS Capital Projects (2011-2012 JRWSS Budget)	10280	500,000				500,000
08-003	NAWDOC Ocean Dred Study	19320	697,524	1,182,555	107,540	220,765	2,758,655
05-084	SOCWA - JB Latham Plant - PC(ZR)	17160	212,000	291,000	233,000	TBD	989,000
05-065	SOCWA - Coastal Treatment Plant - PC(15R)	32020	1,142,565	1,177,308	898,529	869,292	5,399,267
05-066	SOCWA - Regional Treatment Plant - PC(17R)	32150	480,926	1,100,366	1,375,601	785,016	4,411,783
	Outside Agency Subtotal	32170	91,772	164,633	293,124	154,561	779,265
			3,124,707	3,915,882	3,763,578	2,099,260	14,817,960
WATER							
08-005	4A Reservoir Interior and Exterior Coating	17350	500,000				500,000
11-024	Dana Point Water Service Replacements		250,000				250,000
11-001	S.J.C Property Waterline	11130	890,000				890,000
	Large Valve Replacement Program	19910	475,000				475,000
	Water Subtotal		2,115,000				2,115,000
SEWER							
08-029	Sewer Tunnel Permanent Repair-Main Tunnel and any Access Shafts	26830	2,000,000	10,000,000	11,000,000	11,000,000	45,000,000
11-002	Shaft and Access Tunnel Easement Acquisition	26830	1,500,000				1,500,000
10-008	Cathodic Protection on LS #2 Force Main	17660	25,000				25,000
10-011	LS #2 Replacement Pumps	17700	500,000				500,000
11-005	Gravity Sewer Lines Repairs	19950	150,000				150,000
	Sewer Subtotal		4,175,000	10,000,000	11,000,000	11,000,000	47,175,000

2011-2012 DISTRICT CAPITAL PROJECTS

PROJECT DESCRIPTION	Account Number	Proposed BUDGET	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Budgeted 5 Year Project Total
SAN JUAN CREEK PROPERTY DEVELOPMENT								
San Juan Creek Property Development Subtotal								
09-013		enrg	500,000	1,500,000				2,000,000
			500,000	1,500,000				2,000,000
RECYCLED								
Recycled Subtotal								
			500,000	1,500,000				2,000,000
			500,000	1,500,000				2,000,000
GROUNDWATER RECOVERY FACILITY								
Groundwater Recovery Facility Subtotal								
10-005		enrg	200,000	1,000,000	1,500,000			2,800,000
08-031	96	enrg	800,000					800,000
10-003		enrg	900,000	1,000,000				1,900,000
			1,900,000	2,000,000	1,600,000			5,500,000
CITY OF DANA POINT PROJECTS								
City of Dana Point Projects Subtotal								

2011-2012 DISTRICT CAPITAL PROJECTS

Account Number	PROJECT DESCRIPTION	Proposed BUDGET					Budgeted 5 Year Project Total
		2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	
OTHER PROJECTS							
11-010	ops	SCADA Upgrades	350,000	-	-	-	350,000
11-011	ops	Tennis Center Improvements	30,000	-	-	-	30,000
11-013	engr	West Street Facility Improvements/Front Stairs	100,000	-	-	-	100,000
09-005	ops	Catholic Protection Upgrades & Replacement	50,000	50,000	50,000	50,000	250,000
09-007	IT	IT Capital Equipment	355,000	100,000	100,000	100,000	755,000
11-053		Operations Center	150,000	TBD	TBD	TBD	150,000
		Other Projects Subtotal	1,035,000	150,000	150,000	150,000	1,635,000
VEHICLE AND EQUIPMENT							
10-021	ops	Yearly Generator Replacement Program LS #13 and #14	75,000	-	-	-	75,000
	ops	CCTV Camera Replacement	40,000	-	-	-	40,000
11-020	ops	Emergency Water Pump to meet AQMD Standards	80,000	-	-	-	80,000
	ops	Tire Changer and Wheel Balancer	16,222	-	-	-	16,222
11-022	ops	Vehicle Replacement Units # 5, 11, 26 High Line Trailer for Piping and Hoses	125,000	-	-	-	125,000
		#5, #26 will be HD 2500 Chevrolet Trucks Unit #11 will be a Ford 250					
		Vehicle and Equipment Subtotal	335,000	-	-	-	335,000
		TOTAL PRIORITY ONE PROJECTS	13,184,707	17,565,862	16,513,578	13,249,260	13,064,553

Vehicles to be Replaced Descriptions
 Unit #5 2000 106,939 miles Chevrolet 2500 Water Operations BC
 Replaced with HD 2500 Truck

Unit #11 2003 HD 2500 83,903 miles DM/this unit will be reused
 by Water Operations

Unit #26 2000 107,596 miles Chevrolet 2500 RC/ Replaced with Toyota Pre-Runner
 High Line Trailer for Piping and Hoses

2011-2012 DISTRICT CAPITAL PROJECTS

Proposed Budget
 Account Number
 2011-2012 2012-2013 2013-2014 2014-2015 2015-2016
 Budgeted 5 Year Project Total

PRIORITY TWO

PROJECT DESCRIPTION	Account Number	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Total
OUTSIDE AGENCY							
Outside Agency Subtotal							
WATER							
08-004	ops	120,000	-	-	-	-	120,000
11-025	enpr	-	550,000	-	-	-	550,000
10-002	ops	60,000	-	-	-	-	60,000
11-027	ops	25,000	-	-	-	-	25,000
	enpr	100,000	-	-	-	-	100,000
	ops	200,000	-	-	-	-	200,000
	enpr	400,000	-	-	-	-	400,000
	ops	-	800,000	-	-	-	800,000
	ops	120,000	-	-	-	-	120,000
	ops	1,025,000	1,350,000	-	-	-	2,375,000
Water Subtotal							

SEWER							
09-009	ops	25,000	250,000	1,500,000	1,200,000	-	2,975,000
11-030	ops	-	150,000	1,500,000	-	-	1,650,000
	ops	50,000	-	-	-	-	50,000
	ops	65,000	-	-	-	-	65,000
	ops	15,000	-	-	-	-	15,000
	enpr	300,000	-	-	-	-	300,000
	enpr	100,000	1,000,000	3,000,000	2,000,000	-	6,100,000
	enpr	25,000	-	-	-	-	25,000
	enpr	580,000	1,400,000	6,000,000	3,200,000	-	11,180,000
Sewer Subtotal							

SAN JUAN CREEK PROPERTY DEVELOPMENT							
07-009	enpr	50,000	50,000	50,000	50,000	50,000	250,000
San Juan Creek Property Development Subtotal							

RECYCLED							
09-011	enpr	-	150,000	910,000	-	-	1,060,000
	enpr	-	200,000	1,300,000	-	-	1,500,000
	enpr	-	200,000	-	-	-	200,000
	enpr	-	50,000	20,000	1,000,000	-	1,070,000
	enpr	-	100,000	-	-	-	100,000
	enpr	-	700,000	2,230,000	1,000,000	-	3,930,000
Recycled Subtotal							

2011-2012 DISTRICT CAPITAL PROJECTS

Account Number	PROJECT DESCRIPTION	Proposed BUDGET	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Budgeted 5 Year Project Total
GROUNDWATER RECOVERY FACILITY								
	Equipment including a Mechanical Mixer		25,000					25,000
	GRF Greensand Replacement I&M Removal System		20,000					20,000
	GRF Discharge Pipeline		25,000					25,000
	WQ Tracking Software		18,000					18,000
	Groundwater Recovery Facility Subtotal		88,000					88,000
CITY OF DANA POINT PROJECTS								
	Doherty Village Infrastructure Improvements		100,000	500,000	1,000,000			1,600,000
10-014	Dana Point Town Center Domestic Water Improvements	17760	50,000	50,000	50,000			150,000
10-015	Dana Point Town Center Recycled Water System	17780	50,000	50,000	50,000			150,000
10-016	Dana Point Town Center Sewer Improvements	17800	50,000	50,000	50,000			150,000
	City of Dana Point Projects Subtotal		250,000	650,000	1,150,000			2,050,000
OTHER PROJECTS								
06-041	Asset Management Plan	11100		100,000				100,000
	Asset Management Plan							
	Asset Management Plan							
05-103	Asset Management Plan	30010	15,000					15,000
05-096	Computerized Maintenance Management System	24360	80,000					80,000
	Computerized Maintenance Management System							
	GIS Additional Applications							
	Other Projects Subtotal		145,000	180,000	100,000	100,000	100,000	525,000
	TOTAL PRIORITY TWO PROJECTS		2,138,000	4,330,000	9,530,000	4,350,000	50,000	20,398,000

2011-2012 DISTRICT CAPITAL PROJECTS

Account Number	Proposed BUDGET	PROJECT DESCRIPTION	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Budgeted 5 Year Project Total
PRIORITY THREE								
OUTSIDE AGENCY								
Outside Agency Subtotal								
WATER								
06-007	17	enrg	Scaciff Drive					
07-006	20	enrg	Vista Point Water Main Connection	50,000	430,000			480,000
07-005	19	enrg	Park Lantern Water Main Extension	10,000	70,000			80,000
05-009	12	enrg	Via California Waterline Replacement	240,000				240,000
		enrg	390/345 Pressure Zone Conversion	90,000	2,150,000			2,160,000
			Water Subtotal	350,000	3,340,000			3,730,000
SEWER								
		enrg	Coast Highway Relief N/O Palisades			95,000		95,000
		enrg	D2 Harbor Parking Lot Relief	25,000	307,000			332,000
		enrg	Del Obispo/Stonewall Relief	30,000	400,000			430,000
			Sewer Subtotal	55,000	707,000	95,000		857,000
SAN JUAN CREEK PROPERTY DEVELOPMENT								
08-019	71	enrg	SJC Property - Waterline	60,000	350,000		200,000	600,000
09-004		enrg	SJC Property - Access Road	50,000	450,000		700,000	1,200,000
10-023		enrg	SJC Property - Street Lights		50,000		600,000	650,000
10-024		enrg	SJC Property - Extend Sewer to LS 12	50,000	750,000		800,000	1,600,000
			San Juan Creek Property Development Subtotal	150,000	1,600,000	2,300,000		4,050,000

2011-2012 DISTRICT CAPITAL PROJECTS

Account Number	PROJECT DESCRIPTION	Proposed BUDGET	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Budgeted 5 Year Project Total
RECYCLED								
	Monarch Beach & Stonehill Dr Recycled Main Upgrade			300,000	1,374,000			1,674,000
	Tier 2 Conversion Study PBS&J 7-10, RVV-6				120,000			120,000
	Recycled Water Retrofit Conversion Tier 1			50,000	450,000	1,000,000		1,500,000
	Recycled Reservoir			400,000	400,000	3,000,000		3,800,000
	Recycled Subtotal			750,000	2,344,000	4,000,000		7,094,000
GROUNDWATER RECOVERY FACILITY								
	GRF Expansion Well No. 4				50,000	250,000		300,000
	GRF Well No. 4 Wellhead Facilities and Pipeline			50,000	900,000	200,000		1,150,000
	Groundwater Recovery Facility Subtotal			50,000	950,000	450,000		1,450,000
CITY OF DANA POINT PROJECTS								
	City of Dana Point Projects Subtotal							
OTHER PROJECTS								
05-104	Enterprise Content Management System/Document Storage	13520	50,000					50,000
	Other Projects Subtotal		50,000					50,000
TOTAL PRIORITY THREE PROJECTS								
			50,000	1,395,000	8,941,000	6,845,000		17,231,000

2011-2012 DISTRICT CAPITAL PROJECTS

Proposed Budget
 Account Number
 PROJECT DESCRIPTION
 2011-2012
 2012-2013
 2013-2014
 2014-2015
 2015-2016
 Budgeted 5 Year Project Total

PRIORITY FOUR

Account Number	PROJECT DESCRIPTION	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Budgeted 5 Year Project Total
	OUTSIDE AGENCY						
	Outside Agency Subtotal						

WATER

05-016	14	enrg	Sea Island Drive 820 Zone Meter	22210		162,000		162,000
05-025	23	enrg	Holly Drive Pressure Conversion				392,000	392,000
		enrg	Lantern Area Watermain Replacement	31000		800,000	1,238,000	2,038,000
07-035	42	enrg	Dana Point Harbor Revitalization			10,000	2,500,000	2,510,000
			Water Subtotal			972,000	4,130,000	5,102,000

SEWER

		enrg	Del Obispo Village Relief			10,000	10,000	90,000
		enrg	Monarch Bay Dr Sewer Improvements					160,000
		enrg	Camino Capistrano Sewer Upgrade					90,000
			Sewer Subtotal			10,000	10,000	340,000

SAN JUAN CREEK PROPERTY DEVELOPMENT

			San Juan Creek Property Development Subtotal					
--	--	--	--	--	--	--	--	--

RECYCLED

		enrg	Additional Pump at RPS1			150,000		150,000
		enrg	Golden Lantern South Pipeline				550,000	550,000
		enrg	Golden Lantern North Pipeline			800,000		600,000
		enrg	Recycled Water Retrofit Conversion - Tier 2				1,200,000	1,200,000
		enrg	PCH North Pipeline				350,000	350,000
			Recycled Subtotal			750,000	2,100,000	2,850,000

GROUNDWATER RECOVERY FACILITY

			Groundwater Recovery Facility Subtotal					
--	--	--	--	--	--	--	--	--

2011-2012 DISTRICT CAPITAL PROJECTS

PROJECT DESCRIPTION	Account Number	Proposed BUDGET	Budgeted 5 Year Project Total				
			2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
CITY OF DANA POINT PROJECTS							
City of Dana Point Projects Subtotal			-	-	-	-	-
OTHER PROJECTS							
Other Projects Subtotal			-	-	200,000	200,000	200,000
TOTAL PRIORITY FOUR PROJECTS			-	-	1,732,000	6,440,000	340,000
GRAND TOTAL OF ALL PRIORITY OF CAPITAL PROJECTS			15,372,707	23,280,852	36,716,578	30,884,260	13,454,553
							119,718,960



11-21-11 11:34 RCVD

THE LEADING EDGE OF COASTAL ACTIVISM

November 18, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Surfers' Environmental Alliance (SEA) has recently become aware of the Harbor Marina Improvement project. Surfers' Environmental Alliance would like to review the EIR for the project but have not had the opportunity to do so. We are also asking for a ninety day extension for review and additional comment period.

P-39-1

We have been informed by many of our supporters in the Orange County area about the concerns with this development and its impact on public access and public safety. In question is the area known as Baby Beach which is used by thousands of residents and tourists and is one of the only protected beach areas in Southern California.

P-39-2

As a preliminary matter, Surfers' Environmental Alliance (SEA) is committed to the preservation and protection of the environmental and cultural elements that are inherent to the sport of surfing. Our goals are achieved through grassroots activism, community involvement, education and humanitarian efforts. We engage in projects that strive to conserve the quality of our marine environment, preserve or enhance surf breaks, protect beach access rights, and safeguard the coastal surf zone from unnecessary development. www.seasurfer.org

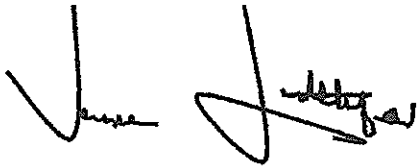
P-39-3

We are based in California on the west coast and in New Jersey on the east coast, and we operate nationally and also overseas when appropriate. Any coastal project that damages beach access, ocean or surf access, or surfing waves is strongly opposed by all members of SEA.

We observe that the coastal community has not had sufficient opportunity to review the project EIS, and this fact is very disturbing given the numbers of people who will be affected by the proposed project. Therefore, because of the importance of this project to the legal coastal access rights of the many thousands of surfers and beach goers making public use of "Baby Beach" we ask for a ninety day extension for review and additional comment period.

P-39-4

For the sea and the surf,



James Littlefield, West Coast Environmental Projects Director
Surfers' Environmental Alliance (SEA)

www.seasurfer.org

November 18,2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach.

P-40-1

I am a resident of San Clemente and have been coming to Baby Beach for 15 years paddling Outrigger Canoes and Standup Paddle boards, often 5-6 days a week throughout the year. I have also worked with a number of Volunteer Groups to gather trash and debris in and around the Harbor to preserve and protect this area.

I have a number of concerns with the proposed plan...especially impeding upon Public access to launch human powered crafts at Baby Beach which reduces Public Access to the water....also increasing the number of motorized vessels in the Educational Basin near Baby Beach creating an unsafe environment.

P-40-2

I hope that Dana Point Harbor takes into considerations these issues, recognizes the importance of Safe Public access to analyze other options that will not have such a negative impact on the Harbor's resources. I will follow this process closely and continue to work with the community to expand awareness of this project.

P-40-3

Finally, I will be one of many who will work to preserve Baby Beach, the Educational facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

Sincerely,

Thomas M. Shahinian
PO Box 3044
San Clemente, CA 92674
949-350-3913

11/18/2011

88 Ridge Rd.
Rumson, NJ 07760

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross:

For many years, I have visited Dana Point as a tourist. It is one of my favorite spots on the California Coast.

I was disappointed to hear that the Dana Point Harbor commission is considering expanding the harbor further at the expense of the small beach adjacent. Dana Point has always been famous for its beaches (back to the days of Henry Dana). I hope we won't make an expansion in this case. Please keep the beauty and convenience of the beach for us as tourists.

P-41-1

Thanks,



Willard Somers

Cc: Mr. Andrew Mencinsky
Surfers Environmental Alliance

11-21-11 11:13:56 RCVD

November 18, 2011

Brad Gross
OC Dana Pt Harbor
24650 Dana Point Harbor Drive
Dana Point CA 92629

RE: Public Access at Baby Beach

Dear Mr. Gross:

It is with great urgency that I write to you to reverse your decision to privatize the docks in question that are evidently used by a wide variety of activities, much more so than the private docks. The large vessels at these private docks never seem to leave their slips. The local community needs and deserves this area to remain as it has been for so many years. As you are most likely aware, Baby Beach is world re-known for its beautiful location, ease of access, and safe harbor!

Today, myself, my family, and visitors from all over use Baby Beach for kayaking, swimming, and of course, paddleboarding. Some areas of the harbor needs to be updated; BUT, to cater only to large vessels, and to impact the area in question is just wrong.

P-42-1

I have signed the Save Baby Beach petition, as have other family members, to express my opposition to the Harbor's proposed development around Baby Beach as express in the EIR. Baby Beach is a little jewel that needs to be preserved as a safe, family friendly spot for beach access, in its entirety.

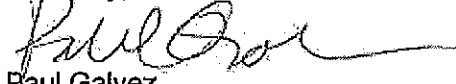
You know all of the reasons why you need to reverse your decision: among them, danger to swimmers, maintaining public access, etc. I implore you to do the right thing; reverse your decision to privatize the docks. You will save the docks for the community for education, protect swimmers, protect the biodiversity of the area, protect the health of swimmers by keeping pump out stations out of this fragile area.

P-42-2

The EIR claims are inconsistently and inadequately written as have been presented to the public. Please do the right thing.

P-42-3

Sincerely,



Paul Galvez
31 Montgomery
Mission Viejo CA 92692

11-21-11 11:58 AM

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

November 18, 2011

Dear Mr. Gross,

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report (DSEIR) of The Dana Point Harbor Marina Improvement Project dated September 20th. After carefully reviewing the DSEIR it has become apparent to me that the proposed changes for the West Marine area, specifically the planned modification of the OC Sailing and Event Center, is not appropriate due to the negative impact it would have on the public use of the Baby Beach. The proposed changes, including new dock construction on the south and west sides of the OC Sailing and Event Center, are inconsistent with the purpose of the Marina Improvement Project as stated on page 3-7 to "maintain the Harbor's current character and family atmosphere". Building new docks at these locations would reduce the amount of space dedicated to public swimming, launching, and the use of non-motorized paddle boats. It would create hazardous conditions for the public by adding more boats in an already highly used area. Finally, this proposed dock construction would have a negative impact on the students of the education programs at the center.

P-43-1

The Baby Beach is a popular destination for families and provides unique recreational opportunities for low and moderate income persons. By proposing additional docks in the Baby Beach area the DSEIR is in direct violation of the California Coastal Act. Baby Beach has been documented by the Coastal Commission as a sensitive coastal resource which must be protected. According to Section 30116 of the Coastal Act, sensitive coastal resource areas are highly scenic areas that possess significant recreational value. New docks in this area will reduce the public's use of the area as well as altering the beach's scenic view. Instead of looking at the lovely open swimming area, the public will be looking at just more docks.

P-43-2

Because no other area in the harbor offers the public the ability to launch and operate paddle boats, the construction of docks in this public area is also in violation of Section 30220, which states: "Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses". In addition, the proposed changes would greatly reduce public parking. Using public transportation to this beach would not be possible for individuals bringing kayaks, paddleboards, outriggers, and the like.

P-43-3

P-43-4

The proposed changes for the West Marina would have a negative impact on the Sea Scouts program, which is an educational program open to children and youth from ages 13 thru 18. My son has been involved with the Sea Scouts program for over six years and has held multiple leadership positions including the most senior youth position. The life skills and leadership experience he gained during his time in this program is invaluable. The proposed dock construction on the south side of the center would create unsafe conditions for these young sailing students by forcing them to launch directly into a busy channel. The DSEIR states that the new docks will only accommodate boats up to 32 feet long. The Sea Scout Program operates with four ships that are 35, 36, 37 and 39 feet in length. Therefore, the proposed dock configuration would delete space dedicated for public educational purpose and is inconsistent with the Coastal Act as well as the wishes of the original planners of the Dana Point Harbor.

P-43-5

For these reasons, I believe that the DSEIR is flawed and would have a negative impact on the West Marina area. Any new dock construction must be relocated to the mouth of the Harbor, or the east side where it will not encroach upon these public programs and the space dedicated to the public.

P-43-6

Thank you for your attention.

Sincerely,



Marcie Frolov
28501 Via Primavera
San Juan Capistrano

November 18, 2011

Brad Gross
OC Dana Pt Harbor
24650 Dana Point Harbor Drive
Dana Point CA 92629

RE: Public Access at Baby Beach

Dear Mr. Gross:

It is with great urgency that I write to you to reverse your decision to privatize the docks in question that are evidently used by a wide variety of activities, much more so than the private docks. The large vessels at these private docks never seem to leave their slips. The local community needs and deserves this area to remain as it has been for so many years. As you are most likely aware, Baby Beach is world re-known for its beautiful location, ease of access, and safe harbor!

I remember when the Youth Facility was built in the mid 80's, having first used it as a visiting Sea Scout from Newport. We, even as teenagers, commented on what a cool location and facility it was. Today, myself, my family, and visitors from all over use Baby Beach for kayaking, swimming, and of course, paddleboarding.

P-44-1

Yes, some areas of the harbor needs to be updated; BUT, to cater only to large vessels, and to impact the area in question is just wrong.

I have signed the Save Baby Beach petition, as have other family members, to express my opposition to the Harbor's proposed development around Baby Beach as express in the EIR. Baby Beach is a little jewel that needs to be preserved as a safe, family friendly spot for beach access, in its entirety.

P-44-2

You know all of the reasons why you need to reverse your decision: among them, danger to swimmers, maintaining public access, etc. I implore you to do the right thing; reverse your decision to privatize the docks. You will save the docks for the community for education, protect swimmers, protect the biodiversity of the area, protect the health of swimmers by keeping pump out stations out of this fragile area.

P-44-3


Mr. Gross, I ask you: have you recently taken the time to kayak or paddleboard over on the lee of the jetty? If you have, you would notice the abundance of garibaldi and starfish that have returned to the harbor, that I haven't seen in years. The water is clearer, to me anyway, than I have seen in a long time.

P-44-4

The EIR claims are inconsistently and inadequately written as have been presented to the public. Please do the right thing.

P-44-5

Sincerely,


Yvonne Heusler Galvez
31 Montgomery
Mission Viejo CA 92692

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Kristin Thorpe Thomas
28852 Alta Laguna Blvd.
Laguna Beach, CA 92651
949-735-7537

November 18, 2011

RE: SEIR for the DP Harbor Marina Improvement Project

I'd like to offer comments specific to the plans to expand the dock in the corner basin of the harbor. Much of the plan is well thought out and thoroughly researched, but there are numerous problems with the small portion of the plan that seeks to expand the number of docks/slips into the educational basin we call Baby Beach.

P-45-1

Hopefully you're getting feedback on the very valid concerns of safety, impact to environment, feasibility, and loss of useable space, but I'd like address what I believe the developers of the plan may have overlooked: The bottom line economics.

I have never lived in Dana Point.

I have never owned a sail or fishing boat.

But for over 30 years, I have been spent significant amounts of time in the Baby Beach Area of Dana Point Harbor. More importantly, I have spent thousands of dollars at Dana Point businesses as a direct result of my time spent there. The harbor's recreational and educational uses are what make it special. From my days as Camp Counselor at Three Caves Day Camp in 70's, Windsurfing in the 80's, taking my own three children to activities such as sailing camps, the Pilgrim, and the Marine Institute in the 90's and most recently Stand Up Paddleboarding, I am a regular. The Meals, coffees, refuels, car washes and retail purchases small and large (Surfboards, Stand Up Paddling equipment, and 100% of windsurfing equipment) I have made in the harbor and neighboring areas of Dana Point are almost entirely in conjunction with visits to Baby Beach. And I am not alone. I can't imagine that any portion of the Harbor brings in a bigger crowd ready to use, enjoy and do business in the area. Any reduction in this access and area or downgrading of safety, access or environmental habitats, would be a bad business decision.

P-45-2

If anything, the Improvement Project should be looking at ways to EXPAND this highly used space; The myriad of activities that occur at and around what we know as Baby Beach keep it in high demand.

P-45-3

The importance of Stand Up Paddling to Dana Point Harbor should not be overlooked. either. Touted as the fastest growing water sport – perhaps the fastest growing recreational sport of any kind – the potential for business through this sport is phenomenal.

↑
P-45-3

Please do not expand docks into the Baby Beach area. If not for more altruistic reasons of maintaining the vast educational and recreational opportunities, or to avoid increased hazards, safety and environmental risks, then simply to maintain or increase the volume of business the harbor and the city of Dana Point gains from this corner of the harbor.

P-45-4

Although I write as an individual, I am a member of Stand Up Paddle Alliance which seeks to ‘Protect What We Love’; We love Baby Beach.

Thank you for your careful consideration of these comments and the many others you have received. I urge you to reformulate this small portion of the current plan to avoid negatively impacting the safety, environment, access, and economics of the harbor.

P-45-5

Sincerely and urgently yours,



Kristin Thomas, MEd
949-735-7537

November 18, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Brad Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to you to express my concerns over the proposed plan to build and lay out docks in the West Basin in front of Baby Beach.

I am a current resident of Dana Point for the last 13 years and have been using Baby Beach and the harbor ever since I moved here 13 years ago. I'm a professional athlete and waterman and train with a large group of athletes out of Baby beach 5-6 days a week; paddling my outrigger, prone paddle board and my Stand up paddle board. I was also a US Ocean Safety lifeguard for 5 years patrolling Baby beach, Strands and Salt Creek.

I have worked with several special needs kids programs like "Miracle for Kids" and "The Best Day"; that depend on Baby beach because of how safe, accessible and clean it is for them to enjoy the water. I come down to Baby beach with my friends and family and their kids several times a week in the Summer because the parking is user friendly and its a safe place for the kids to play and enjoy the beach. My family and friends also enjoy taking sailing classes at the OC Sailing & Events Center. The Baby beach area is a one of a kind, special place for friends, family, fisherman, athletes and tourists to enjoy a clean safe beach in our community.

Many of us who use Baby beach daily; have given back by doing beach and harbor clean ups several times a year to help keep this place clean and safe for all to enjoy.

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach; making it very unsafe for beach users and paddlers to launch and land safely.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%. The Baby beach area (as small as it is), is the only clean and safe sand beach inside the harbor.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water. This is a huge deal for us because in the Summer the beach is crowded and we need that access and space to share the beach with everyone.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose. The boaters, paddlers and the public rely on the access of the OCSEC docks. in case of an emergency or for elderly and handicap and children to use.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club. this area is very narrow as is and with the new dock configuration so far out in the channel, it will create a bottleneck making it super unsafe for boaters and paddlers to navigate through during the normal afternoon high winds.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom out at low tide. this would mean you would have to dredge the beach even more creating erosion and disrupting the fragile eco system as well as unhealthy water conditions for beach users.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC. This will create unsafe conditions for new students having to navigate through

P-46-1

P-46-2

- such a small area especially when its windy.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach and will overflow into other parking lots that are meant for other business's.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers. The use of 2 & 4 stroke engines as well as for the big boats will bring more oil and gasoline into the beach area which is an environmental hazard as well as unsafe for any of us, using the beach.
- The project proposes that a boat pump out station will be located close to Baby Beach which potentially increases pollution in the area bringing more environmental hazardous damage to the marine eco system and water quality.
- The new proposed dock in front of Baby Beach will be used for motor boats which creates safety concerns for paddlers, sailors and boaters that get pushed by the wind into that unsafe, hazardous area while launching from Baby beach.

↑ P-46-2

P-46-3

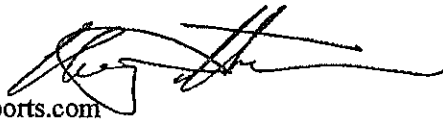
P-46-4

P-46-5

I really hope that Dana Point Harbor takes all of these issues into consideration, recognizing the importance of safety for all beach users, the accessibility and protecting the fragile marine eco system; analyzing other options that will not have such a negative impact on the Harbor's resources. I will follow this process closely and continue to work diligently with the community and beach users to expand awareness of this project. Baby beach is very special to the community and all of us who use it every day and we will continue to preserve it any way we can to ensure that it stays that way.

P-46-6

Thank you for your time and consideration,
Sincerely,
Chuck Patterson



chuckpattersonsports.com
24431 Lantern Hill Dr. #E
Dana point, Ca 92629



P-47

P.O. Box 958
Wheatland, CA 95692
Telephone 530-633-4858
Fax 530-633-0365
www.CaliforniaShipstoReefs.org

November 19, 2011

Mr. Brad Gross, Director
Orange County Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

RE: Dana Point Harbor Marina Improvement Project
Draft SEIR Dated September 2011
Section 3.7 Project Phasing

Dear Mr. Gross,

California Ships to Reefs (CSTR) has been communicating with the Dana Point Harbor for several years with regard to the pier pilings (approximately 1,200) removal and disposal as part of the Dana Point Harbor Marina Improvement Project. It is with concern that the Draft SEIR Dated September 2011 identifies the method of disposal of the pier pilings as "lifted from the water using a crane and then trucked off site". This disposal method is cumbersome, costly to the Harbor and environmentally flawed. CSTR would like to recommend three alternate disposal options that would both benefit the ocean environment of Orange County as well as beneficially impact the Dana Point Harbor Marina Improvement Project budget.

P-47-1

1. The Dana Point Harbor could remove the pier pilings and place them in the ocean as artificial reefs under the direction of CSTR. Science shows that this type of artificial reef is good for kelp forest development and includes nooks and crannies where fish could hide and breed. A site outside the harbor on Dana Point's Legislative Granted Lands (Exhibit A) has been identified as a potential location for this project. This site has a depth of approximately 30-35 feet which is ideal for kelp forest development. In addition, there are other municipalities near Dana Point that have expressed interest in having similar sites developed. This option would have Dana Point retain ownership of the pier pilings and be the project(s) leader and developer.

P-47-2

2. The Dana Point Harbor could remove the pier pilings and place them in the ocean as artificial reefs under the direction of CSTR. CSTR can identify locations on the site mentioned in #1 above as well as on CSTR's proposed sink site 1-1/2 miles southwest of the harbor (Exhibit B), or on any number of sites near other interested municipalities. One such site has been identified

P-47-3

(Exhibit C) and is currently being surveyed to determine suitability for both a ship-based reef, as well as reefs of other materials. On CSTR’s site near Dana Point, we can also place pier pilings surrounding the proposed *USS Kawishitiwi* reef, which will be the first ship-based artificial reef to be created at this location. This will allow for a more diverse biomass at that site. This option would also have Dana Point retain ownership of the pier pilings and be the project(s) leader and developer.

↑ P-47-3

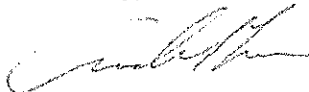
3. The Dana Point Harbor could remove the pier pilings and place them in the ocean as artificial reefs under the direction of CSTR as described in option 1 and 2 but not retain ownership. In this 3rd option the Dana Point Harbor would donate the pier pilings to CSTR who would take ownership at some mutually agreed point in the reefing process and be the project(s) leader and developer.

↓ P-47-4

We urge the consideration, recommendation and implementation of one of these alternate disposal options for the pier pilings to be removed during the Dana Point Harbor Marina Improvement Project.

↓ P-47-5

Sincerely,

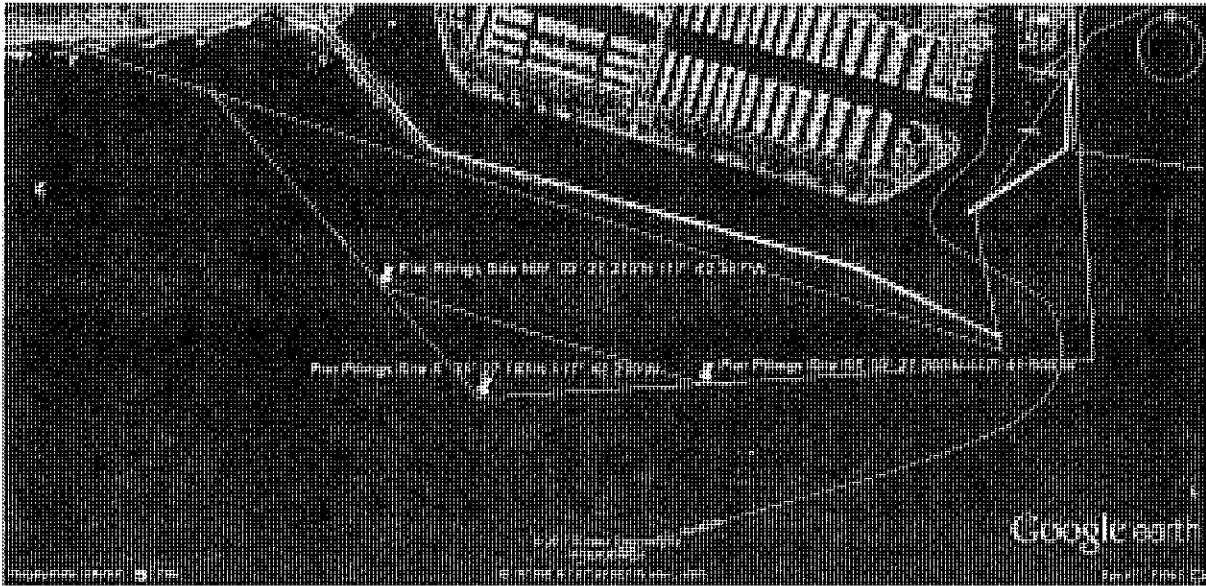


Andrew Lee
Vice President, Science

Attachments: Exhibit “A”
Exhibit “B”
Exhibit “C”

↓ P-47-6

**Dana Point Harbor Marina Improvement Project
Draft SEIR Dated September 2011
Section 3.7 Project Phasing
Exhibit "A"**



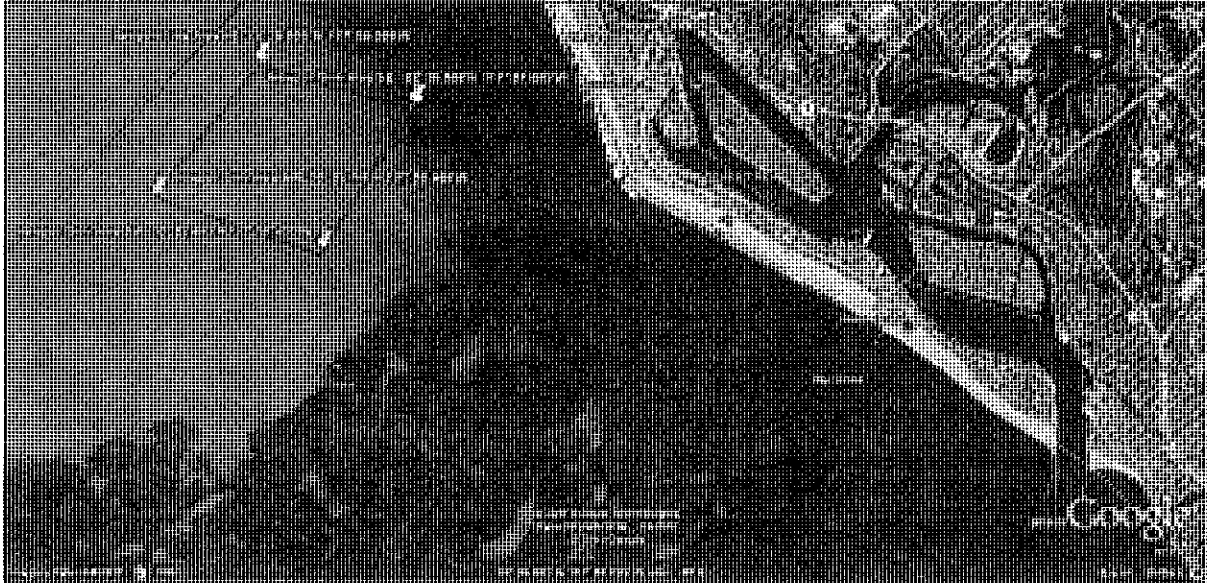
P-47-6

Dana Point Harbor Marina Improvement Project
Draft SEIR Dated September 2011
Section 3.7 Project Phasing
Exhibit "B"



P-47-6

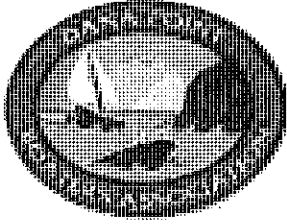
Dana Point Harbor Marina Improvement Project
Draft SEIR Dated September 2011
Section 3.7 Project Phasing
Exhibit "C"



P-47-6

Letter of Transmittal

P-48



Date: November 20, 2011

To: Mr. Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

From: Steve Carpenter, Secretary
Dana Point Boaters Association
P.O. Box 461
Dana Point, CA 92629

Dear Mr. Brad Gross,

Please find enclosed our response to the "Draft Subsequent Environmental Impact Report" (SEIR), for the Dana Point Harbor Marina Improvement Project. A copy of this document was previously email to MarinaEIR@dphd.ocgov.com and yourself BGross@ocdph.com on November 19th, 2011. This Letter of Transmittal and enclosed DPBA Draft SEIR Response was hand delivered to OC Dana Point Harbor's Office on Sunday, November 20, 2011.

If you should have any further questions or comments please do not hesitate to contact us at the contact information below.

Sincerely,
Steve Carpenter, Secretary
Dana Point Boaters Association
SteveCarpenter@DanaPointBoaters.org
DPBA Voice Mail: 949-485-5656
Direct Cell: 714-715-8784

P-48-1

Dana Point Boaters Association
P. O. Box 461, Dana Point, CA 92629
DPBA Voice Mail: (949) 485-5656 ~ Website: www.danapointboaters.org

Executive Summary

The existing Dana Point Harbor Revitalization Plan was developed some years ago during times of prosperity and readily available financing for most any purpose. The Dana Point Boaters Association (DPBA) understands that today the costs for major commercial construction projects are running well below what they were when the estimates for this project were announced some years ago. However, given the current economic climate it is unlikely a full business case for the current form of this project would be found to be financially viable from an independent and prudent financial perspective.

There are compelling reasons why continuing with a status quo project plan is not appropriate from a financial perspective. The current lending environment features a reduced number of sources for debt financing, a reduced amount of funds available and a reduced ability / willingness to lend. Indeed the amount of financing available today from the sources specified within the plan reportedly falls far short of the current cost estimate. Given current economic conditions as well as the actual project design approved by the California Coastal Commission, the income component of an updated, appropriately conservative financial business case would have to be significantly reduced from the original estimates prepared during the previous prosperous economy.

Given even a smaller capital requirement, and given the reduced financing now actually available, as well as reduced cash flow available to service debt, it is improbable that the entire status quo implementation agenda, inclusive of land-side and on-water redevelopment, can be affordably executed within a timeframe even approaching that originally envisioned.

Most relevant and important from a recreational boating perspective, the status quo implementation agenda calls for completing the entire land side redevelopment project prior to undertaking water side construction. We therefore fear that redevelopment funds will run out and on-water redevelopment objectives will not be achieved.

With these thoughts in mind, DPBA has prepared this proposal for changes in scope, approach and financing, including these key recommendations:

- The commercial core revitalization should proceed but perhaps with some reduction in scope.
- Complete water side reconfiguration should be changed to a systematic replacement of docks over a period of years.
- Boaters should receive various improved amenities before or during the commercial core revitalization.
- Financial reporting should be enhanced to provide separate public visibility of commercial core and water side revitalization funding and expenses.
- Increased transparency should be established regarding the sources and uses of all harbor revenues committed to harbor replacement reserves accounts.
- A revised long-term operations revenue and expense budget should be developed and published to the general public. This revised financial plan should feature realistic income projections, and forecast minimal increases in slip rental rates in keeping with the goal of protecting of affordable boating.

The specifics of the DPBA proposal are contained within the pages which follow.

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P-48-3

Situation Assessment

The existing Dana Point Harbor Revitalization Plan was developed conceptually during a period some years ago when planning constraints and assumptions were much different than they are today. The key project scoping and financing decisions occurred during the years from 2004 to 2006 and these were times of economic prosperity. Then "easy money" was readily available to finance residential and commercial development nationwide and thus enabled many projects with incomplete and untested value-versus-cost assessments. The Dana Point Harbor Revitalization Project, while clearly worthy in concept, was not an exception.¹ Times have since changed to say the least, and the current economic climate is expected to continue into the foreseeable future.

The existing redevelopment plan features broad scope construction on both the land and water sides - a 53% increase in commercial square footage and a complete teardown and recasting of the existing on-water dock facilities. Given current project scope, inclusive of land and water side expenditures, some estimates of the yet to be quantified project costs approach perhaps \$300 million², including two boat barns and a hotel – convention center which we understand is highly unlikely. The current official financing plan available to the general public includes private financing for the majority of land side construction and DBW loans plus larger reserves built from slip fee increases to finance the water side construction. The trouble is, many of associated economic assumptions are no longer valid and other factors introduce new constraints upon detailed planning. DPBA believes:

- Private financing of commercial development is now extremely difficult and expensive. Such financing may not even be available given the currently available business case.
- DBW financing of water side reconstruction is highly unlikely, in whole and perhaps even in material significant part. This is due to well-known State economic conditions and associated budget constraints.
- Currently over 1400 of a total of 2409 of recreational boat slips within the harbor are less than 30', the slip size range defined loosely as "affordable" by the California Coastal Commission and others. As many as 150 slips of these slips have been vacant for the past 2+ years since the onset of the economic downturn. These slip vacancies are expected to continue for the foreseeable future, unless rates are significantly reduced, and foretell a corresponding reduction in future net slip revenue yield.³
- Poor economic conditions for the foreseeable future, translated into lost purchasing power for the young and many / most other recreational boaters, argues strongly against the current financing plan assumption that significant slip fee increases can occur. Slip fee increases must, of necessity, be contained or vacancy rates will increase further. The notable exception: a small portion of 2409 slip inventory in the largest slip sizes which will likely continue to be 100 percent occupied. This necessity also means less net revenue to repay construction debt than was originally expected.

¹ The economic viability of the total project has not been publicly established using more accurate cost estimates, currently sources of available financing and updated estimates of funds available for debt service.

² Per Chris Street, former OC Treasurer and Tax Collector, summer, 2010.

³ The Coastal Commission disapproved the original plan which would have significantly decreased the number of these smaller slips, a total proposed reduction of about 1100 slips in favor of smaller number of larger slips with zero vacancy rates.

DPBA Recommendations

1. Commercial revitalization is needed and should proceed as rapidly as possible⁴. Core commercial revitalization goals and benefits should be fully protected. However, reductions in commercial scope should be investigated as a real possibility and seriously considered if opportunities are found to exist to reduce construction costs.
2. A revised commercial core reconstruction financing plan, in part funded by the portion of accumulated Tidelands Trust reserves generated from slip revenue, should be considered. These slip revenue based revenues can then be replenished from expanded commercial core revenues on an accelerated schedule beginning immediately following commercial core reconstruction.

Note that DPBA strongly believes this is viable only given public support and trust (especially amongst recreational boaters) is earned and can be sustained. Other recommendations contained within this proposal are directed to achieving this goal.

3. The scope of waterside revitalization should be revisited. A key learning from many, many public hearings is that recreational boaters like the harbor the way it is today. Boaters welcome improvements but wish to retain the existing character as much as possible. The Coastal Commission directed that the existing slip size mix can be only slightly modified and the total number slips should not be reduced. Therefore a major goal of complete redesign has also been eliminated. Finally, a complete on-water design rework is also a less attractive for financial reasons.

So instead DPBA believes that it now makes sense to identify and focus on providing as many key recreational boating improvements as possible, given retention of the existing dock configuration. Design and permitting costs will be substantially reduced and some planning related costs, those associated with the Coastal Commission approval process for example, will be entirely eliminated by retaining the existing design. A table containing DPBA suggestions begins on page 6.

4. The current waterside implementation approach should be shifted from accelerated (as fast as possible) reconstruction of all slips to a *systematic replacement of facilities as needed*⁵.

Regarding the impact that systematic replacement will have on water side reconstruction project scheduling, many (most) of the existing dock infrastructures have remaining useful life. From a needs standpoint, it is therefore obviously not essential to replace all docks during a single construction project. Moving to a staggered, systematic waterside facilities replacement will allow cash flow and replenished reserves to finance some of the work, reducing the risk that insufficient funds will be available for the waterside reconstruction when needed. *The net impact will be to reduce the contentious conflict which exists today between competing demands for the same, limited reconstruction reserve funds.*

⁴ Beyond project benefits themselves, there is substantial cost avoidance possible if construction is done during the current depressed economic climate. The project will also provide a badly need boost to the local economy.

⁵ An engineering study will likely be necessary to determine the most appropriate dock replacement schedule. Publishing results from a formal study and committing to this plan of replacement actions will also minimize a potential boater concern as to currently needed reserves (derived primarily from slip revenue) being misdirected to commercial reconstruction.

To clarify the DPBA recommendation, a systematic replacement approach features reconstruction of docks individually. It also assumes increased maintenance to existing docks, on a case-by-case basis, where the opportunity exists to affordably extend useful life while at the same time maintaining the full recreational value necessary to justify the harbor's high slip rental rates that already exist today.

5. Significant recreational boating improvements should be introduced during/before commercial core reconstruction wherever practical; to help assure public support for what will otherwise be perceived to be a reduced support for recreational boating versus the commercial core. A table listing specific DPBA improvement suggestions begins on page 6.

The goal here is to introduce as many targeted recreational boating improvements as possible, as soon as possible. *The significance and timing of these improvements should compare favorably with the commercial core reconstruction timetable.*

6. The new plan must avoid forecasting significant increases in slip rates to assure recreational boating support for the recommended changes in the revitalization plan approach and financing. *Otherwise, boaters will strongly oppose the other recommendations within this proposal.*
7. That said, the slip rates for the harbor should be normalized on a revenue neutral basis to assure that slip rates paid by individual boaters throughout the harbor (both east and west basins) are the same and reflect the actual square footage each standard slip size employs⁶. Today small slip renters pay a disproportionately higher rate per square foot, as do east basin slip renters versus west basin slip renters with the same size slip. While it can be argued what impact slip rate normalization will have on the current small boat slip vacancy rate⁷, the net effect will be to demonstrate fairness and support for affordable boating and thereby to incur favor amongst those who may in turn rent slips in sizes where increased slip occupancy is possible and desirable.
8. Given other recommendations within this proposal related to use of reserves for commercial core reconstruction are enacted, it is necessary to expand current Fund 108 financial reporting in order to demonstrate to all harbor stakeholders, especially recreational boaters, that revenues are being fairly and appropriately collected to cover construction and operating costs. It is also necessary to demonstrate that reserve funds are being fairly accumulated and deployed over the long term (with a planning horizon of 15-20 years), even while reserves are being deployed per DPBA recommendation, in the near term to complete commercial reconstruction. This reporting will be new for Fund 108 and most likely would require additional ongoing accounting resources to accomplish on the outgoing basis required. However, the costs for these additional resources will be more than offset by reconstruction related cost savings and avoidance (greatly reduced debt interest payments for example).

P-48-5

⁶ The dimensions of slips vary slightly. Yet today there are standard rates based on the approximate linear footage. The same pricing philosophy is recommended to price slips based on approximate square footage.

⁷ Lower small boat slip rates may translate into higher slip occupancy rates. Higher small slip occupancy rates would yield increased slip revenue and fund increased reconstruction reserves.

DANA POINT BOATERS ASSOCIATION PROPOSAL TO CALIFORNIA COASTAL COMMISSION
REVISED DANA POINT HARBOR REVITALIZATION PLAN P-48

We emphasize that this additional reporting is essential to the viability of the other recommendations contained within this proposal. Note also that these changes will contribute to the general wellbeing of the harbor through increased transparency that will in turn create new general public support, especially amongst recreational boaters.

DPBA has specific ideas regarding what changes to make and how they could be accomplished procedurally. We would welcome the opportunity for discussion with appropriate County Finance team members. However, here we would like to focus only upon two outcomes that we view to be essential:

- a. A routinely published demonstration to the general public that the Funds Balance Available (FBA) figure for both recreational boating and non-recreational boating harbor operations is the same (i.e. zero⁸), after contributions to reserves, rather than having one of these two revenue centers with a positive FBA and the other a negative FBA while collectively netting to zero FBA.
- b. A routinely published demonstration to the general public that the sources and uses of reserve funds are being discretely and properly collected, deployed and accounted for between the recreational boating and non-recreational boating aspects of harbor operations⁹.

The first outcome will address arguments heard for years throughout the recreational boating community that merchants are somehow “not paying their fair share”. The second outcome plays a similar role regarding the perception that reserves accumulated from boaters are somehow being deployed elsewhere and as a consequence, slip rents are (unfairly) higher than they would be otherwise.

Stepping back, the overarching goal here is to create transparency such that amounts accumulated and withdrawn can vary significantly year to year as harbor management sees fit (for example based upon short term reconstruction funding needs, first more on the land side and later more on the water side), while the general public possesses the informational means to continue to be confident that over the long run that reserve funds are being fairly accumulated and used.

9. Because the Tidelands Trust is a self-sufficient and entirely separate legal entity with a strong financial record, it may be a win-win strategy for the County General Fund to buy bonds issued by the Trust, thereby to reduce / optimize the draw against reserves. In light of an even more cost effective Revitalization project scope, combined with the funding and implementation approach this document describes, this financing alternative seems attractive from perspective of both the General Fund and Fund 108. From a General Fund perspective, such a loan would be well collateralized, quite safe and pay a reasonable return. From a Fund 108 perspective, the cost of funds could be (should be) less than if borrowing was done on the commercial market.

⁸ Technically the amount must be less than \$240,000 or by law the surplus is to be surrendered to the State General Fund.

⁹ DPBA believes that a more definitive breakdown in the reserve accounts themselves will aid in achieving this outcome.

**DANA POINT BOATERS ASSOCIATION PROPOSAL TO CALIFORNIA COASTAL COMMISSION
REVISED DANA POINT HARBOR REVITALIZATION PLAN**

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DPBA Suggestions: Recreational Boater Oriented Amenities Maintenance and Improvements To Be Launched Before / During Commercial Core Reconstruction

<i>Harbor Water Recreational User Amenity Improvement / Amenity Maintenance</i>	<i>Relative Impact</i>
1. Maintain the harbor in an attractive condition during reconstruction.	High
2. Decrease slip fees to mid-market, rather than the current 15-30% above market average.	High
3. Move guest docks and a new dinghy dock to the east end of the cove (i.e. near Wind & Sea).	High
4. Improve conditions for trailer boaters e.g. widen and lengthen the ramp temporary parking spaces and provide after hour's access to the Vintage Partners storage yard.	High
5. Create concession and actively promote small boat charter opportunities for experienced sailors (use already vacant slips under 30' for chartering boats bigger than at Embarcadero but smaller than by Aventura).	High
6. No longer employ boater dedicated parking, within the Embarcadero or elsewhere within the Harbor, for Catalina Express parking under ANY circumstance.	High
7. NO other uses of boater parking except slip renters. PERIOD! NO EXCEPTIONS!	High
8. Provide a concierge service "we can believe in" for the boater parking area most impacted by new construction. For example, follow the boater to another parking area, perhaps far away, & transport their provisions + all passengers both to and from dock.	High
9. Rebuild (renovate) all boater services buildings during commercial core construction.	High
10. Renovate bathrooms to employ most modern air treatment and humidity control.	High
11. 24/7/365 harbor-wide boater "help desk" service for slip renters (same functionality for all boaters rather than tied to a particular marina operator). a. Telephone VM box "with a press 9 if this is an emergency" (to live transfer to sheriff's office).	High
12. One boater oriented public website for the entire harbor with the service just mentioned, a. Plus public tracking of complaints filed and resolutions, trends by type of complaint, etc. b. Plus links to (at least a list of) every single authorized vendor & organization servicing the harbor (including us) c. Plus lots of other services such as wait list status and means to apply, slips	High

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**DANA POINT BOATERS ASSOCIATION PROPOSAL TO CALIFORNIA COASTAL COMMISSION
REVISED DANA POINT HARBOR REVITALIZATION PLAN P-48**

<i>Harbor Water Recreational User Amenity Improvement / Amenity Maintenance</i>	<i>Relative Impact</i>
<p>available for sub lease (now and in the future),</p> <p>d. Create and actively promote use of an email address to send complains to, with publicly visible logging and automated 1st response.</p> <p>e. Consider “social media” spin: boaters talking to boaters about whatever we want to talk about.</p>	
13. For boaters with slips in the East Basin Cove (minimum, but perhaps for all slip renters) provide a key card with their name and slip assignment embossed on the front. On peak volume days, post an attendant at the East Basin Cove gates to enforce a new rule which has no exceptions: no matching gate pass, no entrance to lot.	High
14. Have trained and supervised attendants at the gates during all weekend daylight hours during the summer months to assure that only slip and dry storage renters gain access to boater dedicated parking.	High
15. Provide some sort of temporary (summer?) tie up for small boaters at “Danalina” sand bar area near the west end of the outer breakwater. Maybe an anchored dock for Med tying?	Medium
16. Establish a boater volunteer list. Use to volunteer list to lower DPH operating costs in various ways to be determined. (For example, staffing the boater parking gates during summer month weekends and special events.) Provide recognition and/or special consideration, maybe even a small reduction in rent.	Medium
17. Install gates and provide key cards for West Basin slip renters.	Medium
18. Use the same cards as we use at gates to electronically unlock dock gates.	Medium
19. For the boater parking areas most impacted by new construction: assign a parking space to each slip renter.	Medium
20. Add a boater services building at the Embarcadero.	Medium
21. Add a boater services building at the west end of in the West Basin Island parking lot.	Medium
22. Add (separately rentable) boater storage boxes (size TBD, the Public Storage concept) in/near the rebuilt/renovated boater services buildings.	Medium
23. Add no charge (for slip renters) dinghy / yacht tender launch and retrieval areas in all 4 areas of the marinas (east and west, cove and island).	Medium
24. Provide key card enabled access to free ice for slip and dry storage renters.	Low



P-48-6

P-49

850 Avenida Salvador
San Clemente, CA 92672

949-492-6760 H 949-842-1428 M

November 19, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross:

This letter is to voice my concerns about the Draft Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th of this year. My comments only concern changes proposed to the OC Sailing & Events Center which has historically been known as the Dana Point Youth & Group Facility. I believe the changes proposed are extremely ill conceived and the facility should be left intact.

I have been a volunteer with the Mariner Sea Scouts for about a decade. My son is currently in this outstanding program. I have also received a certificate from Saddleback College in Marine Science Technology in which the vessels currently based at the OC S&E Facility are instrumental to the program. The proposed changes either plan to eliminate or will cause by negligence these programs to cease being able to effectively operate from the facility.

P-49-1

This facility functions fantastically serving a broad range of Orange County citizens. Many thousands of orange county citizens have learned to sail at this facility through programs provided by the Mariner Sea Scouts, Saddleback College and Westwind Sailing. The proposed changes would eliminate completely certain aspects of and threaten the safe use of many other aspects of these programs. Though not directly related to these programs, the use of Baby Beach for launching stand-up paddle boards and kayaks would become problematic at best. If you observe the numbers of people using this facility and baby beach ... they are very large and this small bit of the harbor getting full public access and use is a precious commodity.

P-49-2

The plans propose to take the protected dock currently the base for many vessels - but of particular concern to me... the four larger 35 - 38 foot Sea Scout vessels primarily used by the Mariner Sea Scouts and Saddleback College and convert these into private dock space for large yachts. Rather disingeniously the dock space on the baby beach side is modified into an odd shape which will be of little use to anyone and then in the only key figure to the persons writing the EIR, claims that the dock space is just about the same as before on both sides. No fair minded person could state there was any equivalency in dock space or utility of the space. Clearly the vessels using the space on the dock being converted into private slips have no place

P-49-3

P-49

and it would seem the supposedly expanded docks on the baby beach side would be of less utility than the existing configuration.

P-49-3

I am vexed that the county has made no attempt to speak to the persons who are currently running the very successful programs from the facility and seem to want to make the facility into a very lightly used facility (at least by the public). The planning does not seem to incorporate any concern for the very successful public uses in which tens of thousands of persons have been afforded the opportunity to learn to safely use watercraft and enjoy the harbor. Clearly the interests of providing additional spaces for large private yachts seems to be the only desired goal. The goals of the county officials overseeing these changes does not seem to be concerned with the vast numbers of persons (versus those few using private slips) who will be negatively impacted by the programs becoming impossible to implement through the facility modifications.

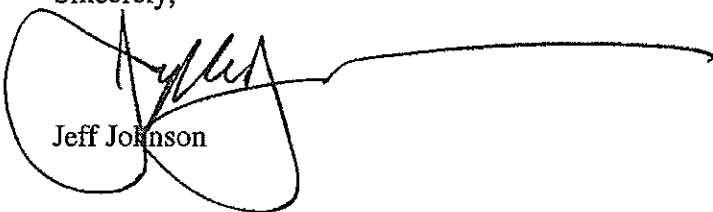
P-49-4

I fully concur with the detailed assessment and questions posed by Captain Jim Wehan for the South Coast Sailing Team (chartering organization for Ship 936 - Mariner Sea Scouts) in his letter to you dated October 29, 2011. I think any changes to the facility should collaborate with persons knowledgeable about the actual use of the facility. So far as the OC Sailing & Events center, the proposed changes do not make any improvements but only detract strongly from a fine facility essentially eliminating about 40% of the space currently in use by the facility by taking away the most useful dock at the facility and dedicating it to private slips. The practical use of the dock modifications on the basin (baby beach side) are patently absurd. Just drawing lines and making some figure of the linear dock the same by some strange measure which ignores slip dockage provides no equality to what is being taken away from the public part of the facility. The dock space being privatized is by far the most useful space at the facility. For many reasons the dock space on the basin side is not safely vessel usable due to shoal waters, currents and human powered craft use. The expansions to this space would actually provide less truly usable vessel space than what already exists. The vastly greater space and utility of the docks on the side proposed to be turned into private space would be lost along with the publicly accessible programs run from these docks. I think the county should have its upmost concerns for the greatest public good and use of the facility and clearly this is very low on the design objectives being accomplished by the changes proposed to the OC Sailing & Events Center. I believe the facility as currently configured very well serves the people of Orange county and changes to the facility first seen by us in the EIR should be eliminated from the plan.

P-49-5

P-49-6

Sincerely,


Jeff Johnson

850 Avenida Salvador
San Clemente, CA 92672

November 19, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Subject: Comment on Dana Point Harbor Marina Improvement Project

Dear Mr. Gross:

I have the following concerns regarding the modifications to the OC Sailing and Events center. I believe the proposed modifications are not in the public interest and violate California Coastal Commission rules.

P-50-1

1) Social stewardship: The current plan would eliminate effective public and Sea Scout Base use of the facilities. This is unacceptable. There are no other public area within Dana Point that would be adequate substitute for this elimination.

2) Environmental access: The current plan would eliminate the ability for the public and the Sea Scout Base to use the facilities to their fullest as the law requires. All people should be able to use the environment to enjoy the ocean and the beaches. This plan would eliminate many uses and severely hamper many other current uses.

P-50-2

3) Visual pollution: The changes would increase visual pollution to the area and would greatly impact the visual line from the coast and from the ocean for the public. This is unacceptable and against the California Coastal Commission policies.

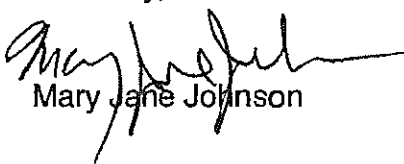
P-50-3

4) Emission (air pollution) impact: The additional large yachts will increase the air pollution emissions to the environment

P-50-4

Thank you for your immediate attention to this matter and I look forward to your response to my concerns.

Sincerely,


Mary Jane Johnson

November 19th 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach as this impacts the Mariners Sea Scout program which I have been personally involved with as an Adult Advisor for many years.

I am a resident of San Clemente and have been coming to Baby Beach for over 20 years. My friends and I brought our children to Baby Beach when they were young because we liked the safety of this particular beach. The gradually sloping beach and very small waves made Baby Beach the perfect place to take my daughter when she was a baby (she is now 28 years old). The proximity of the parking to the beach was a big factor also because of the obvious convenience to me and my family. As Jessica grew older, she learned to sail at the OC Sailing & Events Center with the Sea Scout Mariner program. I always appreciated the family friendly atmosphere at Baby Beach and the Youth Educational Facility where Jessica could enjoy the beach when she was young and learn to sail when she became a teenager. Now that she is a young mother herself, she and my granddaughter hopefully will continue the tradition of passing along the wonderful experience that this area provides our community.

P-51-1

As a user of Baby Beach for over 20 years I have significant concerns about the proposed changes to a facility that has served so many residents for so very many years. The following issues are of particular concern to me and my family:

- 1) The increased motorized vessel traffic in the baby beach area is a potential danger / safety hazard to swimmers as well as relatively inexperienced new sailors coming and going from the youth facility. These waters are used to train youth to sail and should not be congested with new traffic coming and going from the new proposed docks located just West of the youth facility.
- 2) The new proposed dock privatizes the docks at OCSEC which have always been identified as being used for public educational purposes.
- 3) Public access to the water at Baby Beach, used to launch private small paddle boards and other small hand carried water craft, will be reduced in size by at least 20%. This is a very heavily used part of the harbor due to the proximity of parking to the water which is valuable to roof top carried water craft.
- 4) The new proposed docks located on the West side of the youth facility will not provide sufficient depth of water at low tide to keep our Mariner larger vessels from bottoming out at low tide. This will make ingress or egress impossible and our fleet useless.
- 5) The additional privatized docks on the East side of the youth facility will cause additional strain on the already crowded automobile parking lot.
- 6) The new proposed dock expansion would put a boat waste pump-out facility near Baby Beach which potentially could pollute the whole beach and present a health risk for the public. It would be very bad politics to poison Baby Beach!
- 7) Even though the added revenue to Dana Point Harbor from renting the new boat slips to private individuals would be welcomed in these economically trying times, the losses to the community facility would be significant as described above. These losses would be tragic and irreversible in my opinion, and all to make a buck?

P-51-2

P-51-3

P-51-4

P-51-5

11-22-11 PM 1:46 RCVD

I hope that Dana Point Harbor takes into considerations the issues mentioned previously and, recognizes the importance of safety to our communities swimmers, safety for our youth learning to sail, and analyzes other options that will not have such a negative impact on the Harbor's community resources. I will follow this process closely and continue to work with the community to expand awareness of this project. Finally, I will be one of many who will work to preserve Baby Beach, the Educational facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor

P-51-6

In conclusion, please reconsider the current plan to change the wonderful educational youth facility and famous Baby Beach that has served so many, so well, for so many generations.

Stephen Hill
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San Clemente

sculptor20@yahoo.com

(949) 338-3948

Westwind Sailing, LLC

November 19, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express our concerns over the proposed plan to alter the dock configuration at OC Sailing and Events Center which includes privatizing the east docks at the Center, building docks on the south side of the Center at the mouth of the inside channel, and by building a dock structure on the west side of the Center that encroaches into the educational basin and doesn't serve the needs of the educational boating programs that Westwind Sailing provides.

Westwind Sailing was created in 1987 to work in cooperation with the County of Orange, Youth & Group Facility (now OCSEC), to provide low cost safe boating and sailing education for the general public. Our school and its leaders have earned numerous national awards including the country's highest honor possible for Community Sailing. Additionally Westwind is recognized as one of the premier US Sailing – Community Sailing Sanctioned Centers which identifies programs that offer the highest level of boating education, safety and public access.

Westwind staff members are highly trained professionals with certifications and licenses from leading agencies including US Sailing, US Coast Guard, American Red Cross and Academy of StandUp Paddle Instructors.

In 2011, our school provided public access safe boating instruction to over 5500 unique. In addition, we work directly with the Dana Point Aquatic Foundation to create and provide free educational boating scholarships for at-risk youth and boaters with special needs in our community.

Our mission is:

To provide community sailing & boating safety education which inspires responsibility for the aquatic environment; to promote overall health and wellness through sailing and boating instruction; and to create an atmosphere that is safe, fun and encourages personal success.

While reviewing the Draft SEIR last month, we noted numerous deficiencies with the proposed dock project at OCSEC that would curtail the public access educational boating programs we offer and limit the public's access to safe boating education in Dana Point Harbor:

- The proposed dock configuration creates an extremely challenging launch / land area for students of the public access small boat sailing and boating programs at OCSEC. The proposed configuration requires that student sailors launch and dock directly into traffic in the narrow and congested channel between OCSEC and the Dana Point Yacht Club. This is an already challenging area to navigate because of the Venturi effect that funnels wind eastward from the basin into the channel. In the interest of safety, this situation alone will significantly impact Westwind's public access educational boating program.
- Currently, Westwind Sailing utilizes both the east and west docks at the Center. The proposed dock configuration requires that all users of OCSEC operate solely from the west dock. During peak times, this will potentially exceed safe capacity limits on the dock which increases potential risks and hazards. At present, the west dock is severely in need of repair and access to this dock for public boating education has been limited. This impact has affected Westwind's educational boating programs at OCSEC since September, 2011. If access was restricted to the west dock only, as is indicated in the proposed plan, the current dock situation would severely impede the public's access to the educational boating programs.
- The proposed dock configuration encroaches into the educational basin and reduces the shoal area utilized for most of Westwind's educational boating programs by approximately 25%. This portion of the Educational Basin is the only non-motorized, public access recreational zone in Dana Point Harbor. It is relatively safe and the calm water void of motor boat traffic combination creates the perfect learning environment for student boaters. Reducing this area by 25% would create excessive congestion in the area and would hinder the learning process for students in the educational boating program.
- ADA docks at the Center are a welcomed enhancement. But the lack of ADA docks has not stymied Westwind's thriving Adaptive educational boating programs for individuals with special needs. If we had to choose, it would be more valuable for the Adaptive community to have a Lift to transfer individuals with special needs from their mobility

P-52-2

P-52-3

equipment into the boats, rather than ADA docks. It only takes one person to assist adaptive boaters up and down the current gangways but it takes 2 or more people to assist with transfers. Maintaining safety and personal dignity are our main concerns when transferring challenged boaters. Unfortunately our requests have been denied to install a simple hand operated Lift to assist with transfers which has resulted in a more significant impact to our Adaptive educational boating program than the lack of ADA docks.

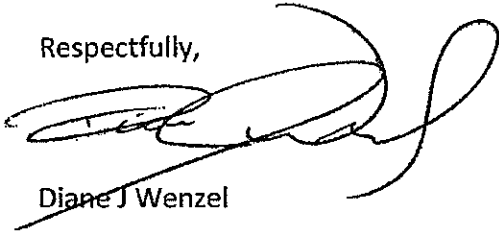
P-52-3

- Currently our adaptive sailors launch and land on the east dock at the Center with the boats secured according to the wind direction and in an area that is greatly protected from the effects of the prevailing wind. In the proposed dock project, the east docks will not be available to the Adaptive community forcing the program to be moved entirely to the west docks. The west docks are much more exposed to strong prevailing winds which increases the difficulty of transfers, launching and landing for challenged sailors. Moving our adaptive program entirely to the west docks will significantly impact the Adaptive educational boating program.

Low cost public access educational boating programs are vital to Dana Point Harbor. According to the California Department of Boating and Waterways, in 2010 there were 281 boating accidents in Southern California resulting in 101 injuries and 23 fatalities. 63 of these accidents occurred in Orange County which registers almost 60,000 vessels annually. Last year, Orange County recorded the highest number of boating accidents in the state – doubling the number of accidents in 98% of the remaining California counties. There is an absolute need for public access safe boating education in Dana Point Harbor. Impacts from the EIR should be positive and enhance public access educational boating programs and the public’s access to these programs should be promoted. It is Westwind’s opinion that the effects resulting from development of the proposed dock project at OCSEC will neither enhance nor promote the potential of this vital resource. Therefore we implore OC Dana Point Harbor to reconsider development of its proposed dock project at OCSEC.

P-52-4

Respectfully,



Diane J Wenzel

Westwind Sailing, LLC – Executive Director
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(949) 492-3035

Dana Point Aquatic Foundation

a California non-profit 501(c)(3) corporation

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San Clemente, CA 92673
Phone: (949) 235-2252
www.DPAquaticFoundation.org
Info@DPAquaticFoundation.org

November 19, 2011

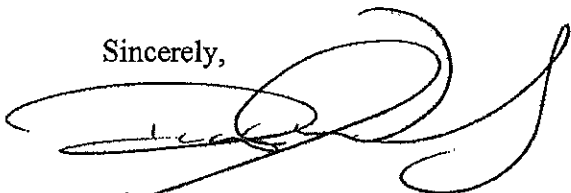
To: OC Dana Point Harbor Department
From: Dana Point Aquatic Foundation
Comments on the Subsequent Environmental Impact Report, Dana Point Harbor Marina Improvement Project – 2003101142

The Dana Point Aquatic Foundation would like to take this opportunity to comment on the planned Dana Point Harbor Marina Improvement Project. While the planned improvements have a number of good points, particularly with respect to ADA access, the Foundation is very concerned about some of the other aspects of the plan. These include the proposed privatization of a portion of the OC Sailing and Events Center dock which is currently used for public access educational and recreational boating and is strictly protected by the Tideland Grant established for the development of the Center, and the expansion of the dock area in the tidal basin.

Our concerns involve issues of public safety, public access and the effective operation of well-subscribed public access safe boating educational programs at the OC Sailing and Events Center. They are detailed in the attachment accompanying this letter.

The Foundation appreciates the time and effort that has gone into the plan and the intention of enhancing public access opportunities, providing updated amenities and promoting coastal resource preservation. We share OC Dana Point Harbor's commitment to public access and education in the harbor and are eager to contribute our expertise to this project.

Sincerely,



Diane J Wenzel
Dana Point Aquatic Foundation - Chairperson

P-53-1

Dana Point Aquatic Foundation

a California non-profit 501(c)(3) corporation

The Dana Point Aquatic Foundation (DPAF) is a California nonprofit 501(c)3 that was incorporated with the following mission:

To provide access to and support for community sailing and boating, and boating safety education, regardless of physical, developmental or economic limitations; to promote environmental stewardship, with particular reference to the Dana Point area; and to support diverse recreational, social, and cultural experiences for the general public at the OC Sailing and Events Center.

Our volunteer Board of Directors and Committee members represent the public access educational boating and recreation programs at OCSEC – programs which have been in existence for over 25 years and have served thousands of individuals in our community including scout groups, youth groups, adults, students, at-risk youth, and individuals with special needs, and have provided stimulating summer employment for hundreds of area youth. The organizations represented by the Foundation and affected by the EIR’s proposed dock project are: Mariner Sea Scout – ship 936, Westwind Sailing, Saddleback College - Marine Science/sailing & seamanship, and the Dana Outrigger Canoe Club. In 2011 alone our combined programs provided public access boating education and recreation to over 7000 unique individuals in the community.

P-53-2

The Harbor Revitalization Plan was developed with the intent to enhance public access opportunities, provide updated visitor-serving commercial and marine recreational amenities, and promote coastal resource preservation throughout the Harbor. It is the opinion of DPAF that the proposed plan creates a significant negative impact to the public access recreational and educational programs at OCSEC, the public access open water area in the Educational Basin, the public access hand craft launch area and the Baby Beach. These areas represent a large and growing number of users in Dana Point Harbor.

The SEIR proposed project for renovation of the docks at OC Sailing and Events Center states the following:

OC Sailing and Events Center Docks (PAs 8/9). The proposed project includes the renovation of the OC Sailing and Events Center docks (previously known as the Youth and Group Facility docks) on the cove side of the West Marina, as shown in Figure 3.11. Because the OC Sailing and Events Center docks accommodate a varying number and size of boats on a fluctuating basis, capacity is discussed in terms of linear feet, not number of slips. The existing docks consist of 890 lf; an increase to 893 lf is included in the proposed project. The new docks will be provided on the westernmost side of the facility near Baby Beach. It is anticipated that the new dock will be utilized by small boats used by the facility for teaching purposes. Due to the shallow depths in this area, only small boating craft would have access. Buoys with low tide warnings will be placed

P-53-3

in this area to warn boaters during tidal fluctuations. The docks on the eastern side of the OC Sailing and Events Center will become part of the West Basin Marina. The new OC Sailing and Events Center docks are an expansion into an area not currently occupied by docks and will create additional slip space in the West Marina. The renovations to the OC Sailing and Events Center docks will result in an increase of only 3 lf and will not significantly alter the existing uses and activities associated with this facility. The docks will not replace any existing docks or slips and will not conflict with any existing boat uses but may require the designated hand launch area and swim buoys to be moved approximately 50 ft to the west. Continued provision of small boat access and opportunities is consistent with CCC policies.

P-53-3

While the footprint of the proposed addition to the dock may appear to be small, its impacts and effects are significant to the public access educational and recreational boating programs at OCSEC. The basin and channel between OCSEC and the DP Yacht Club already are over-crowded at peak times. Any infringement on this space will endanger the public and threaten the continuation of well-subscribed existing programs. In addition, the layout of the new dock as highlighted in the EIR and its intended uses do not support the needs of longstanding community serving boating programs at the Center. Specific concerns include the plan's impact on the following:

Public Access Educational Programs at OC Sailing and Events Center

- The proposed project “anticipates that the new dock will be utilized by small boats used by the facility for teaching purposes. Due to the shallow depths in this area, only small boating craft would have access”. The majority of boats used by the Sea Scout youth program are keelboats up to 38’ in length. The proposed project makes no provisions for the Scout boats and would significantly impact and curtail the Sea Scout youth program at the Center.
- The EIR is inconsistent with its designation of the new west dock. Although the text states the dock will be utilized by small boats, the diagrams denote large vessels. If indeed Sea Scout keelboats will be required to dock in this area, the space required to maneuver would be significantly inhibited by the shallow depths in the educational basin and the relative effect of the prevailing wind on the vessels. These environmental factors plus the reality that the operators of the vessels are students - not professional skippers, the consequences may be dubious.
- The proposed dock configuration creates an extremely challenging launch / land area for students of the public access small boat sailing and boating programs at OCSEC. The proposed configuration requires that student sailors launch and dock directly into traffic in the narrow and congested channel between OCSEC and the Dana Point Yacht Club. This is an already challenging area to navigate because of the Venturi effect that funnels wind eastward from the basin into the channel. In the interest of safety, this situation alone will significantly impact public access educational boating at OCSEC.
- Currently, users of OCSEC utilize both the east and west docks at the Center. The proposed dock configuration requires that all users of OCSEC operate solely from the west dock. During peak times, this will potentially exceed safe capacity limits on the

P-53-4

dock which increases potential risks and hazards. At present, the west dock is severely in need of repair and access to this dock for public boating education has been limited. This impact has affected public recreation and educational boating programs at OCSEC since September, 2011. If access was restricted to the west dock only, as is indicated in the proposed plan, the current dock situation would severely impede the public's access to the educational boating programs.

P-53-4

- The proposed west dock configuration does not support the docking needs of the Dana Outrigger Canoe Club. The Club's long outrigger canoes have specific requirements for docking that the proposed dock configuration fails to provide. DOCC will be forced to make concessions in order to run a successful outrigger program.

Public Access to Recreational Facilities

- The EIR proposes privatization of the Center's east docks that are specifically earmarked for public access educational purpose as defined in the Tideland Grant for development of the Dana Point Youth & Group Facility (OCSEC). The purpose of OCSEC is strictly protected and deviation of the docks and facilities from uses other than public access educational boating and recreation is in violation of the Grant.

P-53-5

- If private slips were introduced in the area, the parking requirements for private slip owners will limit the already congested public parking in the vicinity of OCSEC, Baby Beach and the hand launch area.

P-53-6

- The number of hand launched craft has increased significantly in the last 5 years. The proposed dock configuration encroaches into the educational basin and reduces this water oriented recreational area by approximately 25%. This portion of the Educational Basin is the only non-motorized, public access recreational zone in Dana Point Harbor.

P-53-7

Public Safety for All Harbor Users

- The proposed west dock configuration supports motorized vessels within the shoal area at Baby Beach. The infiltration of motorized vessels amongst hand launch craft and bathers creates an unsafe aquatic environment. The shoal area is the only public access recreational area in the harbor that currently restricts motor boat traffic.

P-53-8

- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between the OCSEC and the DP Yacht Club. This is an already challenging area to navigate because of the Venturi effect that funnels wind eastward down the channel. The new dock configuration will increase the difficulty of navigating through this area for all boaters.

- In the proposed west dock plan, bathers, paddlers and rowers will be subject to increased pollution from fluid runoff of motorized vessels docked nearby and leakage from the pump-out station in close proximity to Baby Beach.

P-53

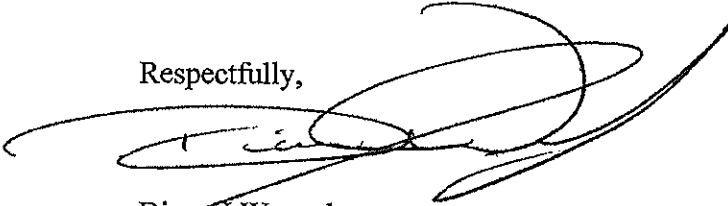
P-53-8

In light of these points, it is the opinion of the DPAF that the proposed project at OC Sailing and Events Center negatively impacts existing public access educational and recreation boating programs at OCSEC; impedes access to public recreation facilities at OCSEC, the Educational Basin and Baby Beach; and jeopardizes the safety of the users at OCSEC, Baby Beach, and the general boating public, and therefore is inconsistent with the County's General Plan, the intent of California Coastal Act policies and the Dana Point Youth & Group Facility Tideland Grant.

P-53-9

Our constituency represents literally thousands of people annually with the public access educational and recreational boating programs we provide. Yet our Foundation, neither collectively nor individually, was consulted on the impacts the EIR would have on public we serve. We share OC Dana Point Harbor's commitment to public access, educational and recreational boating in the Dana Point Harbor and we are eager to contribute our expertise to this project.

Respectfully,



Diane J Wenzel
Dana Point Aquatic Foundation - Chairperson



November 20, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

In addition to signing the petition to reverse the decision for the development of docks and slips in the Baby Beach area I wanted to take the time to write a letter to you as well.

This past summer, with the support of Miracles For Kids, I created a Stand Up Paddle day at the beach program in affiliation with Children's Hospital Orange County (Choc) where each patient was able to participate in stand up paddle and beach activities. These kids are able to spend a day at the beach together to celebrate their health and life with other cancer survivors.

P-54-1

Baby Beach is the ideal location due to the calm flat water, accessible and free parking, small crowds, limited boat activity, picnic benches and it is located right next to our educational partner in the program, The Ocean Institute. With the proposed development and expansion will come more power boat traffic, and less room for children to participate in a safe manner.

P-54-2

I encourage you to not move forward with the plan to develop the docks.

Sincerely,

Tom Swanecamp
Board Of Directors
Miracles For Kids

2002 Dew Avenue
Suite 502
Tustin, CA 92780
P: 714.730.3040
F: 714.730.8267
www.miraclesforkids.org

Barbara Merriman
34300 Lantern Bay, Villa 4
Dana Point, CA 92629

November 20, 2011

Mr. Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

I am writing to comment on the current alternatives for the waterside revitalization of Dana Point Harbor. Planning for this has been disappointing, and incomplete.

DISAPPOINTING, because the focus group meetings, carefully orchestrated by the harbor department did not create a plan that is satisfactory to the large majority of the boating community. Only a few "representatives" of the boating community were allowed to participate, and they were outvoted by the harbor stakeholders and county employees attending these focus group meetings.

P-55-1

INCOMPLETE, because the alternatives presented for review and approval do not meet all the objectives of the revitalization. In particular, alternatives 2 and 3, each leave out different parts of the objectives!


I will repeat an earlier letter sent in regarding the Land-Side portion of the revitalization. Planning for this project has been piecemeal. Because of that, there are constraints on how and where to add docks because of boater parking which has been curtailed and already eliminated in parts of the harbor near the commercial core.

P-55-2

A project this important, which will have a lasting effect for decades on this harbor, should have been a cohesive plan. The original harbor is a gem, although the infrastructure needs serious repair or replacement as soon as possible. It doesn't, however, need to be completely changed. The current plan which will eliminate slips (particularly in the 50ft. range), narrow the main channel (already dangerous with the explosion of paddleboarders and kayakers) and build on "Baby Beach," needs to be re-worked and "revitalized" itself!

P-55-3

Please look to the future and remember that this is a harbor, and a harbor is for boats!

Cordially,

Barbara Merriman
Doubleagle1@cox.net

11-20-2011 Comments on SEIR for Harbor Rebuild

DOUGLAS HEIM
25331 Yacht Dr
Dana Point, CA 92629

To:

OC Dana Point Harbor Office
24650 Dana Pt Harbor Dr
Dana Point, CA 92629

I believe we need to rethink the current direction of this project and look at the following issues:

- 1.Repair the slips and boater service buildings before the commercial core
- 2.Facelift current Harbor buildings ie Proud Marys, Wind and Sea
- 3.No new slips at Baby Beach
- 4.No Boat Barn to destroy our precious views
- 5.No 60' plus buildings or 5 story structures
- 6.Keep the channel the same width, new trends such as paddle boarding demand it for safety reasons

P-56-1

Regards,

Doug Heim
25331 Yacht Dr
Dana Point, CA 92629
Storage and slip renter since 1977
Currently in West Basin F-5

11-20-11

Brad Gross,
Director OC Dana Point Harbor
24650 Dana Point Harbor Dr.
Dana Point, Ca. 92629

Dear Brad,

I've been enjoying the "Baby Beach" area since I used to surf Dana Cove back in the 1960's. Besides the Cove surf, the harbor has messed up the surf at Doheny quite a bit too. Nevertheless, I have come to enjoy the things that the harbor has to offer by sailing a catamaran or paddling surf ski's and SUP boards from Baby Beach. The harbor has taken away from some, but given to others. I feel that the boaters have gotten the most and the surfers and paddlers the least. Therefore, I am against the Marina Improvement Project # SCH 20031101142.

P-57-1

When I walk around the docks in the harbor any day of the week, including weekends, I see that most of the boats are not being used. Mostly, the dock areas appear abandoned. I would say that the boats are under utilized. True, an under utilized boat provides a slip rental fee to the harbor, but the County and the harbor has enough boat slips. What the county does not have enough of is protected water for swimmers and paddlers.

As far as I know, the Baby Beach parking is the only free public beach parking in all of Orange County. I assume that if these docks were inserted into the open water area of the turning basin that a portion of the Baby Beach parking would be cordoned off for the boaters like all the other dock area parking is. Thousands of the tax paying public utilizes the beach, picnic areas and parking for Baby Beach. Unlike the docks, the area is over used with not enough parking on weekends. This area is the least that the County can offer the public, this is not time to take any part of it away. We can't be like San Diego with thousands of free parking spaces surrounding all parts of Mission Bay, but we can keep the only spot that we do have.

P-57-2

There are two critical traffic points in the Dana Point Harbor. One is of course the harbor entrance and the other is at the West end of the inside channel as it opens into the turning basin. This spot is difficult to navigate because of the wind venturi created by the headlands. Wind surfers used to call this channel the "black hole". Even now, I often see sail boats and paddlers have a hard time against the heavy head wind getting back to the open water of the turning basin. Lengthening the channel with additional boat docks and reducing the open water area of the turning basin, would greatly decrease the safe passage of all non-motorized craft in that channel.

P-57-3

I was a catamaran sailor in the 70's and 80's and have become a paddler since then. What I see is a reduction in boat usage in the harbor, including the launch ramp, and a big increase in the number of human powered craft launched at Baby Beach. Considering

P-57-4

P-57

this changing public utilization of the harbor, this is not a time to reduce beach and open water space in the harbor so that more boats can be added.

↑ P-57-4

Thank you,



Steve Boehne
Infinity Surfboards
24382 Del Prado
Dana Point, Ca. 92629

949-661-6699



THE LEADING EDGE OF COASTAL ACTIVISM

November 20, 2011

Brad Gross, Director
 OC Dana Point Harbor
 24650 Dana Point Harbor Drive
 Dana Point, CA 92629

Re: Extension Request for Harbor Marina Improvement Project

Dear Mr. Gross,

I am writing in regard to the above captioned matter and to follow up on our recent SEA (Surfers' Environmental Alliance) Executive Board Meeting and our West Coast Environmental Director, Jim Littlefield's letter to you concerning the same.

As per Mr. Littlefield's communication to your office SEA is respectfully requesting a review of your "Improvement Project" and a *ninety day extension* to provide adequate time to review the same and retrieve input from our membership, many of whom reside in Orange County.

SEA is a 501(c) California nonprofit entity with offices in California on the west coast and in New Jersey on the east coast. Any coastal project that impedes beach access, ocean or surf access, or surfing waves is strongly opposed by all members of SEA.

We would like to resolve this extension by consent as opposed to the possibility of litigation. Please advise as to how you wish to proceed so I may advise our board and membership. Thank you in advance for your time and consideration and I would ask that you please feel free to contact me directly with any questions.

Very truly yours,

Andrew Mencinsky
 Executive Director

Tom Forkin, JD, General Counsel
tforkin@comcast.net
 Surfers' Environmental Alliance (SEA)
www.seasurfer.org

543 2nd Ave, Long Branch NJ 07740 • 732-864-4096 • seasurfers.org

P-58-1

November 20, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the west basin in front of Baby Beach.

I am a Dana Point native and third-generation member of this community. My family has been coming to the harbor to sail, swim, walk, picnic, and connect with friends and community members literally for as long as the harbor has been in existence. When I was about nine years old, I began taking classes with Westwind Sailing, learning sailing, water safety and rules of the road within the protected waters of the Harbor's west basin. I could pilot a boat singlehandedly long before I could legally drive a car, and I loved the sense of independence I felt while at the tiller—whether racing my classmates, playing a sailing scavenger hunt, or simply exploring the harbor.

P-59-1

After years as a student, I was invited to become one of Westwind's sailing instructors—it was my first job, and a position I held proudly for more than five years until I graduated from Dana Hills and went off to college. I was also a five-year member of the Mariner Sea Scouts team based at the Youth and Group facility. In addition to deepening my sailing skills and knowledge of maritime culture, I learned teamwork and leadership, benefitted from the guidance of cherished mentors, and developed longstanding friendships that continue to this day.

These educational programs would not be possible without a safe learning environment. I am deeply concerned that the proposed development undercuts the community by limiting public access and decreasing safety in the west basin of the harbor. And I am *strongly against* the proposed privatization of the docks at the OCSEC, which are specifically earmarked for public access educational purpose.

By encroaching into the basin and reducing the shoal area by at least 20%, the proposed dock configuration will block the public access small craft launch at Baby Beach and reduce public access to the water. This altered design will negatively affect the launching and docking of students in boating programs at OCSEC, and will increase boat traffic in the channel, creating safety concerns. Moreover, the increase in motorized vessels in the educational basin near swimmers and non-motorized small craft poses a number of hazards related to safety, pollution, and traffic, and will negatively affect the aesthetics and character of Baby Beach and the OCSEC.

P-59-2


P-59-3

I strongly urge you take into consideration these issues and to recognize that education, community access and public safety are *the* top priorities for any proposed change to the design of the west basin. I recommend that you analyze other options that will not have as negative an impact on the harbor. Please know that I am dedicated to preserving Baby Beach, will follow this process closely, and will continue to work with the community to build awareness of this project.

The Dana Point Harbor holds a very special place in my heart. My family has celebrated three weddings and held both my grandparents' memorial services at the harbor. It is where I held my first job and worked my way through high school, learned how to be a responsible member of society and even fell in love for the first time. And our family is not unique. The harbor—and the publicly accessible and community-oriented west basin in particular—has been a very special community space from hundreds, if not thousands of families. I sincerely hope that you will choose to keep the public interest in the forefront of your mind as you make decisions regarding the future of Baby Beach and the design of the harbor's west basin.

P-59-4

Most sincerely,



Lis DuBois
719 N. 2nd Street ♦ San Jose, CA 95112
Mobile: 617-510-5089 ♦ lismarie1@hotmail.com

11-23-11A11:28 RCYB

Joseph F. & Barbara M. Gildner
2450 CALLE AQUAMARINA
SAN CLEMENTE, CA 92673

November 21, 2011

County Of Orange
Dana Point Harbor Department
Dana Point Drive
Dana Point, CA 92629

To Whom It Might Concern:

I am a slip holder in Dana Point and have been for over 20 yrs. I have been a good tenant and have always paid my rent on time and have asked nothing from the Harbor but a safe, attractive and convenient spot to dock my boat for my family and friends to enjoy. I am dismayed at the proposal to use funds that we have built up over the years for a commercial expansion of the harbor without renewal of the docks. The present proposal is overblown and not fair to the over 2,000 slip holders and the trailer boaters and others who use the harbor. Anyone who is near the commercial core in the East Cove will be adversely affected by this proposal and I know this has to change.

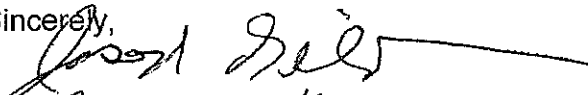
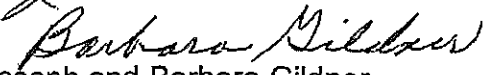
P-60-1

A reasonable reduction in the commercial rebuild and the inclusion of rebuilt docks would certainly be in order if any changes are considered. Just look at the docks and you will see cracked concrete, hanging wires, old and beat up dock boxes, rusting, peeling and leaning posts, sinking and leaning docks and gates that stick and keep hardly anyone out. The proposal for boater parking in the commercial core is non-existent and this is the area that the large boats that pay the most are docked. How can private enterprises take the funds that the public (the boaters) has built up over many years paying one of if not the highest rates in the nation for a public slip. Is this what we have come to expect from our government. I would hope not.

P-60-2

I am in favor of more large slips in the 30 to 40 ft. range as I believe that this is the range in most demand with a built in waiting list which would increase the income of the Harbor. The original plan was hatched without boater input by a very few who would benefit from the current proposal and not the vast majority who support the Harbor. I respectfully request that the current proposal be downsized to better accommodate the needs of all that use and support the Harbor.

P-60-3

Sincerely,


Joseph and Barbara Gildner



November 21, 2011

Mr. Brad Gross
Director
O C Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Re: Adequacy and Appropriateness of the Draft Subsequent Environmental Impact Report for Dana Point Harbor Marina Improvement Project

Dear Brad,

The SEIR is inadequate and inappropriate.

OVERVIEW

The planning process for revitalizing Dana Point Harbor continues to suffer due to 1) the County's ongoing placement of commercial interests ahead of boating needs, 2) the County's efforts to increase slip size, and 3) the complete omission of the harbor's largest boating community (human powered watercraft) from the Project.

P-61-1

COMMENTS

1. The County's ambition to dramatically expand commercial facilities by 40% will cause a tremendous omni-directional impact on the harbor's environment and character. The County's relentless pursuit of "bigger is better" requires that you ignore key tenants of trust placed in your hands by the State of California. We are a harbor, and the Project as proposed ignores your obligation to protect boating interests above all else. We feel the vision for this project is dated and out of touch with the need for publically funded harbor projects to demonstrate environmental leadership and protect priceless coastal dependent access for our nation's 75 million boaters.
 - a. Preferred Alternative – Accomplish a Plan that immediately places the revitalization of boater facilities ahead of commercial interests, prioritizes the protection and expansion of coastal dependent access for recreational boating, and demonstrates the highest level of environmental leadership by limiting commercial expansion.

P-61-2

2. The County's efforts to increase slip size is the single most disruptive and inappropriate part of the waterside plan. There is no stakeholder support for this. The impact on the environment, boater access and aesthetics is profound.

- a. Preferred Alternative – Replace the slips exactly as they are with the small exception of meeting ADA compliance. Slip replacement should be given the highest priority in the revitalization plan, ahead of commercial interests. Slips can then be replaced section by section prioritized by levels of deterioration. This eliminates the unacceptable impacts of slip loss and channel encroachment (a major confrontation between safe boat operation and the significant growth of in-harbor recreational use by small watercraft). Channel encroachment of 20 feet along the entire channel width also poses an environmental impact of sun shading. Finally, the suggestion that docks should overflow into the Baby Beach West End where children swim and human powered watercraft operate will be eliminated.

P-61-3

P-61-4

3. Human Powered Watercraft represent the harbor's largest boater user group, yet the revitalization plan, and this SEIR ignores the needs of this vibrant boating community. Water traffic studies done by the County, and subsequently by the Dana Point Boaters Association clearly document the rapid growth of this boating group. HPW vessels represent the highest levels of environmental friendly, affordable, healthy and coastal dependent boating. Their needs must be immediately added into the revitalization plan. Critical increases in parking, waterfront access, boat storage, wash down facilities, lighting, training and educational facilities and docking will have environmental impacts that must be an integral part of the revitalization plan.

- a. Preferred Alternative – As we have discussed at length with your office, HPW operations need to be integrated into three key areas:
 - i. Complete a West End Plan that meets the needs of the varied user groups while prioritizing HPW boating operations. Our lengthy efforts to propose an integrated plan show that HPW facilities can be implemented while expanding access for all user groups including swimming and picnic activities.
 - ii. Complete a plan for HPW launching at the east end of the island parking lot (past the new Nordhavn building) so that paddlers who want fast ocean access can bypass in-harbor transit. This is an ideal way to increase HPW facilities while reducing in-harbor traffic – both having the highest priority.

P-61-5

- iii. Complete an approved in-slip storage capability to facilitate the high number of slip renters that have HPW's; kayaks and paddle boards. The new docks can offer an accessory means to safely store these and prevent them from encroaching into the walk ways as they often do. This could represent an incremental revenue stream and be far more effective than HPW storage in the car parking lots.

Brad, we appreciate the collaboration we experienced with your office in the development of the LCPA that mentioned "hand launched" and "human powered" at least 17 times! Omission of the needs of the harbor's largest boating community is clearly unacceptable. We are ready to assist you with our 1800 members and the other harbor user groups to quickly insert HPW requirements into the plan. Failure to insert HPW facilities into the plan is not an option.

The Human Powered Watercraft Association appreciates the opportunity to comment on the SEIR, and we look forward to assisting with a timely process to address these key issues.

Finest regards,



Steven Alan Fry
Director

P-61-5

From: Pam Patterson [mailto:outdoorpeach@yahoo.com]
Sent: Monday, November 21, 2011 5:03 PM
To: Gross, Brad
Subject: Save Baby Beach

November 21, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

In reviewing the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011, I would like to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach.

As an expert in my field, community advocate, and an instructor of Adapted Outdoor Education and Recreation for Saddleback College, who fortunately uses the EAST Basin, specifically, for the physically challenged and special needs student population for all our water sport classes, activities, and camps, I believe it will be very difficult and much more constrained to safely transfer, launch and land our Adaptive Sailors from the new docks on the West side of OCSEC if the proposed project is passed and the current docks used for the Adaptive community are annexed by the County and changed into private slips.

The proposed dock will be extremely unsafe. If this dock goes through we will no longer be able to hold our classes and camps in this area because our needs are special, in that we require persons to transfer adaptive sailors into boats, in non-prevailing winds, with least amount of motorized traffic, and more room during shore launches for equipment and certain disabilities. For the past 2 years we repeatedly requested that the County allow a lift, which Saddleback College received a grant specifically to use for Adaptive Sailing, to be installed for safe transfers, not only for the challenged sailors, but for persons assisting. It only takes one person to assist adaptive boaters up and down the ramps but it takes 2 or more people to assist with transfers. Some challenged sailors may be able to assist themselves if the dock had the right type of lift. I realize you have proposed a lift but that will take up to 10 years to actually be in use.

The Adapted Sailing program has been a success for our Adapted Community Members. People with challenged abilities desire and want the same opportunities as anyone. This population, which is growing and will continue to be a significant part of our community, need barriers lessened, like they may need a piece of equipment modified, a certain piece of equipment to assist them, a skill (wind) broken down into baby steps so they may build their confidence and self-esteem at their own challenged pace. Having the chance to do something that they thought they could never do, whether it be sailing, stand up paddle, or kayaking, our students and participants have overcome barriers, renewed all their self-concepts, and have a sense of belonging to their community.

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom

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- out at low tide.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin. ↑ P-62-3
P-62-4
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC. P-62-5
- The project proposes that motor boats will be docked and a boat pumpout station in front of Baby Beach which potentially increases pollution in the area P-62-6
- The new dock in front of Baby Beach will be used for motor boats which creates safety concerns for non-motorboat users launching at Baby Beach. P-62-7

I beg you to not take this away from them. This new dock will present fears and discourage them. Do Not prevent them from improving their quality of life.

I hope that Dana Point Harbor takes into considerations these issues, recognizes the importance of the east dock staying available to adaptive sailing and analyze other options that will not have such a negative impact on the Harbor's resources. I will follow this process closely and continue to work with the community to expand awareness of this project. Finally, I will be one of many who will work to preserve Baby Beach, the Educational facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

Sincerely,

Pamela Patterson

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~Saddleback College

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~3D Massage Therapy

Owner and Therapist

Boaters for Dana Point Harbor

November 21, 2011

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

Re: DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
DANA POINT HARBOR MARINA IMPROVEMENT PROJECT
SCH NO. 2003101142

This document is in response to the "Notice of Availability/Notice of Intent" issued on September 20, 2011 and the "Supplemental Notice of Availability" issued on October 27, 2011 by the County of Orange, OC Dana Point Harbor. These comments by Boaters for Dana Point Harbor address the Draft SEIR for the "Marina Improvement Project".

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Boaters for Dana Point Harbor is a volunteer-based California Not-For-Profit Corporation that works to insure that recreational boating within Dana Point Harbor is preserved and protected to the full extent prescribed by California law.

In Section One we discuss the serious issue we have with the Draft SEIR and in Section Two we discuss the serious issues we have with the process being followed.

SECTION ONE

We believe that the Draft SEIR, while professionally prepared, fails to meet the requirements for such a document in the California Environmental Quality Act (CEQA)¹. CEQA is designed, among other things, to

take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.²

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It further states (emphasis ours):

¹ California Public Resources Code § 21000 et seq.
² California Public Resources Code § 21001(b)

21002. The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

21002.1. In order to achieve the objectives set forth in Section 21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division:

(a) The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

(b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

(c) If economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations.

CEQA provides a definition of feasible:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.³

We believe that the County's Draft SEIR is fundamentally flawed, because it violates the requirements of Section 21002. Specifically, the requirement to consider alternatives which is so central to the CEQA process, does not allow the County to only generate alternatives which are "doomed to fail" by arbitrarily leaving out items required to meet the project's objectives.

In the Draft SEIR, there are 3 alternatives to the County's preferred project. The first of these is the "Do Nothing" alternative, which is included as a statutory requirement of CEQA. We believe this alternative has been correctly included, considered, and rejected.

However, alternatives 2 and 3 each have been carefully constructed to only include a portion of the necessary elements of the project, thereby being rejected for failing to meet the objectives.

³ California Public Resources Code § 21061.1



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These alternatives are no more than incomplete plans designed to allow the County to approve their project without a serious consideration of the “significant effects” mentioned in sections 21002 and 21002.1.

This is a fatal flaw for the entire Draft SEIR. There is no feasible alternative considered, and no comparison of the significant effects of such an alternative with the County’s desire. We will propose such an alternative in some detail, and we suggest that the entire document needs to be reworked to consider whether our proposal is superior under CEQA to the County’s.

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The Problem with Alternatives 2 and 3

Alternatives 2 and 3 were carefully chosen to split up attractive features that, if included in a single alternative, would meet the CEQA tests for feasibility, a substantial reduction in the significant environmental impacts of the project, and that there are no overriding “economic, social, or other conditions” that the County can claim (in their discretion!) make the alternative truly infeasible.

1. Alternative 2 claims a loss of 155 slips, but that number is not tied to any design, and appears to be chosen simply as the minimum number the CCC might accept.
2. Alternative 2 also does not include redo of the marine services docks, or temporary docks (with conversion to permanent possible) for no obvious reason.
3. Alternative 2 does not include any alternative to the dry boat stack, again for no obvious reason and without any analysis of that possibility.
4. Alternative 3 does not include renovation of the East and West basins, including simple replacement as built (but with ADA), and includes all the items left out of Alternative 2.

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Alternative 2 was rejected because it leaves out certain items, so it doesn’t meet the project objectives. It’s NOT defined to be reasonable, and thus isn’t. This fails to meet the CEQA requirement, because there was no reason to leave those items out.

The same logic applies to Alternative 3, but with the included and left-out elements exchanged.

The conclusions stated for alternative 2 in the Draft SEIR are (emphases ours):

5.7.3 Attainment of Project Objectives

Alternative 2 would achieve most of the project objectives, but not to the same extent as the proposed project because this alternative would not improve the level of boater services at the Marine Services docks or provide ADA access at the OC Sailing and Events Center docks. In addition, under Alternative 2, the temporary dock would not be constructed, and therefore, the yacht broker slips would not be relocated to another area of the Harbor. Further, utility infrastructure would not be upgraded in all areas of the Marinas. The goals of the Dana Point Task

Force would be furthered, but not to the degree that would occur under the proposed project since this alternative does not include improvements, including ADA access, to all of the areas included in the proposed project.

So, if you don't include something, it won't be there. This remarkable fact is then the missing items that were used to reject the alternative, even though there was no reason stated as to why those things weren't included. The alternative was "Doomed to Fail!"

5.7.4 Conclusion

Compared to the proposed project, land use impacts are slightly greater for this alternative due to the lack of ADA access at a portion of the Harbor areas as compared to the proposed project. Construction-related geology, hazardous materials, hydrology/water quality, noise, and aesthetic impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational impacts for these same topics would be similar to the proposed project.

Operational circulation and boat traffic impacts would be reduced as compared to the proposed project, due to the reduction in the number of slips as compared to the proposed project. However, with mitigation these impacts were less than significant for the proposed project. Operational impacts related to land use and recreational resources would be greater as compared the proposed project for this alternative.

This alternative would not avoid significant and adverse project-related impacts to construction and cumulative air quality effects or avoid significant and adverse cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.⁴

So by leaving out a part of the project, as detailed above, the impact is lessened. But then, they don't meet the project objectives.

The conclusions stated for alternative 3 in the draft SEIR are (emphases ours):

5.8.4 Conclusion

Compared to the proposed project, land use impacts are slightly greater for Alternative 3 due to the lack of ADA access at a portion of the Harbor as compared to the proposed project. Construction related hydrology and water quality impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational water quality impacts would be similar to the proposed project. Because Alternative 3 does not include any renovations to the existing dock and slip facilities in the East and West Marinas, the number of slips would remain similar to existing conditions (2,409 slips), resulting in approximately 116 more slips than under the proposed project. Operational circulation impacts would therefore be greater than the proposed project, because the

⁴ Draft SEIR, volume 1, page 5-18

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number of slips would be greater, although with mitigation these impacts were less than significant for the proposed project. Construction-related traffic impacts would be reduced when compared to the proposed project. Aesthetic impacts related to construction would be less than the proposed project because construction would not occur in as many areas of the Harbor; long-term views would be similar to the proposed project. Impacts related to recreational resources both during construction and for long-term recreational opportunities would be fewer than under the proposed project. Impacts related to hazardous materials would be similar to the proposed project for this alternative.

This alternative would avoid significant and adverse project-related impacts to construction and cumulative air quality effects and cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.⁵

On the basis of these conclusions, one might decide the alternatives were in fact better, yet they were rejected. This was because they were never designed to work! Alternative 3 is particularly egregious, because it doesn't even try to replace the crumbling marina docks. What were the objectives for the water-side development in this project?

Section 5.9 rejects all alternatives on the grounds that they don't meet project objectives.

The No Project/No Development Alternative would be environmentally superior to the proposed project on the basis of the physical impacts that would not occur with Alternative 1. ... However, none of the identified project objectives would be achieved with Alternative 1.⁶

This is certainly logical. However, the same method was used to reject the other alternatives, despite their attractiveness.

The Environmentally Superior Alternative, in terms of avoiding, reducing, or minimizing direct physical effects on the environment under short-term conditions, is Alternative 3, the Reduced Project with ADA Improvements. Besides construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, Alternative 3 does not include any renovations to the existing dock and slip facilities in the Harbor. By eliminating the replacement of docks throughout the Harbor, construction impacts under Alternative 3 would be significantly reduced in both scope and duration.

Alternative 3 meets only a few of the project objectives, such as satisfying ADA requirements for some dock areas. Other project objectives attained to a lesser extent include enhancing the level of

⁵ Draft SEIR, volume 1, page 5-25

⁶ Draft SEIR, volume 1, page 5-25

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services for boaters and maintaining a safe environment for the boating community. Although several ADA gangways would be installed with this alternative, the benefits of renovating the dock facilities and bringing the Harbor into compliance with all DBW standards would not be achieved with Alternative 3.

...

However, as noted above, Alternative 3 would not achieve the project objectives except to provide ADA access in the East and West Basins and at the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks.⁷

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And so we reach the SEIR's major conclusion—if enough of the project is left out, it doesn't meet the objectives!

So why not get this right?

A Feasible Community Alternative – Number 4

For clarity and simplicity we describe Community Alternative 4 by articulating how it achieves each of the project's Objectives. At the highest level the County has stated these as (emphasis ours):

As described in Section 3.0, Project Description, the primary goals of the project are to revitalize the Harbor as a popular destination for boaters, local residents, and tourists while maintaining the **unique character of the Harbor**.

Dana Point Harbor for the last 35+ years has been a large Orange County Park housing over 3,000 boats and offering many low or no cost alternatives. With minimal commercial intensification, more than 2000 trees, view corridors, very low massing, very low building heights predominantly offset by majestic trees all of which creates a very **“unique character of the Harbor”**.

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Hundreds of trees have already been eliminated, with more destined for removal as part of the revitalization. Also, significant massing, along with equally significant building heights, are planned that will in large part change the **unique character of the Harbor** to that of a modern urban feel from the existing recreational park atmosphere. These issues are partially out of scope for the Waterside SEIR, but are important as a back drop to insure that what happened landside does not propagate to the waterside.

Maintain the Harbor's overall current character and family atmosphere

Community Alternative 4 achieves this goal by not eliminating, to any significant extent, the affordability of boating, including the even more important no-or-low-cost recreational boating.

⁷ Draft SEIR, volume 1, page 5-28

Minimal channel encroachment and no additional build out in front of Baby Beach will allow the bulk of the harbor's recreational water area to continue to be accessible.

Renovate and replace the deteriorating docks and slips

In 2006 the Harbor Director, the Lead Project Manager and the Lead Project Engineer made it clear to the community that our docks are beyond their serviceable life. Further it was pointed out that we were a "winter storm" away from some docks catastrophically failing. Any plan that does not include the rapid replacement of all docks (of 35 year vintage) should validly be rejected.

Community Alternative 4 will use existing financial resources (Funds Balance Available and significant positive cash flow from slip fees) to immediately begin replacing all docks in the harbor along with building out new, larger and permanent docks in the East Anchorage.

Satisfy ADA requirements for dock areas of the Harbor

With ADA for harbors now established, using Federal Law and coherent California Department of Boating and Waterways guidelines it is straight forward to calculate the impact (loss of slips) of implementing ADA access. As the total impact is expected to be on the order of 1%, the loss is readily mitigated by the permanent slips built out in the East Anchorage. This Alternative will implement ADA access per applicable guidelines and the law.

Maintain a full-service Harbor

The Harbor Department has modified this goal from what was originally passed by the Harbor Task Force under Supervisor Wilson. It should read: Maintain marine full-services in the Harbor. We believe that this was meant to include an affordability element as well and not just the absolute minimum using space from another minimized area. This would obviously include a marine chandlery and ample space for shipyard and Do-It-Yourself boat repair and maintenance. To this end Community Alternative 4 does not remove any of the waterside area in front of the existing Shipyard allocation (i.e., not the Harbor Director's planned reduced shipyard). Per the commitment to the Coastal Commission, additional Do-It-Yourself boat repair maintenance areas will be provided in accessible areas of the launch ramp and dry boat storage.

Enhance the level of services for boaters

During the life of this harbor the population in California has exploded with the most significant expansion impacts along the coastal regions. Recreational infrastructure has not come close to matching this growth. The Harbor Director's proposed project and alternatives would actually retract the level of service despite clear evidence of increased demand (wait list and ability to charge the highest slip fees in North America for a municipal marina). Boaters' level of service will be enhanced by expanding the number of larger boat docks (East Anchorage) and maintaining the existing number of dry boat storage locations (684).

Upgrade commercial fishing facilities

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It is unclear what the intent of this goal is in light of the fact that it appears that the commercial fishing area was moved, without required permitting, from the Wharf area into recreational guest dock area in the east basin.

Maximize the number of slips available in the East and West Marinas for public rental by relocating many of the yacht broker slips to another area of the Harbor.

While this is a valid and important goal it is paired with inappropriate tactics. This improperly allows alternatives that meet the goal while being dismissed because it fails to be implemented in the way the Harbor Director specified. The goal is:

Maximize the number of slips available in the East and West Marinas for public rental.

Community Alternative 4 achieves this goal by replacing the slips exactly as they are today. This will allow for eventually zero slip loss while allowing the waterside community character to be maintained and replacement of all the worn out docks. Docks will maintain their existing dimensions and simply be replaced with new and more modern materials. While the Department of Boating and Waterways has updated their guidelines the operative word is "Guidelines", not "rules" or "laws". Some harbors have been revamped using these guidelines and resulted in the loss of hundreds of slips. Others have replaced their docks as they were originally constructed with no loss of slips and no negative environmental or safety consequences, including the ability to obtain grants and loans from the Department of Boating and Waterways.

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Thus Community Alternative 4 in the East and West Basin will:

1. Replace all docks as they exist today (with correction for unpermitted Harbor Department Developments)
2. Maintain existing slip orientations including the West Basin
3. Continue utilization of all side tie and end tie locations
4. Continue 3' overhang allowance
5. Allow for minimal (multihull and beamier vessels) encroachment into the main channel

In the past we've seen and anticipate that the Harbor Director will be dismissive of Community Alternative 4 by simply stating that he fully intends to follow the letter of the Guidelines from the Department of Boating and Waterways. These state wide guidelines were developed to cover the entire state of California and hence covering a very broad range of berthing scenarios and prevailing conditions. We believe that each harbor and the conditions of each vary widely and should viewed individually. Dana Point Harbor is an extremely well protected and sheltered harbor offering some of the more benign conditions in our state.

Relocate guests dock facilities and provide new dinghy docks convenient to Day-Use Commercial uses

What is the goal that this tactic is trying to address? Increase business for the stores and restaurants? Increased convenience for the tenant boaters to the stores and restaurants? Reduced parking requirements for the slips? The Harbor Director needs to state the goal and then articulate how his chosen approaches met the goal. Community Alternative 4 would build out

additional dinghy docks throughout the harbor increasing water based mobility and minimizing the need for movement of vehicles. Guest Docks in Dana Point Harbor are often rented out for long periods of time, up to 90 days. To claim that parking is not needed for Guest Docks is inconsistent with how they are used.

Upgrade utility infrastructure to all areas of the Marinas

Community Alternative 4 will replace and modernize all electric, cable, water, sewer and pump out facilities. These items will be sized to meet expected demand for the next 50 years. Sorely needed pump outs in the East Basin will be accomplished by the addition of a pump out on the permanent docks in the East Anchorage.

Maintain a safe environment for the boating community, Harbor users, and merchants

Community Alternative 4 offers significant benefits over the Harbor Directors plan. Community Alternative 4 does not build out slips in front of Baby Beach which will maintain the same high safety standards that we have today. It also does not significantly encroach into the main channel improving the safety of recreational vessels as well as human powered and day use vessels as they navigate the inner channel.

Provide improvements in accordance with DBW standards, including placing boats in appropriately sized slips

Again we would ask the Harbor Director to separate out his implementation plan from goals. As we've stated earlier the Department of Boating and Waterways standards are guidelines developed to cover the entire state of California and wildly varying harbors and local conditions. Dana Point Harbor is one of the most protected and benign environments. Dana Point Harbor's safety record speaks for itself; it is an extremely safe harbor. We do not need to eliminate slips, reduce access and narrow channels to chase guidelines that are not mandatory or warranted in this particular case.

Update sports fishing dock.

The sports fishing docks have already been replaced once since they were constructed. This project should provide for their eventual replacement. However, first it must be determined if their current use is consistent with the Coastal Development Permits. These docks were originally built as sports and commercial fishing docks. The boater guest docks were then rebuilt under an Executive Director Waiver that stipulated that the docks would not be repurposed. It would appear that they were repurposed by moving the Commercial Fishing and displacing one whole dock of the recreational boating guest slips in the East Basin.

Conclusion

We believe that there is valid, feasible alternative to the proposed project, and that alternatives 2 and 3 are "Red Herrings" designed to distract attention from that fact. To comply with CEQA's requirements, feasible alternatives must be considered, and the County has constructed their



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alternatives 2 and 3 for the specific purpose of failing to meet enough objectives to be feasible. It is a clever construction to take the plan elements and simply eliminate different parts in each of them. But it makes the entire Draft SEIR invalid under CEQA.

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We also believe that Community Alternative 4, as outlined above:

1. Is a feasible alternative that would accomplish the objectives of the project.
2. It produces a substantial reduction in the significant environmental impacts of the project.
3. It can be shown that there are no overriding "economic, social, or other conditions" that the County can claim make the alternative truly infeasible.

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These are the requirements we believe should apply, and that the County needs to produce a new Draft SEIR which will pass the CEQA test.

We also need to point out Section 21151(c) of the Resources Code:

(c) If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.

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We would hope that OC Dana Point Harbor does not take it upon itself to certify this report. We would like to see public hearings before the Orange County Planning Commission and the Orange County Board of Supervisors on the adequacy of any Draft SEIR prior to a vote by the elected Supervisors.

SECTION TWO

CEQA is intended to be a public process encouraging full involvement of the community affected. It is the Lead Agency's responsibility to insure full compliance with the Act. We believe that the Lead Agency has fallen far below this standard.

- 1) Timely Submission and Piecemeal Community Planning. The Initial Study Document was issued on November 27, 2007 approximately four years ago with a commitment by the Harbor Director that it would be through the CEQA process by the end of the following year. However, the Harbor Director put the process on hold to benefit the landside plan to clear detriment of the waterside development. The Coastal Commission has now granted the Harbor Director's request for the land side development which has boxed in many elements of the waterside development.

The most egregious element of this is the refusal of the Harbor Director to build out larger slips for the boating community in the East Anchorage. Multiple times he has reported out that there is not adequate parking in that area for slips. This is only true because the Harbor Director has instead chosen to take land away from boaters in the trailer launch ramp, dry boat storage area and shipyard and force the boating community into a smaller foot print. This is in direct contradiction of Section 50224 of the California Coastal Act.

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As the Local Coastal Program granted to the City of Dana Point through the work and planning of the Harbor Director allow this to occur it also does not mandate that it happen this way. For example, the Harbor Director fought for and won the right to take an acre away from marine services but he does not have to do that. As the Harbor Director has chosen to pursue a piecemeal form of Community Planning we believe the only viable way for a meaningful CEQA evaluation of this SEIR to occur is if items approved during the LCPA process are allowed to be adjusted to allow for a meaningful evaluation of viable alternatives.

Building out a significant number of larger slips in the East Anchorage is viable. Finding enough parking for these additional slips near the East Anchorage is also viable. The Harbor Director must consider a plan that seriously evaluates this alternative even if it reduces available land for the lower priority visitor serving amenities (stores and restaurants).

- 2) Scoping Meeting – poorly executed and out of date. Had this 903 page document been issued in April 2008 as originally committed to by the Harbor Director, it is reasonable to believe that the public might have been able to deal with the sheer volume of material required to be reviewed. Instead the Harbor Director, despite formal requests, has only allowed 60 days to review what he and his teams have generated in four years. The Harbor Director had over 1400 days and the community was only able to get 60.

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During the Scoping in December 2007, the Harbor Director treated the process as a political game and not a professional community planning activity. He encouraged

boaters to not speak during the meeting if another boater was making the same point. Yet he and his staff called around to supporters, boat brokers, restaurant and store owners, and consultants that work directly for him. He also asked East and West Basin Marina Operators Along with the General Manager of the Embarcadero to step to the podium to show support for the project. This is certainly not in the spirit of the Lead Agency's responsibilities.

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3) CEQA law allows and encourages the developer/applicant to be meeting with interested parties during the drafting process. Boaters for Dana Point Harbor made it clear to the Harbor Director that we wish to be considered an interested party. Our desires to be recognized as such were acknowledge but we were never afforded the opportunity to meet with the Harbor Director or his staff on this topic. Why do we have such a massive undertaking met with unwillingness to have meaningful discussions with interested parties that are:

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- a) clearly putting a lot of time and effort into this effort and
- b) trying to make it move forward as efficiently as possible?

4) Boater Focus Group – Not a healthy or acceptable public process. The Harbor Director carefully crafted the membership of this group such that at most meetings 50% of the participants were County Employees, Agents for the County or Consultants that work for the County. When the group challenged the appropriateness of all of these folks voting on the various options it was pointed out that they were all boaters too.

The Harbor Director stated that the information discussed at the meetings were to remain within the meetings and only with the participants. The Harbor Director subsequently claimed that it was the participants that requested this. However, this was never brought up at a meeting and discussed. We find this kind of rules particularly difficult when you are representing 1000's of boaters. Unless you have all of the boaters in the meeting it would seem that not allowing them to understand what is going on and obtaining their opinions to be the opposite of open and transparent. At one meeting a reporter for the Log newspaper tried to join but was not allowed to enter the room by a County Official. The reporter never tried to attend again.

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The agenda was usually distributed at the beginning of the meeting making it impossible for people to prepare for the meeting in advance. Staff reports, drawings or white papers were not made available in advance of the meeting which would have allowed for proper review and meeting preparation. When members of the group did prepare documentation in advance it was not distributed and frequently not discussed.

The Harbor Director used this process to drive the LCPA and his proposal to eliminate up to three hundred slips. We feel the process needs to be re-started with proper representation for the boating community and properly run public meetings.

- 5) Harbor Director is dissuading members of the community from getting involved, submitting comments and studying the proposal in detail. As the person that is in charge of the Lead Agency on this project the conversations he is having with people unhappy about the plan and the quotes in the press are totally inappropriate and call into question the validity of the entire process.

From Voice of OC, Critics Call Proposed Dana Point Docks a Hazard to Swimmers 11/16/2011.

....Brad Gross, director of OC Dana Point Harbor, the agency that runs the marina, cautioned that officials are "a long ways away" from finalizing the plans.

Gross said the draft environmental impact report describes the "ultimate extreme" of the project for the environmental review process. "There will be ample opportunity" for public comment on the plans, he said.

"What ends up being built is usually different from what the document says," he added. ...

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Conclusion

We believe that accuracy, openness, transparency, fairness and professional execution of an EIR is vital as it forms the foundation for the project. In this case there are so many problems with the way the OC Dana Point Harbor (Harbor Department) performed as Lead Agency that we believe that the County Board of Supervisors should consider assigning a different Lead Agency.

P-63-15

As we have articulated in Section One of this document there is at least one meaningful Alternative. We believe it would meet all of the project objectives while reducing the environmental impact. We hope that this alternative is given a fair and professional evaluation.

P-63-16

Boaters for Dana Point Harbor

November 21, 2011

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

Re: DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
DANA POINT HARBOR MARINA IMPROVEMENT PROJECT
SCH NO. 2003101142

This document is in response to the "Notice of Availability/Notice of Intent" issued on September 20, 2011 and the "Supplemental Notice of Availability" issued on October 27, 2011 by the County of Orange, OC Dana Point Harbor. These comments by Boaters for Dana Point Harbor address the Draft SEIR for the "Marina Improvement Project".

P-63-1

Boaters for Dana Point Harbor is a volunteer-based California Not-For-Profit Corporation that works to insure that recreational boating within Dana Point Harbor is preserved and protected to the full extent prescribed by California law.

In Section One we discuss the serious issue we have with the Draft SEIR and in Section Two we discuss the serious issues we have with the process being followed.

SECTION ONE

We believe that the Draft SEIR, while professionally prepared, fails to meet the requirements for such a document in the California Environmental Quality Act (CEQA)¹. CEQA is designed, among other things, to

take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.²

P-63-2

It further states (emphasis ours):

¹ California Public Resources Code § 21000 et seq.

² California Public Resources Code § 21001(b)

3/7

21002. The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

21002.1. In order to achieve the objectives set forth in Section 21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division:

(a) The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

(b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

(c) If economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations.

P-63-2

CEQA provides a definition of feasible:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.³

We believe that the County's Draft SEIR is fundamentally flawed, because it violates the requirements of Section 21002. Specifically, the requirement to consider alternatives which is so central to the CEQA process, does not allow the County to only generate alternatives which are "doomed to fail" by arbitrarily leaving out items required to meet the project's objectives.

In the Draft SEIR, there are 3 alternatives to the County's preferred project. The first of these is the "Do Nothing" alternative, which is included as a statutory requirement of CEQA. We believe this alternative has been correctly included, considered, and rejected.

However, alternatives 2 and 3 each have been carefully constructed to only include a portion of the necessary elements of the project, thereby being rejected for failing to meet the objectives.

P-63-3

³ California Public Resources Code § 21061.1

These alternatives are no more than incomplete plans designed to allow the County to approve their project without a serious consideration of the "significant effects" mentioned in sections 21002 and 21002.1.

This is a fatal flaw for the entire Draft SEIR. There is no feasible alternative considered, and no comparison of the significant effects of such an alternative with the County's desire. We will propose such an alternative in some detail, and we suggest that the entire document needs to be reworked to consider whether our proposal is superior under CEQA to the County's.

P-63-3

The Problem with Alternatives 2 and 3

Alternatives 2 and 3 were carefully chosen to split up attractive features that, if included in a single alternative, would meet the CEQA tests for feasibility, a substantial reduction in the significant environmental impacts of the project, and that there are no overriding "economic, social, or other conditions" that the County can claim (in their discretion!) make the alternative truly infeasible.

- 1. Alternative 2 claims a loss of 155 slips, but that number is not tied to any design, and appears to be chosen simply as the minimum number the CCC might accept.
- 2. Alternative 2 also does not include redo of the marine services docks, or temporary docks (with conversion to permanent possible) for no obvious reason.
- 3. Alternative 2 does not include any alternative to the dry boat stack, again for no obvious reason and without any analysis of that possibility.
- 4. Alternative 3 does not include renovation of the East and West basins, including simple replacement as built (but with ADA), and includes all the items left out of Alternative 2.

P-63-4

Alternative 2 was rejected because it leaves out certain items, so it doesn't meet the project objectives. It's NOT defined to be reasonable, and thus isn't. This fails to meet the CEQA requirement, because there was no reason to leave those items out.

The same logic applies to Alternative 3, but with the included and left-out elements exchanged.

The conclusions stated for alternative 2 in the Draft SEIR are (emphases ours):

5.7.3 Attainment of Project Objectives
 Alternative 2 would achieve most of the project objectives, but not to the same extent as the proposed project because this alternative would not improve the level of boater services at the Marine Services docks or provide ADA access at the OC Sailing and Events Center docks. In addition, under Alternative 2, the temporary dock would not be constructed, and therefore, the yacht broker slips would not be relocated to another area of the Harbor. Further, utility infrastructure would not be upgraded in all areas of the Marinas. The goals of the Dana Point Task

Force would be furthered, but not to the degree that would occur under the proposed project since this alternative does not include improvements, including ADA access, to all of the areas included in the proposed project.

So, if you don't include something, it won't be there. This remarkable fact is then the missing items that were used to reject the alternative, even though there was no reason stated as to why those things weren't included. The alternative was "Doomed to Fail!"

5.7.4 Conclusion

Compared to the proposed project, land use impacts are slightly greater for this alternative due to the lack of ADA access at a portion of the Harbor areas as compared to the proposed project. Construction-related geology, hazardous materials, hydrology/water quality, noise, and aesthetic impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational impacts for these same topics would be similar to the proposed project. Operational circulation and boat traffic impacts would be reduced as compared to the proposed project, due to the reduction in the number of slips as compared to the proposed project. However, with mitigation these impacts were less than significant for the proposed project. Operational impacts related to land use and recreational resources would be greater as compared the proposed project for this alternative.

P-63-4

This alternative would not avoid significant and adverse project-related impacts to construction and cumulative air quality effects or avoid significant and adverse cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.⁴

So by leaving out a part of the project, as detailed above, the impact is lessened. But then, they don't meet the project objectives.

The conclusions stated for alternative 3 in the draft SEIR are (emphases ours):

5.8.4 Conclusion

Compared to the proposed project, land use impacts are slightly greater for Alternative 3 due to the lack of ADA access at a portion of the Harbor as compared to the proposed project. Construction related hydrology and water quality impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational water quality impacts would be similar to the proposed project. Because Alternative 3 does not include any renovations to the existing dock and slip facilities in the East and West Marinas, the number of slips would remain similar to existing conditions (2,409 slips), resulting in approximately 116 more slips than under the proposed project. Operational circulation impacts would therefore be greater than the proposed project, because the

P-63-5

⁴ Draft SEIR, volume 1, page 5-18

number of slips would be greater, although with mitigation these impacts were less than significant for the proposed project. Construction-related traffic impacts would be reduced when compared to the proposed project. Aesthetic impacts related to construction would be less than the proposed project because construction would not occur in as many areas of the Harbor; long-term views would be similar to the proposed project. Impacts related to recreational resources both during construction and for long-term recreational opportunities would be fewer than under the proposed project. Impacts related to hazardous materials would be similar to the proposed project for this alternative.

This alternative would avoid significant and adverse project-related impacts to construction and cumulative air quality effects and cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.⁵

On the basis of these conclusions, one might decide the alternatives were in fact better, yet they were rejected. This was because they were never designed to work! Alternative 3 is particularly egregious, because it doesn't even try to replace the crumbling marina docks. What were the objectives for the water-side development in this project?

Section 5.9 rejects all alternatives on the grounds that they don't meet project objectives.

The No Project/No Development Alternative would be environmentally superior to the proposed project on the basis of the physical impacts that would not occur with Alternative 1. ... However, none of the identified project objectives would be achieved with Alternative 1.⁶

This is certainly logical. However, the same method was used to reject the other alternatives, despite their attractiveness.

The Environmentally Superior Alternative, in terms of avoiding, reducing, or minimizing direct physical effects on the environment under short-term conditions, is Alternative 3, the Reduced Project with ADA Improvements. Besides construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, Alternative 3 does not include any renovations to the existing dock and slip facilities in the Harbor. By eliminating the replacement of docks throughout the Harbor, construction impacts under Alternative 3 would be significantly reduced in both scope and duration.

Alternative 3 meets only a few of the project objectives, such as satisfying ADA requirements for some dock areas. Other project objectives attained to a lesser extent include enhancing the level of

P-63-5

P-63-6

⁵ Draft SEIR, volume 1, page 5-25

⁶ Draft SEIR, volume 1, page 5-25

services for boaters and maintaining a safe environment for the boating community. Although several ADA gangways would be installed with this alternative, the benefits of renovating the dock facilities and bringing the Harbor into compliance with all DBW standards would not be achieved with Alternative 3.

...

However, as noted above, Alternative 3 would not achieve the project objectives except to provide ADA access in the East and West Basins and at the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks.⁷

And so we reach the SEIR's major conclusion—if enough of the project is left out, it doesn't meet the objectives!

So why not get this right?

A Feasible Community Alternative – Number 4

For clarity and simplicity we describe Community Alternative 4 by articulating how it achieves each of the project's Objectives. At the highest level the County has stated these as (emphasis ours):

As described in Section 3.0, Project Description, the primary goals of the project are to revitalize the Harbor as a popular destination for boaters, local residents, and tourists while maintaining the **unique character of the Harbor**.

Dana Point Harbor for the last 35+ years has been a large Orange County Park housing over 3,000 boats and offering many low or no cost alternatives. With minimal commercial intensification, more than 2000 trees, view corridors, very low massing, very low building heights predominantly offset by majestic trees all of which creates a very **"unique character of the Harbor"**.

Hundreds of trees have already been eliminated, with more destined for removal as part of the revitalization. Also, significant massing, along with equally significant building heights, are planned that will in large part change the **unique character of the Harbor** to that of a modern urban feel from the existing recreational park atmosphere. These issues are partially out of scope for the Waterside SEIR, but are important as a back drop to insure that what happened landside does not propagate to the waterside.

Maintain the Harbor's overall current character and family atmosphere

Community Alternative 4 achieves this goal by not eliminating, to any significant extent, the affordability of boating, including the even more important no-or-low-cost recreational boating.

⁷ Draft SEIR, volume 1, page 5-28

P-63-6

P-63-7

Minimal channel encroachment and no additional build out in front of Baby Beach will allow the bulk of the harbor's recreational water area to continue to be accessible.

Renovate and replace the deteriorating docks and slips

In 2006 the Harbor Director, the Lead Project Manager and the Lead Project Engineer made it clear to the community that our docks are beyond their serviceable life. Further it was pointed out that we were a "winter storm" away from some docks catastrophically failing. Any plan that does not include the rapid replacement of all docks (of 35 year vintage) should validly be rejected.

Community Alternative 4 will use existing financial resources (Funds Balance Available and significant positive cash flow from slip fees) to immediately begin replacing all docks in the harbor along with building out new, larger and permanent docks in the East Anchorage.

Satisfy ADA requirements for dock areas of the Harbor

With ADA for harbors now established, using Federal Law and coherent California Department of Boating and Waterways guidelines it is straight forward to calculate the impact (loss of slips) of implementing ADA access. As the total impact is expected to be on the order of 1%, the loss is readily mitigated by the permanent slips built out in the East Anchorage. This Alternative will implement ADA access per applicable guidelines and the law.

Maintain a full-service Harbor

The Harbor Department has modified this goal from what was originally passed by the Harbor Task Force under Supervisor Wilson. It should read: Maintain marine full-services in the Harbor. We believe that this was meant to include an affordability element as well and not just the absolute minimum using space from another minimized area. This would obviously include a marine chandlery and ample space for shipyard and Do-It-Yourself boat repair and maintenance. To this end Community Alternative 4 does not remove any of the waterside area in front of the existing Shipyard allocation (i.e., not the Harbor Director's planned reduced shipyard). Per the commitment to the Coastal Commission, additional Do-It-Yourself boat repair maintenance areas will be provided in accessible areas of the launch ramp and dry boat storage.

Enhance the level of services for boaters

During the life of this harbor the population in California has exploded with the most significant expansion impacts along the coastal regions. Recreational infrastructure has not come close to matching this growth. The Harbor Director's proposed project and alternatives would actually retract the level of service despite clear evidence of increased demand (wait list and ability to charge the highest slip fees in North America for a municipal marina). Boaters' level of service will be enhanced by expanding the number of larger boat docks (East Anchorage) and maintaining the existing number of dry boat storage locations (684).

Upgrade commercial fishing facilities

P-63-7

It is unclear what the intent of this goal is in light of the fact that it appears that the commercial fishing area was moved, without required permitting, from the Wharf area into recreational guest dock area in the east basin.

Maximize the number of slips available in the East and West Marinas for public rental by relocating many of the yacht broker slips to another area of the Harbor.

While this is a valid and important goal it is paired with inappropriate tactics. This improperly allows alternatives that meet the goal while being dismissed because it fails to be implemented in the way the Harbor Director specified. The goal is:

Maximize the number of slips available in the East and West Marinas for public rental.

Community Alternative 4 achieves this goal by replacing the slips exactly as they are today. This will allow for eventually zero slip loss while allowing the waterside community character to be maintained and replacement of all the worn out docks. Docks will maintain their existing dimensions and simply be replaced with new and more modern materials. While the Department of Boating and Waterways has updated their guidelines the operative word is "Guidelines", not "rules" or "laws". Some harbors have been revamped using these guidelines and resulted in the loss of hundreds of slips. Others have replaced their docks as they were originally constructed with no loss of slips and no negative environmental or safety consequences, including the ability to obtain grants and loans from the Department of Boating and Waterways.

P-63-7

Thus Community Alternative 4 in the East and West Basin will:

1. Replace all docks as they exist today (with correction for unpermitted Harbor Department Developments)
2. Maintain existing slip orientations including the West Basin
3. Continue utilization of all side tie and end tie locations
4. Continue 3' overhang allowance
5. Allow for minimal (multihull and beamier vessels) encroachment into the main channel

In the past we've seen and anticipate that the Harbor Director will be dismissive of Community Alternative 4 by simply stating that he fully intends to follow the letter of the Guidelines from the Department of Boating and Waterways. These state wide guidelines were developed to cover the entire state of California and hence covering a very broad range of berthing scenarios and prevailing conditions. We believe that each harbor and the conditions of each vary widely and should be viewed individually. Dana Point Harbor is an extremely well protected and sheltered harbor offering some of the more benign conditions in our state.

Relocate guests dock facilities and provide new dinghy docks convenient to Day-Use Commercial uses

What is the goal that this tactic is trying to address? Increase business for the stores and restaurants? Increased convenience for the tenant boaters to the stores and restaurants? Reduced parking requirements for the slips? The Harbor Director needs to state the goal and then articulate how his chosen approaches met the goal. Community Alternative 4 would build out

additional dinghy docks throughout the harbor increasing water based mobility and minimizing the need for movement of vehicles. Guest Docks in Dana Point Harbor are often rented out for long periods of time, up to 90 days. To claim that parking is not needed for Guest Docks is inconsistent with how they are used.

Upgrade utility infrastructure to all areas of the Marinas

Community Alternative 4 will replace and modernize all electric, cable, water, sewer and pump out facilities. These items will be sized to meet expected demand for the next 50 years. Sorely needed pump outs in the East Basin will be accomplished by the addition of a pump out on the permanent docks in the East Anchorage.

Maintain a safe environment for the boating community, Harbor users, and merchants

Community Alternative 4 offers significant benefits over the Harbor Directors plan. Community Alternative 4 does not build out slips in front of Baby Beach which will maintain the same high safety standards that we have today. It also does not significantly encroach into the main channel improving the safety of recreational vessels as well as human powered and day use vessels as they navigate the inner channel.

Provide improvements in accordance with DBW standards, including placing boats in appropriately sized slips

Again we would ask the Harbor Director to separate out his implementation plan from goals. As we've stated earlier the Department of Boating and Waterways standards are guidelines developed to cover the entire state of California and wildly varying harbors and local conditions. Dana Point Harbor is one of the most protected and benign environments. Dana Point Harbor's safety record speaks for itself; it is an extremely safe harbor. We do not need to eliminate slips, reduce access and narrow channels to chase guidelines that are not mandatory or warranted in this particular case.

Update sports fishing dock.

The sports fishing docks have already been replaced once since they were constructed. This project should provide for their eventual replacement. However, first it must be determined if their current use is consistent with the Coastal Development Permits. These docks were originally built as sports and commercial fishing docks. The boater guest docks were then rebuilt under an Executive Director Waiver that stipulated that the docks would not be repurposed. It would appear that they were repurposed by moving the Commercial Fishing and displacing one whole dock of the recreational boating guest slips in the East Basin.

Conclusion

We believe that there is valid, feasible alternative to the proposed project, and that alternatives 2 and 3 are "Red Herrings" designed to distract attention from that fact. To comply with CEQA's requirements, feasible alternatives must be considered, and the County has constructed their



P-63-7

P-63-8

alternatives 2 and 3 for the specific purpose of failing to meet enough objectives to be feasible. It is a clever construction to take the plan elements and simply eliminate different parts in each of them. But it makes the entire Draft SEIR invalid under CEQA.

↑
P-63-8

We also believe that Community Alternative 4, as outlined above:

1. Is a feasible alternative that would accomplish the objectives of the project.
2. It produces a substantial reduction in the significant environmental impacts of the project.
3. It can be shown that there are no overriding "economic, social, or other conditions" that the County can claim make the alternative truly infeasible.

P-63-9

These are the requirements we believe should apply, and that the County needs to produce a new Draft SEIR which will pass the CEQA test.

We also need to point out Section 21151(c) of the Resources Code:

(c) If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.

P-63-10

We would hope that OC Dana Point Harbor does not take it upon itself to certify this report. We would like to see public hearings before the Orange County Planning Commission and the Orange County Board of Supervisors on the adequacy of any Draft SEIR prior to a vote by the elected Supervisors.

SECTION TWO

CEQA is intended to be a public process encouraging full involvement of the community affected. It is the Lead Agency's responsibility to insure full compliance with the Act. We believe that the Lead Agency has fallen far below this standard.

- 1) **Timely Submission and Piecemeal Community Planning.** The Initial Study Document was issued on November 27, 2007 approximately four years ago with a commitment by the Harbor Director that it would be through the CEQA process by the end of the following year. However, the Harbor Director put the process on hold to benefit the landside plan to clear detriment of the waterside development. The Coastal Commission has now granted the Harbor Director's request for the land side development which has boxed in many elements of the waterside development.

The most egregious element of this is the refusal of the Harbor Director to build out larger slips for the boating community in the East Anchorage. Multiple times he has reported out that there is not adequate parking in that area for slips. This is only true because the Harbor Director has instead chosen to take land away from boaters in the trailer launch ramp, dry boat storage area and shipyard and force the boating community into a smaller foot print. This is in direct contradiction of Section 50224 of the California Coastal Act.

P-63-11

As the Local Coastal Program granted to the City of Dana Point through the work and planning of the Harbor Director allow this to occur it also does not mandate that it happen this way. For example, the Harbor Director fought for and won the right to take an acre away from marine services but he does not have to do that. As the Harbor Director has chosen to pursue a piecemeal form of Community Planning we believe the only viable way for a meaningful CEQA evaluation of this SEIR to occur is if items approved during the LCPA process are allowed to be adjusted to allow for a meaningful evaluation of viable alternatives.

Building out a significant number of larger slips in the East Anchorage is viable. Finding enough parking for these additional slips near the East Anchorage is also viable. The Harbor Director must consider a plan that seriously evaluates this alternative even if it reduces available land for the lower priority visitor serving amenities (stores and restaurants).

- 2) **Scoping Meeting -- poorly executed and out of date.** Had this 903 page document been issued in April 2008 as originally committed to by the Harbor Director, it is reasonable to believe that the public might have been able to deal with the sheer volume of material required to be reviewed. Instead the Harbor Director, despite formal requests, has only allowed 60 days to review what he and his teams have generated in four years. The Harbor Director had over 1400 days and the community was only able to get 60.

P-63-12

During the Scoping in December 2007, the Harbor Director treated the process as a political game and not a professional community planning activity. He encouraged

boaters to not speak during the meeting if another boater was making the same point. Yet he and his staff called around to supporters, boat brokers, restaurant and store owners, and consultants that work directly for him. He also asked East and West Basin Marina Operators Along with the General Manager of the Embarcadero to step to the podium to show support for the project. This is certainly not in the spirit of the Lead Agency's responsibilities.

P-63-12

3) CEQA law allows and encourages the developer/applicant to be meeting with interested parties during the drafting process. Boaters for Dana Point Harbor made it clear to the Harbor Director that we wish to be considered an interested party. Our desires to be recognized as such were acknowledge but we were never afforded the opportunity to meet with the Harbor Director or his staff on this topic. Why do we have such a massive undertaking met with unwillingness to have meaningful discussions with interested parties that are:

P-63-13

- a) clearly putting a lot of time and effort into this effort and
- b) trying to make it move forward as efficiently as possible?

4) Boater Focus Group – Not a healthy or acceptable public process. The Harbor Director carefully crafted the membership of this group such that at most meetings 50% of the participants were County Employees, Agents for the County or Consultants that work for the County. When the group challenged the appropriateness of all of these folks voting on the various options it was pointed out that they were all boaters too.

The Harbor Director stated that the information discussed at the meetings were to remain within the meetings and only with the participants. The Harbor Director subsequently claimed that it was the participants that requested this. However, this was never brought up at a meeting and discussed. We find this kind of rules particularly difficult when you are representing 1000's of boaters. Unless you have all of the boaters in the meeting it would seem that not allowing them to understand what is going on and obtaining their opinions to be the opposite of open and transparent. At one meeting a reporter for the Log newspaper tried to join but was not allowed to enter the room by a County Official. The reporter never tried to attend again.

P-63-14

The agenda was usually distributed at the beginning of the meeting making it impossible for people to prepare for the meeting in advance. Staff reports, drawings or white papers were not made available in advance of the meeting which would have allowed for proper review and meeting preparation. When members of the group did prepare documentation in advance it was not distributed and frequently not discussed.

The Harbor Director used this process to drive the LCPA and his proposal to eliminate up to three hundred slips. We feel the process needs to be re-started with proper representation for the boating community and properly run public meetings.

- 5) Harbor Director is dissuading members of the community from getting involved, submitting comments and studying the proposal in detail. As the person that is in charge of the Lead Agency on this project the conversations he is having with people unhappy about the plan and the quotes in the press are totally inappropriate and call into question the validity of the entire process.

From Voice of OC, Critics Call Proposed Dana Point Docks a Hazard to Swimmers 11/16/2011.

...Brad Gross, director of OC Dana Point Harbor, the agency that runs the marina, cautioned that officials are "a long ways away" from finalizing the plans.

Gross said the draft environmental impact report describes the "ultimate extreme" of the project for the environmental review process. "There will be ample opportunity" for public comment on the plans, he said.

"What ends up being built is usually different from what the document says," he added. ...

P-63-14

Conclusion

We believe that accuracy, openness, transparency, fairness and professional execution of an EIR is vital as it forms the foundation for the project. In this case there are so many problems with the way the OC Dana Point Harbor (Harbor Department) performed as Lead Agency that we believe that the County Board of Supervisors should consider assigning a different Lead Agency.

P-63-15

As we have articulated in Section One of this document there is at least one meaningful Alternative. We believe it would meet all of the project objectives while reducing the environmental impact. We hope that this alternative is given a fair and professional evaluation.

P-63-16

P-64

Fax to: Dana Point Harbor Office
 Fax #: 949-923-3792
 Fax from: David and Audrey Zinke
 Fax #: 626-332-1690
 Date: November 21, 4:15 pm
 Pages: 2
 Memo: To Whom It May Concern,

We just received notice that today at 5 pm is the deadline to express our concerns about the proposed changes and updates to the Dana Point Marina. I am faxing this to you at 4:15 pm, to make the deadline.

P-64-1

First, we would like to go on record as saying that we are gravely concerned about the proposed lack of parking for boaters included in this proposal. As you know, parking is always at a premium in the boater lots on most weekends, let alone holidays. We see many of the local shop owners and restaurant employees using this lot, which further impacts the availability of spaces. PLEASE do not reduce parking for boaters, thus making it less attractive to keep our boat in your marina. We are dead-set against this change.

P-64-2

Secondly, we are concerned that boaters are financing the majority of the costs of this project, and yet the replacement of the slips and docks will be the last item finished. Thus, if the funds run out, possibly the replacing of the docks and slips will never be done. If the boaters are financing most of the project, then the replacement of the docks and slips needs to be done first.

P-64-3

Thirdly, we are against encroaching on the channel, which is already too narrow and dangerous with all the personal craft in the water. It is only a matter of time before someone on a paddle board is run over by a boat, because they fan out across the entire channel, along with canoes and kayaks. It has become very difficult to safely take our boat in and out of the harbor anymore, and we post someone out in front just to watch out for these people. There has to be a plan for a "lane" for these personal watercraft, before someone is killed, and making the channel more narrow will only exacerbate the problem.

P-64-4

Fourth, we are against eliminating the 3 foot overhang, which will force many boaters into more expensive slips.

P-64-5

P-64

Zinke, Page 2

Fifth, please do NOT strip the shipyard of any waterslide slips or land. They are already losing business to Newport because they are too small, and if you reduce what little they have they may ending up going out of business altogether.

P-64-6

We are also concerned when we hear rumors of harbor directors or county officials intimidating members of the public from speaking in opposition to this plan, or telling people that if they do not sign the Dana Point Harbor Now petitions they will not obtain their remodel. These strong-arm tactics should never be allowed in a diplomatic society, and only through honest and open discussion can progress be made that will benefit everyone. Special concern should be given to the boaters, without whom none of this would be possible.

P-64-7

Thank you for considering our concerns. We love keeping our boat in Dana Point Harbor, and waited 15 years for our slip. We would be hate to see "our" harbor become less friendly to boaters like us.

Sincerely,

David and Audrey Zinke
Slip L-48 (East)

832 Easthills Drive
West Covina, CA 91791
626-966-7722

Regarding SEIR Dana Point Harbor,

As a boat owner with slip, a volunteer, and a member of a yacht club here in Dana Point I wish to express my opinions and fears over the revitalization of our harbor.

P-65-1

Foremost I want to clearly remind those making choices on this matter to remember this is a SAFE HARBOR first and a joy to the public is a marvelous result.

I will refer to the study by the Corps of Engineers and the model testing which occurred from June 1964 through February 1965 with regard to the Harbor Wave Action and Wave Dynamics Sections of the Hydraulics Division of the Waterways Experiment Station of the Army Corp of Engineers.

Suffice to say that extensive tests proved that Dana Point Harbor would be a stable and safe harbor. The entrance to the harbor was placed with regard to the safest entry during storms. Note this is not entry to eat at a restaurant. This is not entry to rent a kayak. This is not entry to buy at a gift shop. I implore you to understand that Dana Point Harbor with its unique consideration of SMALL CRAFT is the only safe place for a boater to enter during a Southern California Storm.

P-65-2

Entering at Oceanside is horrific during storms and high seas, as is Newport Beach Harbor. We at Dana Point must protect the intended use of this SAFE HARBOR. Dana Point Harbor is a small harbor. Cruising boaters rely upon it as they travel south.

Obviously the harbor can meet greater needs than for boats but please realize that once a change is made the effects will last forever. It is a harbor first!

With regard to birds: I read the report with interest as I note the number of birds at night and watch them feed. We are lucky to have the "non native" birds year round here in Dana Point.

P-65-3

With regard to noise: adding more slips near baby beach will surely have an effect on the noise heard by the residents on the cliff: When the county allowed teens to dance at the youth facility the residents were upset with the added noise. Currently activity at that end of the harbor diminishes after sunset. Baby Beach vacates with the setting sun.

P-65-4

I am against changing the slip configuration. It would result in more gates in the harbor... We have three gates on each side of the harbor on the West Side... when they close it is heard all over the dock can you imagine twice maybe three times the number of gates? Up against the headlands the sound reverberates.

P-65-5

The thought of narrowing the channel is terrifying to me. I own a "vintage vessel" (I am in process of having it declared a historical vessel). If the channel is narrowed I will not be able to turn into my slip. You see, my 1934 wooden vessel, design # 28 a

P-65-6

one of a kind vessel (page 50 of "The Best of the Best" Olin Stephens designs) has an offset prop. I need every bit of channel to turn this boat!

I believe that Dana Point is proud of its Ocean Institute, tall Ships and Maritime Education. I thought we with unique wooden boats would be supported. The narrowing of the channel would affect me greatly.

R S Kellogg, who commissioned my boat in New York, spoke in Congress during Roosevelt's office. He wrote the Bill to form our National Forests. They became our National Parks. He was keenly involved in conservation. Surely my boat deserves to get into her slip as much as a new plastic boat.

Again with regard to narrowing the Channel, our Christmas parade could not continue. It was suggested by our Harbor Leaders that every boat would hire a professional captain. Now I could not suggest that being a professional captain would secure the safety of our boat parade.....

In reading the original LUP/IP I noted that there were indeed specified areas of public use for our Harbor. I do believe that these uses cannot be removed.

Sea Scouts have been a huge part of this harbor since its inception. We are extremely lucky to have such a large Ship. The youth graduating from this program have gone on to be impressive citizens. I think that it is unique that many have chosen to follow the motto of "where we go one - we go all". Many have chosen "helping professions". The program insists upon volunteer hours. Please note these are high school age students. To do anything which would deter this program would be a travesty!

Moving the slips for the Scouts would mean that their vessels would not have a place. Our Sea Scout vessels are too long to fit into the sized slip configuration intended for them in your new plan. How is that allowable?

I am still appalled that parking was removed without a vote and given to kayak racks and small vessels. The sad part was that this was done for increased revenue- this storage was empty most of the time. I do have pictures with dates if I need to present them. I thought that any changes to a harbor that removed/decreased public access would require a permit or at least passage by the Coastal Commission.

I realize that there are many points to my letter and I do hope you have time to consider them.

In closing:

I fear the increased pollution that more boats with larger engines will produce.

I fear the end of a small harbor, as it becomes another tourist trap.



P-65-6

P-65-7

P-65-8

P-65-9

P-65-10

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I fear that parking meant for boaters (who pay dearly for their slip rents) will be removed.
I fear that conservation will not be a priority.
I fear that our harbor will lose its beauty to increase revenue to replace badly managed funds.
I fear that boaters unfamiliar with our harbor will not be able to maneuver as they seek safety.

What is next? Remove the fog horn as it does not pulse in the beat of a disco band?
How sad to write in favor of safety, of the intended use of a harbor and for the rights of "boats" and "Baby Beach".

April Salem and family
Jennifer Salem, Chelsea Salem, Michelle Salem and Alyssa Salem (all voting adults)



P-65-10

Regarding SEIR Dana Point Harbor,

As a boat owner with slip, a volunteer, and a member of a yacht club here in Dana Point I wish to express my opinions and fears over the revitalization of our harbor.

P-65-1

Foremost I want to clearly remind those making choices on this matter to remember this is a SAFE HARBOR first and a joy to the public is a marvelous result.

I will refer to the study by the Corps of Engineers and the model testing which occurred from June 1964 through February 1965 with regard to the Harbor Wave Action and Wave Dynamics Sections of the Hydraulics Division of the Waterways Experiment Station of the Army Corp of Engineers.

Suffice to say that extensive tests proved that Dana Point Harbor would be a stable and safe harbor. The entrance to the harbor was placed with regard to the safest entry during storms. Note this is not entry to eat at a restaurant. This is not entry to rent a kayak. This is not entry to buy at a gift shop. I implore you to understand that Dana Point Harbor with its unique consideration of SMALL CRAFT is the only safe place for a boater to enter during a Southern California Storm.

P-65-2

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P-65-10

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I wanted to inform you that I have signed this petition to express my disagreement to the Harbor's proposed development in front-of and adjacent to Baby Beach.

I am part of a new program here at CHOC, in affiliation with Miracles for Kids, where each summer, our patients participate in a "Stand up Paddle Camp" at Baby Beach. Our patients have beat cancer and able to spend a day at the beach to celebrate their health and life by engaging in beach activities with other cancer survivors. This is a great location due to the flat water, small crowds and being close to the Ocean Institute, allows the patient's to further their education on oceanography. It concerns me that the plan will bring powerboats closer to the designated area for our recreational activities. With this expansion, it will make it difficult to continue the program since this is the ideal and safest place in Orange County.

P-66-1

P-66-2

I encourage you to reverse your decision to privatize the docks.

Sincerely,
Kristin M. Hawking, MSW
Pediatric Oncology Social Worker





November 21, 2011

VIA EMAIL AND U.S. MAIL

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Re: Comments to the Draft Subsequent Environmental Impact Report

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report (SEIR or Report) for the Dana Point Harbor Revitalization Project (Project). We write today on behalf of the Save Baby Beach Coalition to comment on the proposed development in the vicinity of Baby Beach, pursuant to the California Environmental Quality Act (CEQA).

INTRODUCTION

Save Baby Beach Coalition (Coalition) is a broad citizens group that opposes the planned development adjacent to Baby Beach, OC Sailing and Events Center (OCSEC), and the waters surrounding that area (including parts of the West Basin, Educational Basin, and Planning Area 8 as described in the SEIR). Our coalition represents the general public that uses the area of Baby Beach, including locals and visitors from afar. At present the Coalition includes concerned citizens and partner organizations that total in the thousands and together wish to voice opposition over the plans to make substantial and impactful changes to key areas in Dana Point Harbor. These changes include privatizing docks that are now used for public services; impacting the environment within the Educational Basin (or Basin) and the children's swimming area; relocating sailboats and powerboats even closer to the only designated area for bathers and other recreational activities in the harbor; and installing a septic waste pump-out station yards away from a children's play area and beach. All of these and many others shall be noted in this letter in response to the SEIR's proposed design that curtails public access, impacts the environment, and diminishes the enjoyment of the recreational area at Baby Beach and the Basin.

While members of our group will provide individual feedback through their comment letters or through the Save Baby Beach petition, the Coalition will provide its individual comment via this letter to summarize the collective issues and concerns with the proposed design. These issues and comments that follow were identified and researched through many working groups, webinars, emails, phone calls and face to face meetings over the last 60 days.

P-68-1

SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

We are convinced that much of the concerns and deficiencies in the Draft SEIR could have been avoided had broader public participation been practiced - as recommended by the CEQA process. We conclude from the current controversy that the focus groups and meetings that the County claimed were used in the preparation of the SEIR, did not include a representative cross section of the public (i.e. users of the Basin and Baby Beach) or the input provided did not represent or serve in the best interest of the public - unless the input, concerns, and feedback provided at these meetings were summarily dismissed.

P-68-1

A. DEVELOPMENT PROPOSED AT BABY BEACH IS IN CONFLICT WITH THE CALIFORNIA COASTAL ACT

The draft SEIR involves development activities in the coastal zone and appears that the proposed development at the Basin is inconsistent with the policies and regulations as set forth by the California Coastal Act (the Coastal Act). We cite the following inconsistencies with sections of the Coastal Act:

Section 30116 requires protection of sensitive coastal resources areas that are of vital sensitivity, include areas of significant recreational value, are highly scenic, and provide recreational opportunities for low and moderate income persons. Further, the California Coastal Commission's handbook on recreational beaches throughout California identifies Baby Beach as a small stillwater swimming beach in Dana Point Harbor. Yet the proposed development and changes, however, do not protect but instead diminish the resource and are inconsistent with the Coastal Act.

Section 30210 requires access consistent with improved recreational opportunities for all people and protects the public's right to access these natural resource areas. Yet the proposed development at the Basin will reduce recreational opportunities and limit public access to the Basin's resources.

P-68-2

Section 30211 mandates protection of the public's right to access the sea and prohibits interference with such access. Yet implementing the proposed dock, that will be positioned 15-20 feet from the water's edge at low tide, will restrict the public's access to the open Basin by over 20%.

Section 30212 requires that new development shall not block or impede public access due to a seaward encroachment by a structure. Yet the proposed docks will all result in seaward encroachment of swimmers and human powered watercraft.

Section 30212.5 requires that public facilities are appropriately distributed to prevent overcrowding or overused by the public. Yet the proposed development will force the public to overuse other parts of the beach and increase the density of that area.

Section 30220 requires protection of water-oriented activities and clear water-oriented recreational activities. Yet the proposed development severely impacts all water-oriented activities at Baby Beach.

Section 30221 requires protection of waterfront land for public recreational uses. Yet the proposed design restricts recreation, reduces the ability for the health-conscious public to use the Basin as before, and forces the public to seek other alternatives.

P-68-2

Section 30233 requires that any project that may impact sediments and nutrients be evaluated fully to ensure that the proposed alternative is the least environmentally damaging. Yet the proposed alternative is likely to change and diminish water flow patterns leading to environmental harm and decreased water quality within the Basin.

P-68-3

Section 30240 requires protection of environmentally sensitive habitats against any significant disruption. Yet expanding the docks into the Basin will substantially degrade the Basin's habitat. This includes increased shadowing of eelgrass, grounding of moored boats on the shoal at low tide, and increasing the frequency of dredging in the area.

P-68-4

Section 30250 requires protection of visitor-serving facilities. Yet due to the limited area on the sandy beach, the development does exactly the opposite, in fact requiring the public to be relocated to other areas due to access, safety, and facility overcrowding.

P-68-5

Section 30251 requires protection of scenic and visual qualities of coastal areas considered as a resource of public importance. Yet the proposed design will impact the highly scenic area of Baby Beach and substantially reduces scenic value and views of the ocean and other natural features within the Basin.

P-68-6

Section 30252 requires protection of public access including providing adequate parking or overload of nearby coastal recreational areas. Yet increasing demand and decreased parking options resulting from the conversion of a portion of OCSEC to private slips will reduce public parking to the area. Further, transportation for a distant parking area is not viable when kayaks, standup paddleboards, outrigger canoes, and other recreational watercraft are involved as the transport would not feasibly accommodate these vessels.

P-68-7

In summary, the goals of the Coastal Act are to preserve, expand, and broaden public access along the coast; maximize recreation opportunities consistent with conservation, and protect and restore scenic and visual qualities that may be affected by development. We conclude from the proposed design at the Basin that many of these policies have not been met and recommend improved public involvement in finding a better alternative that a) aligns with the Coastal Act, and b) meets the environmental, public access, and recreational interests of the community.

B. THE SEIR IMPROPERLY PIECEMEALS THE PROJECT AND FAILS TO PROVIDE ADEQUATE CUMULATIVE IMPACT ANALYSIS

The original FEIR #591 states that the Project will be broken up into separate components or phases. Phase One, the basis of the original FEIR of 2006, is essentially for the landside development and provides environmental analysis of the proposed revitalization. Phase Two was programmed to cover the remaining landside and waterside development and related revitalization.

P-68-8

We are concerned that the Project has been subdivided into separate phases and argue that separating the Project into phases and generating separate and discrete impact reports that do not tie together to show cumulative effect violates the CEQA prohibition against improper segmentation or piecemealing of environmental review for a project. The use of separate and independent processes to determine the environmental impact across the entire Harbor Revitalization Project - especially where the two sides (water and land) are so closely aligned - is inconsistent with the reality of that the Project is significantly interconnected and we believe each subsequent report should be measured against the whole rather than separately. A few obvious examples include cumulative impacts of parking, traffic, capacity, visual, public access, safety, and habitat.

Moreover, we believe in its present form the SEIR is extremely difficult to evaluate the cumulative environmental impact across the Project. In sections where the SEIR addresses cumulative impact, the impact was generally the specific waterside construction and typically answered by a mechanical "cut-and-paste" fashion claiming the potential cumulative effect is limited, less than significant, and requires little to no mitigation - claims that contradict the list of impacts that are highlighted in this reports and voiced by the community as a whole.

This is exactly why CEQA prohibits concealing the environmental consequences of a project by separately focusing on isolated parts and overlooking the cumulative effect of the whole action. Another impediment was not having the FEIR available online or at any of the local public libraries listed in the SEIR Public Notice announcement. Reviewers had to go to Dana Point Planning Department to find a copy of the FEIR. When comparing the two side-by-side (FEIR and SEIR) we believe the County neither demonstrated the cumulative Project level environmental impact nor properly addressed the cumulative impact within the phase. It is our opinion that an improper piecemeal approach has been used; and that the Reports are disjointed and (perhaps by design) difficult to assess the environmental impact of the entire Project. We believe there is a lack of substantive and project-level cumulative analysis within the SEIR in its present form. We therefore conclude that the Project is in violation of CEQA Guidelines section 15161, which requires examination of impacts across all phases.

C. THE CEQA REQUIRED PROCESS AND ACTIONS TAKEN BY THE LEAD AGENCY IS FLAWED AND DISCOURAGES PUBLIC COMMENT

The initial time period provided for Public Comment was only 45 days and due to the complexity of the report and negative effect the Project would have on public access and the environment, we requested an extension owed to unusual circumstances as provided by Section 15105(a) of the CEQA regulations. We believed the request for extending the review period to January 1, 2012 was fair and reasonable and would help ensure and further encourage the right of the public to review the Project material. Especially when reviewers had their review tasks made more difficult by having to download and traverse across 23 separate SEIR PDF documents (totally over 900 pages) while trying to compare these sections against the original FEIR (which was not made unavailable online or at the public libraries). Despite various requests for a longer Public Comment period owing to the circumstances, the County responded with a 15 day extension, setting the deadline to November 21, 2011.

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We are also concerned that in contrast to CEQA policies, the County acted to discourage public comment. We were informed by a number of citizens and key stakeholders, including high-profile lessees of the harbor, boaters and other impacted persons and organizations, that prior to and after the SEIR was released for public comment, OC Dana Point Harbor personnel contacted them to claim that the Project design is conceptual and suggested that the development proposed at the Basin is likely not to be funded or developed and people need not be concerned. This type of message can and does reduce the motivation to comment on the SEIR.

The County's practices are inconsistent with the CEQA process of encouraging public feedback. On November 16, 2011, the *Voice of OC* news agency published the following:

"Brad Gross, director of OC Dana Point Harbor, the agency that runs the marina, cautioned that officials are 'a long ways away' from finalizing the plans. Gross said the draft environmental impact report describes the 'ultimate extreme' of the project for the environmental review process. 'There will be ample opportunity' for public comment on the plans, he said. 'What ends up being built is usually different from what the document says,' he added."

P-68-10

We believe the County is not working in good faith to encourage public comment through their statements claiming: *do not be concerned* and *what ends up getting built will be different than what is in the SEIR*. This last statement is especially egregious as building something different from what the EIR describes, is a violation of CEQA and illustrates a "bait and switch" approach to public disclosure. CEQA provides a system of checks and balances for assessing environmental impact and it seems inconsistent that the County would choose a design, go through great expense to analyze and document it in official documents, and yet already suggest that what will be built shall be different.

Whatever approaches the County considers appropriate and lawful, the Coalition is resolute in its support of the public's authority to provide comment (CEQA Guidelines Section 15044) on the Environmental Impact Report and that this right should be encouraged, alternatives should be consistent with what will be built, and that the public be involved throughout as required by CEQA.

D. THE SEIR'S ANALYSIS IS INADEQUATE AND INCONSISTENT WITH THE HISTORICAL AND CURRENT USE OF BABY BEACH AND THE BASIN

The SEIR does not include environmental and construction history of Dana Point Harbor – from the start of development in the 1960s to the enclosure of the harbor, to present day – vital information to better assess the Project's cumulative impact. We request the SEIR include the historical development and impacts of development of the Harbor and Educational Basin to better evaluate if the proposed development and current and future uses of the Basin will not be impacted as required by the Coastal Act. We recommend that the Report include the history of impacts and assess the pressures of further reducing open space and its true impact to the environment and public access within the Basin.

P-68-11

The report is inadequate in providing substantive impact to the public's opportunities for accessing water oriented recreational uses at Baby Beach and the Educational Basin. A "cut-and-paste" determination of "no impact" isn't credible. To credibly analyze the impact, we recommend a comprehensive public-use survey of Baby Beach and the Educational Basin to evaluate the appropriateness of the proposed alternative and the potential impacts.

P-68-12

Further, the Report claims that the proposed development will not change existing uses within or adjacent to the Project site. We dispute this assertion as it will divide the established uses, and significantly disrupt access and recreation through the physical construction of docks in the Educational Basin.

E. THE SEIR'S PLAN AND ALTERNATIVES ARE NOT OPTIMAL AND A BETTER ALTERNATIVE SHOULD BE FOUND

The SEIR's design process appears flawed, impactful and prejudicial given that the proposed solution is driven by the goal of increasing average boat slip sizes at the harbor rather than seeking the least environmentally impactful alternative. Consequently, the proposed design pushes the public docks to the Educational Basin, and in their wake, privatizes docks – currently used by OCSEC, Sea Scouts, local colleges, low-cost public services, and educational boating programs – seemingly to increase revenue and ensure sufficient reconfigured slips are offered to accommodate the demand.

The Report fails to adequately discuss the impact of each of the alternatives, and provides the reviewer no basis in determining the environmentally preferred alternative. While not a CEQA requirement, it is difficult for a reviewer to assess which alternative is less impactful unless comparative data is provided. Consequently, the alternative options proposed can not be properly evaluated for impact, compliance, or viability.

P-68-13

In contrast to the proposed list of alternatives, the Coalition believes a hybrid approach could be worked out that would be considerably less impactful on the Basin and Baby Beach. The Coalition would be in favor of collaborating in a working group environment, professionally facilitated with the intent to find workable solutions and common ground. We stand ready to work closely with the County to identify a more compliant alternative. For the County to approve the present SEIR without substantial changes to the proposed development for the Basin would be disappointing and unfortunate.

F. THE SEIR FAILS TO DESCRIBE THE FULL AND LONG-TERM IMPACT OF CONSTRUCTION ON THE ENVIRONMENT OF THE BASIN

The SEIR fails to properly describe the impact of construction to traffic and public access in the area of the Educational Basin and defers this analysis to the Construction Management Planning phase. While the SEIR claims that that surveys will be done before and after construction, to properly assess environmental impact, the Report should contain reasonable impact analysis rather than further piecemealing the analysis across the yet-to-be-defined timeline and milestone of the Project.

P-68-14

The Report fails to properly define the true impact during the construction period concerning pylon installation, noise, safety, parking, water pollution, public access and impact on habitat. Clearly, significant environmental impacts will occur and proper analysis must be done, including assessing how silting and dredging may impact water quality and movement during and after construction and how tidal flows and runoff will decrease water quality - resulting in increased beach closures, silting, and consequential dredging. All of which will negatively effect the environmental and public access of the area.

P-68-14

The Report fails to accurately report the present situation of the aquatic environment in the proposed development of the Basin. Recently, volunteers conducted an unofficial under-water survey of existing aquatic plants and concluded higher-than-reported habitat that contrasts with the analysis in the SEIR that claims the impact as minimal. In a "cut-and-paste" fashion, the Report claims that impact from the construction and development would not substantially impact the area and generally suggests that no mitigation will be needed.

P-68-15

Knowing that development will be phased over the next decade or more and that a long-drawn out development has substantial cumulative effect, it is recommended that the Report also contain a timeline of the development (across phases) to better assess the impact on the environment. This timeline and temporal impact analysis is important to assess a more accurate environmental impact over time and cumulative effect across the entire project and timing of the specific impact.

G. THE SEIR FAILS TO DESCRIBE THE IMPACT TO PUBLIC ACCESS, RECREATIONAL AND EDUCATIONAL OPPORTUNITIES

The SEIR fails to properly analyze current and future traffic congestion and parking issues as related to the partial privatization of the OCSEC docks, relocation of the outrigger and kayak storage facilities, and its impact to public access during the development of the proposed dock in the Basin.

The reviewers believe the methodology for assessing parking requirements for Baby Beach and the Educational Basin may be flawed in that it uses a per-square-foot formula, which isn't consistent with the multiple uses in the area, such as launching human-powered watercraft, families picnicking, or other beach activities. Our conclusion is that no credible parking analysis or method was used to determine parking demand as a means to encourage and ensure open and accessible public access.

P-68-16

Reducing access points to open water at Baby Beach will result in the restriction of access and usage of human-powered watercraft. Proposed docks will limit access to the water and lead to higher water-traffic density. A future consequence of this density could result in safety concerns and lead to a potential regulation restricting human powered watercraft within Dana Point Harbor and enforced by the Harbor Patrol.

P-68-17

The Report sites a vessel traffic study that was conducted in 2007, yet over the last 4 years substantial changes in traffic has occurred due to the growth and adoption of human powered watercraft as a percentage of total vessel traffic. The traffic study is outdated, lacks

P-68-18

key data in the analysis, and consequently does not provide credible evidence that the development will have no impact on recreation. The traffic study does not reflect the current state of traffic and a more accurate and current study must be included in the Report.

P-68-18

We also wish to site incremental changes being done by the OC Dana Point Harbor as they relate to the shifting location of Baby Beach swimming area. Users of Baby Beach have observed that buoys are being progressively moved westward. Questions arise as to the purpose of these moves and the potential impact to access of the Basin. Evidence of buoy movement over the last 8 years is available on Google Maps using Historical Views. This ongoing trend of moving the swimming area leads users to wonder why the Harbor is repositioning the swimming area and whether it has something to do with the pending new construction of the docks or planned changes in access, usage and vessel traffic.

P-68-19

H. THE SEIR FAILS TO IDENTIFY BABY BEACH AND THE EDUCATIONAL BASIN AS AN IMPORTANT CULTURAL AND PUBLIC RESOURCES

The SEIR fails to show the impact to public-use to ensure that the proposed development does not degrade natural and cultural resources or the public use experience. The impact to further encroachment of public access and recreation in favor of private slips in our opinion would degrade user experience as well as our cultural and public resource.

The Report identifies Baby Beach and the Basin is “insignificant cultural resources” and is not properly evaluated as such in the SEIR. The Coalition argues against this and believes – as provided by CEQA Section 5024.1 – that Baby Beach has all the characteristics of being historically significant and should be treated accordingly. Moreover, we seek to ensure the proposed development maximizes public access to this resource and provides this recreational resource in a fair and equal treatment, irrespective of culture or incomes; and that open access to Baby Beach and the Basin is maintained for all future generations.

P-68-20

I. THE SEIR FAILS TO RECOGNIZE THE SENSITIVE HABITAT THAT EXISTS AT BABY BEACH AND EDUCATIONAL BASIN

The SEIR fails to analyze the impact of the proposed dock configuration to biological life (eelgrass, fishes, invertebrates, etc). The Report should include analysis of the effects of dock shadowing, maintenance and repair, reduction of habitat, geological effects, air quality impacts, tidal action, tidal and runoff flow changes, habitat impact when moored boat keels hit the bottom, and future dredging of the Basin. We feel the Report should better assess the impact of the proposed construction and eventual operation on the Basin’s habitat. Yet, the Report claims the development will have minimal impact - we disagree with this assertion.

P-68-21

The Report fails to accurately document the present habitat that exists in the proposed area of construction at the Educational Basin. To a layperson, there clearly exists the potential of significant disruption of the sensitive habitat that exists within the Educational Basin. Eelgrass and other biological life are critical to improved water conditions and health of a habitat. We conclude that the impact and possible mitigation of valuable marine resources, such as eelgrass, is not properly and accurately addressed in the SEIR.

SAVE BABY BEACH

A Citizen’s Coalition for Public Access and Environmental Protection

The Report fails to provide how the proposed dock will impact future habitat and its compliance with Coastal Act and the Federal Endangered Species Act. The Report claims that the plan is to decrease nearly 33,000 square feet of dock systems claiming increased waterfowl, endangered species and seabird foraging habitat. However, this claim is inconsistent with the Project plans that show the channel narrowed and development at the Basin. We suggest providing a calculation of true habitat area instead of concluding that reducing square feet of docks increases habitat — especially when the average slip is proposed to be longer and wider.

P-68-22

The Report states that biological surveys of sensitive species were conducted in 2005, February 2007, and June 2010. We believe the timing and method was flawed in that they did not take into account the following: a) that habitat was negatively impacted by higher water pollution and preexisting anoxic conditions; and b) that substantial sand was recently deposited during a 2009 dredging operation in the area. Since the surveys were done when the habitat experienced or was experiencing a harsh environment, the analysis would incorrectly conclude that habitat would not be impacted because few sensitive species were observed.

P-68-23

We also noted that the surveys were not conducted at optimal growth period of aquatic plants (where growth is at their greatest) nor documented that the survey may have been impacted by pollution and dredging. We believe that these surveys improperly concluded that low number of plants and species was the norm and that construction would have minimal impact to habitat and biological species. We recommend that the analysis be revisited given that we observed increased habitat development and growth of protected species, including eelgrass, as observed by a young SCUBA diver and constituent of the Coalition.

The Report fails to provide analysis on how the proposed docks will impact wildlife (fish, invertebrates, water fowl, and other species) and compare the impact against the alternatives being considered. We recommend that the Report include more information on the effect of shadowing, dredging, and moored vessels will have on the Basin. Biodiversity and the ecological integrity of the Educational Basin is necessary and irreplaceable; and it's clear the Basin supports many species that are important to marine and land-based ecosystems (including to the public that fishes off the adjacent pier). We strongly recommend that care be taken to not devalue the biodiversity of the Basin in order to justify the development.

J. THE SEIR FAILS TO ACCURATELY IDENTIFY THE SAFETY ISSUES THAT THE PROPOSED DEVELOPMENT MAY HAVE ON THE BASIN

The SEIR does not adequately address the safety and traffic hazard issues of the proposed docks into the Basin and bringing vessels closer to people resulting in increased safety issues since vessels located in this area would be piloted by students.

The Report fails to adequately address the impact to public services and emergency response should there be accidents or fire along the area of the proposed dock. For example, if there is a fuel fire or battery explosion on a vessel that results in a serious injury, the design would make it difficult for fire, police and/or ambulance personnel to safely and promptly respond (by land or water) due to the dock's design.

P-68-24

In light of the recent tsunami and its considerable impact within the harbor, a new look at the hydrology safety issues specific to tsunami events needs to be conducted and included in the Report as well as its affect on the proposed dock. This concern along with extremes in tidal surges, earthquakes, storms, high winds, and extreme wave events should all be analyzed to better articulate the cumulative safety issues of the proposed dock design in the Basin.

P-68-25

K. THE SEIR FAILS TO ACCURATELY ANALYZE THE IMPACT TO WATER QUALITY OF THE PROPOSED CONSTRUCTION

The SEIR fails to analyze the impact if an accident or failure of the septic pump-out station planned to be installed within close proximity of Baby Beach. The Report does not provide safety and historical record of spillage and mitigation plans in case of an accidental failure or spill. Further, due to the proximity of the pump stations near Baby Beach, the Report does not appear to raise this as a viable concern nor mitigation even with the station's proximity to a public beach and potential impact of a spill to public health.

P-68-26

The Report does not adequately address how the proposed development will effect the Basin's water quality during active storm water discharge when taking into account the proposed dock and moored boats, the potential for erosion, sedimentation, increased pollutants, decreased water visibility, and impact to sensitive habitat. It appears rather obvious that when the docks are installed, Basin tidal and runoff flows will change and slow down, which will result in decreased water quality and increased health hazards.

P-68-27

L. THE SEIR FAILS TO ACCURATELY ANALYZE THE VISUAL AND AESTHETICAL IMPACTS OF THE PROPOSED CONSTRUCTION

The SEIR omits the visual impact of the proposed docks and associated moored boats. The Report provides no characterization of the true visual impact including graphics to determine the aesthetical impact to the proposed development once built. Recommend that revisions include before/after views of development in alternative angles and locations. Without the such illustrations, a reviewer would find it difficult to confirm that the project meets Coastal Act and CEQA guidelines for mitigating visual impact.

P-68-28

The Report fails to provide impact analysis of possible electrical or lighting provided at the proposed docks. We believe a variety of reasons, it would seem likely that the docks may include lights and electricity, yet the Report does not address possible visual and lighting impact to neighbors, habitat and safety.

We believe that it would have been appropriate during the Public Comment period that on-site markers or buoys of the proposed dock could have been installed to help the public better confirm the visual impact. It is recommended that the area be marked to ensure the public has appropriate visual tools to assess the total impact the development may have to the community prior to a pubic hearing. A physical staking of the proposed design, possibly to include moored boats as well as computer-generated representations (including viewshed analyses) would more accurately and faithfully demonstrate visual and aesthetic impacts.

P-68-29

M. THE SEIR FAILS TO ADEQUATELY ASSESS THE PROJECT'S HEALTH, SOCIAL, AND ECONOMIC IMPACTS

Human health implications of the need for active recreation are profound. Baby Beach provides people with a place to be active through swimming, paddling, kayaking, volleyball, paddle ball, and walks along the water. Most know regular physical activity is associated with enhanced health and reduced risk for all-cause mortality, including heart disease, diabetes, hypertension, and cancer. A recreational sport such as Standup Paddling has tremendous social and personal values and when combined with that industry's annual growth rate, it's easy to see that the demand for paddling and human-powered watercraft will continue to grow for many decades to come. Restricting public access to recreational uses of the Basin will have considerable health impacts to the population that depend on harbor for regular exercise.

P-68-30

The SEIR does not properly address the social implications of slip expansion and new dock construction designed to meet a requirement for higher-average boat sizes at the harbor, an expansion that will result in reducing public access for many users of the basin. Consequently, harbor recreational opportunities continue to flow in the direction of high-income individuals and lead to discriminatory access and land use.

The SEIR fails to provide appropriate economic reasoning and empirical analysis of the downside effect of the proposed development at Baby Beach and the Educational Basin. Recreational economic experts provide considerable evidence that there is measureable and quantifiable value to recreation. Consequently, a community can experience a greater economic loss when access to a recreational area is reduced. These losses are reflected in reductions of sales of goods and services felt by local businesses. This is further exacerbated when the reduction is from frequent and habitual visitors to the area, as would be the case with users of Baby Beach that use it regularly for recreation and exercise. As summarized in the Southern California Beach Valuation report, June 2006, beach use leads to broad beneficial economic benefits. On the other hand, when a beach is closed or access limited, the impact is considerable to the local businesses. Our belief is that the relationship of spending (direct and indirect) by the users of Baby Beach and the effect of limiting access to that area could would have a considerably negative economic consequence to the businesses located within the City of Dana Point and Dana Point Harbor. We recommend including appropriate economic analysis in the SEIR to properly show impact of the proposed development.

P-68-31

SUMMARY

In conclusion, we hope that OC Dana Point Harbor takes into consideration our comments, recognizes the importance of our concerns, and seeks to addresses these failures, inaccuracies, and incomplete information with the goal of reducing negative outcomes of the proposed development. Clearly, the public has taken great interest and will closely follow the County's response to all comments and recommendations. In its present form, the Project fails to comply with CEQA and the Coastal Act as the collective and cumulative impacts to the environment and public access - both direct and indirect - appears substantial.

P-68-32

Further, we are frustrated with how the Project has been broken up into discrete parts (phases) and believe the present alternative would result in considerable cumulative negative impacts; and because they are segregated, proper and project level analysis is lacking when comparing landside and waterside development. Cumulative impact is necessary and, at present, inadequate. The SEIR must provide for this analysis because at present the public and governmental decision makers are not able to fully realize the "big picture" environmental consequences of the proposed development. An important environmental lesson from past projects is that cumulative damage occurs incrementally after construction of all phases is complete. This is where accidents, failures, or environmental impacts are startling when finally viewed in its totality. Unfortunately, this cumulative analysis is more often performed postmortem and consequently too late.

P-68-32

We believe the Report neither adequately nor appropriately addressed the concerns at the Basin and look forward to discussing alternatives where the deficiencies outlined may be addressed. It is with confidence that the community will continue to address these issues, focused on public access and environmental concerns impacting the Basin during each opportunity for public involvement including working groups, additional public comments, the OC Planning Commission, Board of Supervisors and California Coastal Commission.

Save Baby Beach Coalition and its constituents stand united to preserve Baby Beach and the Educational Basin and related healthy amenities for future generations. We are willing and able to assist the Dana Point Harbor Revitalization Project in meeting the required standards as set forth by the Coastal Act and CEQA. Finally, we will be resolute in our mission to ensure public access is assured and that future projects mitigate or minimize historically impactful development at Dana Point Harbor.

Save Baby Beach!



Paul Sampedro
Dana Point, California

CC:

Patricia C. Bates, Supervisor, 5th District, OC Board of Supervisors
Kyle Butterwick, Director, Community Development, City of Dana Point

Attachments:

- A. Save Baby Beach Petition Signature Report
- B. Save Baby Beach Petition Comments Report

SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

ATTACHMENT A

To: Brad Gross, Director, OC Dana Point Harbor
Cc: Patricia Bates, Supervisor, 5th District County of Orange
Subject: Save Baby Beach and minimize impact to public access and the environment

Dear Mr. Gross,

I have signed this petition to express my opposition to the Harbor's proposed development in front-of and adjacent to Baby Beach as shown in the Environmental Impact Report (EIR) provided for public comment. I understand and support the revitalization of the harbor, but not at the expense of one of the only safe, family-friendly recreation spots in the county.

OC Dana Point Harbor's proposed expansion will negatively impact the safe environment within the Educational Basin by severely limiting access to human-powered crafts that have launched from the Baby Beach for decades and forcing them to compete for space with the children's swimming area. The plan also will bring powerboats even closer to the only designated area for bathers and other recreational activities. Moreover, the potential risks of placing of a waste pump-out station yards from a children's play area. All of these will impact public access, the fragile biodiversity of the basin, and the recreational nature of area.

As part of the local community and visitors from far and wide that see the benefit of keeping Baby Beach and the Educational Facilities free of any development that blocks public access, I encourage you to do the right thing: reverse your decision to privatize the docks used by the community for education, maintain a safer distance of the pump-out stations from bathers, and eliminate the plans to expand docks in and around Baby Beach. The claims in the EIR concerning this development appear to be inconsistent and inadequate as written given the impact this development clearly would have to the public and environment.

Sincerely,

Digitally Signed

The petition and community signatures were gathered using the following site:
www.change.org/savebabybeach

As of 11/21/2011 3:00PM = 615 signatures

SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Signatures

Name	Location	Date
Paul Sampedro	Dana Point, CA	11/02/2011
Renee Sampedro	Dana Point, CA	11/02/2011
Lukas Martinelli	Pleasant Hill, CA	11/02/2011
Carlee Trent	Springfield, OH	11/03/2011
Jaime Fernandez	Jacksonville, FL	11/03/2011
Jon Spinac	New York, NY	11/03/2011
Rob Rojas	Orange County, CA	11/03/2011
Ellaine Lurie-Janicki	West Haven, CT	11/03/2011
Manya Clark	San Clemente, CA	11/03/2011
Ketarah Shaffer	Laguna Hills, CA	11/03/2011
Stephanie Pratt	New York, AL	11/03/2011
Kathy Blue	San Clemente, CA	11/03/2011
Laurie Sudol	Clarkdale, AZ	11/03/2011
Eunjee Chong	Austin, TX	11/03/2011
JiYoung Chung	Korea	11/03/2011
Jody Connors	Laguna Niguel, CA	11/03/2011
Terri Leetch	Tulare, CA	11/03/2011
Ben Eligio	Yorba Linda, CA	11/03/2011
Julie Johnson	Moses Lake, WA	11/03/2011
Russel Greene	San Clemente, CA	11/03/2011
Aprille Harris	Laguna Niguel, CA	11/03/2011
Cyndie Kontoes	Capo Beach, CA	11/03/2011

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SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Jean Palmer	Hopkinton, RI	11/03/2011
Billy Kho	Huntington Beach, CA	11/03/2011
Michele Mercer	Casa Grande, AZ	11/03/2011
Kristin Thomas	Laguna Beach, CA	11/03/2011
Valerie Rhodes	Laguna Niguel, CA	11/03/2011
Zofia K	Los Angeles, CA	11/03/2011
Margaret Bolin	Sheridan, WY	11/03/2011
John Jansen	San Clemente, CA	11/03/2011
Todd Metzger	San Clemente, CA	11/03/2011
Eric Harrington	San Clemente, CA	11/03/2011
kris del prado	Dana Point, CA	11/03/2011
Margaret Rigsby	Hazel Green, AL	11/03/2011
Pamylle Greinke	Peconic, NY	11/03/2011
Andrea Nemec	Osijek, Croatia	11/03/2011
Christian Rodriguez	Deerfield Beach, FL	11/03/2011
Paul Zacharias	Coronado, CA	11/03/2011
John Marks	Carlsbad, CA	11/03/2011
Deborah Sisley	Dana Point, CA	11/03/2011
Janine Conners	Dana Point, CA	11/03/2011
Yasiu Kruszynski	Chicago, IL	11/02/2011
John Miller	Portland, OR	11/02/2011
Julie Goldman	Chesterfield, MO	11/02/2011
Judith Abel	Basel, Switzerland	11/02/2011
Kristy Mitchell	Stephenville, TX	11/02/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Julie McFarland	El Paso, TX	11/03/2011
Lena Rehberger	Grebenhain, Germany	11/03/2011
Josh Alfonso	Deerfield Beach, FL	11/03/2011
Nicole Weber	Pasadena, MD	11/03/2011
Cristi Sturgill	Mount Vernon, KY	11/03/2011
Paul Haider	Chicago, IL	11/03/2011
Mike Antone	Buckeye, AZ	11/03/2011
Lilo Prinz	Au/ZH, AL	11/03/2011
Jake wolfhart	Capitan, NM	11/03/2011
Simona Blazyte	Klaipeda, Lithuania	11/03/2011
Elisabeth Bechmann	St. Pölten, Austria	11/03/2011
Jackie Tryggeseth	Sauk City, WI	11/03/2011
Delliana Ofthesea	Manitou Springs, CO	11/03/2011
Ryan Bradley	Greenbelt, MD	11/03/2011
Deborah Shillam	Keighley, United Kingdom	11/03/2011
Melina Pellini	Dana Point, CA	11/04/2011
Theodore Spachidakis	Piraeus, Greece	11/04/2011
Cynthia Fletcher	Laguna Beach, CA	11/04/2011
Anne Galvan	Dana Point, CA	11/04/2011
Andie Johnson	Dana Point, CA	11/04/2011
Roland Denzel	Rancho Santa Margarita, CA	11/04/2011
Jill Vickery	Irvine, CA	11/04/2011
James Sponagle	Capistrano Beach, CA	11/04/2011
Jody Payne	Dana Point, CA	11/04/2011



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SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Diane McCarthy	Mission Viejo, CA	11/04/2011
Janice Brittain	Dana Point, CA	11/04/2011
Patrick Dinon	Dana Point, CA	11/04/2011
Heather Heinz	Laguna Beach, CA	11/04/2011
Ginny Schirripa	Claremont, CA	11/04/2011
Bobbie Caraway	Dana Point, CA	11/04/2011
John Richard Young	Norristown, PA	11/04/2011
Tom Johnson	Dana Point, CA	11/04/2011
Scott Gold	Irvine, CA	11/04/2011
Christine Butnik	Dana Point, CA	11/04/2011
Peter Freeman	Laguna Beach, CA	11/04/2011
Tim Till	Huntington Beach, CA	11/04/2011
John Massey	San Clemente, CA, CA	11/04/2011
Mary Ellen Brown	Scottsdale, AZ	11/04/2011
Brenda Sabin	Laguna Beach, CA	11/04/2011
Michael Mauri	San Clemente, CA	11/04/2011
Gregory Eansor	Laguna Niguel, CA	11/04/2011
Jim Cody	San Clemente, CA	11/04/2011
Thomas Shahinian	San Clemente, CA	11/04/2011
John Goodman	Santa Barbara, CA	11/04/2011
Terri Plunkett	San Clemente, CA	11/04/2011
Matthew Lindauer	Orange, CA	11/04/2011
Nicole Heintz	San Clemente, CA	11/04/2011
Kim Fix	Laguna Niguel, CA	11/04/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Barbara Holcomb	Huntington Beach, CA	11/04/2011
Jennifer Schirripa	Claremont, CA	11/04/2011
Heather Kaese	Mission Viejo, CA	11/04/2011
L Eleanor Finney	Laguna Niguel, AL	11/04/2011
Matt Till	San Clemente, CA	11/04/2011
Helena Cannady	Aliso Viejo, CA	11/04/2011
John Simonich	San Clemente, CA	11/04/2011
Vicki Boone	mission viejo, CA	11/04/2011
Tom Thomas	San Juan Capistrano, CA	11/04/2011
Noele Kerr	Dana Point, CA	11/04/2011
James M Nordlund	Fargo, ND	11/04/2011
Dean Kaese	Mission Viejo, CA	11/04/2011
Melissa Campbell	San Clemente, CA	11/04/2011
Brendan White	Capistrano Beach, CA	11/04/2011
Cindee Moskos	Trabuco Canyon, CA	11/04/2011
Kelly Bond	San Diego, CA	11/04/2011
Jason J Green	Spotsylvania, VA	11/04/2011
Steve Smithy	San Clemente, CA	11/05/2011
Clarence Yoshikane	Newport Beach, CA	11/05/2011
Nicole von Gierke	Laguna Niguel, CA	11/05/2011
Michael Clarke	Vancouver, Canada	11/05/2011
Vivian Willis	Aliso Viejo, CA	11/05/2011
Rob Hoopengartner	San Clemente, CA	11/05/2011
Julie Martinez	Laguna Niguel, CA	11/05/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Edward Laurson	Denver, CO	11/06/2011
Diana Ferreira	Paços de Ferreira, Portugal	11/06/2011
Emily Barker	Port Hueneme, CA	11/06/2011
Charla McNeff	Mission Viejo, CA	11/06/2011
James Fletcher	Laguna Beach, CA	11/06/2011
Vanessa Knox	San Clemente, CA	11/06/2011
Tony Sampedro	Emeryville, CA	11/06/2011
Carey Strombotne	Laguna Beach, CA	11/06/2011
Shirley Campbell	San Clemente, CA	11/06/2011
Steven Sachse	Dana Point, CA	11/06/2011
Journ Galvan	Dana Point, CA	11/06/2011
Jenny Dowdall	San Clemente, CA	11/06/2011
Dede Smith	Pasadena, CA	11/06/2011
Melanie Wygal	Dana Point, CA	11/06/2011
Jack Wygal	Dana Point, CA	11/06/2011
Sheri Jones	Laguna Hills, CA	11/06/2011
Poly Zweigle	Laguna Hills, CA	11/06/2011
Kristen Osterfeld	Trabuco Canyon, CA	11/06/2011
Brian Kummer	San Clemente, CA	11/06/2011
Chantal Buslot	Hasselt, Belgium	11/06/2011
Stefanie Lamar	San Clemente, CA	11/06/2011
Sandy Gilman	San Clemente, CA	11/06/2011
Michael Skelly	Dana Point, CA	11/06/2011
Karen Cornella	Laguna Niguel, CA	11/06/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Taylor Smith	Santa Ana, CA	11/07/2011
Kathleen Wetzel	Laguna Niguel, CA	11/07/2011
Jacqueline Price	San Juan Capistrano, CA	11/07/2011
Kim Dwnison	Newport Beach, CA	11/07/2011
David Echelberger	San Clemente, CA	11/07/2011
Katie Fenelli	Aliso Viejo, CA	11/07/2011
Carol Ris	Laguna Niguel, CA	11/07/2011
Scott Crum	Laguna Niguel, CA	11/07/2011
Jill Wittenberg	COTO DE CAZA, CA	11/07/2011
Margie Fenelli	Laguna Hills, CA	11/07/2011
Ingrid Nilsen	Laguna Niguel, CA	11/07/2011
Wilfred Nilsen	Laguna Niguel, CA	11/07/2011
Leah Fetah	Laguna Niguel, CA	11/07/2011
Ben Leetch	Fresno, CA	11/07/2011
Pullyard Fontaine	Tampa, FL	11/07/2011
Chris Becker	Wilmington, DE	11/07/2011
Stephen Anderson	Huntington Beach, CA	11/07/2011
April Armijo	Aliso Viejo, CA	11/07/2011
Ruth Fassett	San Clemente, CA	11/07/2011
Amber Perez	Queen Creek, AZ	11/07/2011
Michael Steele	Morrice, MI	11/07/2011
Melinda Wells	Laguna Niguel, CA	11/07/2011
Treacy Halvorsen	Coto de Caza, CA	11/07/2011
Michael Fereday	Dana Point, CA	11/07/2011



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SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Irving Halvorsen	Huntington Beach, CA	11/08/2011
Mike Muir	Dana Point, CA	11/08/2011
Jenn Baker	San Clemente, CA	11/08/2011
John Clark	San Clemente, CA	11/08/2011
Lisa Klasky	Rancho Santa Margarita, CA	11/08/2011
Chuck MacGregor	Dana Point, CA	11/08/2011
Alleanna Clark	San Clemente, CA	11/08/2011
Paul newman	Rancho Santa Margarita, CA	11/09/2011
Lincoln Phipps	Los Angeles, CA	11/09/2011
Lisa Raneri	Dana Point, CA	11/09/2011
Bridget Pickett	Los Angeles, CA	11/09/2011
Angela Lopez	San Juan Capistrano, CA	11/09/2011
Nick Macedo	Mission Viejo, CA	11/10/2011
David Gibbs	San Clemente, CA	11/10/2011
Julie Harvey	San Clemente, CA	11/10/2011
Jeff Vasquez	San Juan Capistrano, CA	11/10/2011
Nick Scheel	San Clemente, CA	11/10/2011
Mike Macali	Lake Forest, CA	11/10/2011
Susan Cavallo	Smithtown, NY	11/10/2011
Barrett Tester	Silverado, CA	11/11/2011
Larry Vickery	Irvine, CA	11/11/2011
Michael Gaskins	Irvine, CA	11/11/2011
Tracie Mckray	Dana Point, CA	11/11/2011
Mary Ruppert	Laguna Niguel, CA	11/11/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Maria F.	Verona, Italy	11/11/2011
Keri Norton	San Juan Capistrano, CA	11/12/2011
Dan Murphy	Dana Point, CA	11/12/2011
Rick Tonsing	Fair Oaks, CA	11/12/2011
Becky Lambert	Victoria, Canada	11/12/2011
Kane Johnson	Rancho Santa Margarita, CA	11/12/2011
Cynthia Barrier	Riverside, CA	11/12/2011
Ora Underwood	Johnson City, TN	11/12/2011
James Walker	Janesville, WI	11/13/2011
Jacqueline Wetzel	Laguna Niguel, CA	11/13/2011
Matthew Sussman	Laguna Niguel, CA	11/13/2011
Kohl Thorlakson	Laguna Niguel, CA	11/13/2011
Genny Burchfield	Redondo Beach, CA	11/13/2011
Jeffrey Johnson	San Clemente, CA	11/13/2011
Amanda Graham	Costa Mesa, CA	11/13/2011
Renee Cox	San Clemente, CA	11/13/2011
Dennis Schroeder	Pensacola, FL	11/13/2011
Jim McPhillips	Capistrano Beach, CA	11/13/2011
Terry Welker	Riverside, CA	11/13/2011
Chip Lavigne	Laguna Niguel, CA	11/13/2011
Derek Dillahunt	Laguna Niguel, CA	11/13/2011
Jennifer Jenkins	Mission Viejo, CA	11/13/2011
Evan Frolov	San Juan Capistrano, CA	11/13/2011
Noel Peake	Capistrano Beach, CA	11/13/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Andrew Hart	San Clemente, CA	11/13/2011
Amber Adams	Dushore, PA	11/13/2011
Andrew Garg-Meyer	San Juan Capistrano, CA	11/13/2011
Edward Gillest	Laguna Niguel, CA, CA	11/13/2011
Robert Hart	San Clemente, CA	11/13/2011
Kay Watt	San Clemente, CA	11/13/2011
Wally Emory	san clemenete, CA	11/14/2011
James Talay	Mission Viejo, CA	11/14/2011
Lane Daigle	Mission Viejo, CA	11/14/2011
Craig Christy	Irvine, CA	11/14/2011
Amy Fitzgerald	Dana Point, CA	11/14/2011
Danielle Vitelli	San Clemente, CA	11/14/2011
Shawna Williams	San Juan Capistrano, CA	11/14/2011
Steve Serafino	Dana Point, CA	11/14/2011
Alexandra Block	sjc, CA	11/14/2011
Fred Ogrim	Mooresville, NC	11/14/2011
Brooke Browne	Dana Point, CA	11/14/2011
Linda Ewing	San Clemente, CA	11/14/2011
Angela Ogrim	Mooresville, NC	11/14/2011
Christine Fisher	Dana Point, CA	11/15/2011
Michelle Page	San Clemente, CA	11/15/2011
Connor Rhodes	Laguna Niguel, CA	11/15/2011
Keaton Smith	Laguna Niguel, CA	11/15/2011
Keaton Moody	Dana Point, CA	11/15/2011

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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Donnie Dumain	Costa Mesa, CA	11/15/2011
Matthew Buggert	Dana Point, CA	11/15/2011
Michael Agricola	Las Vegas, NV	11/15/2011
Lora Agricola	Las Vegas, NV	11/15/2011
James Rosen	San Clemente, CA	11/15/2011
Wade Williford	La Jolla, CA	11/15/2011
James Heller	San Juan Capistrano, CA	11/15/2011
Brittany Adam	Lexington, KY	11/15/2011
Cortland Brailsford	Dana Point, CA	11/15/2011
April Fisher	Capistrano Beach, CA	11/15/2011
Michael Mickesh	el toro, CA	11/15/2011
Erin Emory	Capo beach, CA	11/15/2011
Kirsten Kane	Irvine, CA	11/15/2011
Lynn Ellis	Knoxville, TN	11/15/2011
Emily Sun	Laguna Niguel, CA	11/15/2011
Susan White	San Clemente, CA	11/15/2011
Barbara Ward	San Juan Capistrano, CA	11/15/2011
Gary Larson	Dana Point, CA	11/16/2011
Chad Dumain	Costa Mesa, CA	11/16/2011
Jon Monaco	San Clemente, CA	11/16/2011
Cameron Kee	San Clemente, CA	11/16/2011
Mark Heffner	Dana Point, CA	11/16/2011
Travis Tandy	Capistrano Beach, CA	11/16/2011
Alison Battit	Petaluma, CA	11/16/2011



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SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Brian Wheeler	San Juan Capistrano, CA	11/16/2011
Thai Chau	Menifee, CA	11/16/2011
Cheri Koelsche	San Clemente, CA	11/16/2011
Carter McCoy	Santa Cruz, CA	11/16/2011
Nora Barson	San Juan Capistrano, CA	11/16/2011
Miriam MacAllister	Half Moon Bay, CA	11/16/2011
Courtney Tanner	San Clemente, CA	11/16/2011
Yvonne Galvez	Mission Viejo, CA	11/16/2011
Brandon Rambo	San Clemente, CA	11/16/2011
Jerrold Buggert	Dana Point, CA	11/16/2011
Cynthia McKee	Laguna Beach, CA	11/16/2011
Mark Pighini	Laguna Niguel, CA	11/16/2011
Melissa Karl	Aliso Viejo, CA	11/16/2011
Christopher Bilcheck	Laguna Beach, CA	11/16/2011
Domenic Sarzotti	San Dimas, CA	11/16/2011
Lens Pranajaya	Capistrano Beach, CA	11/16/2011
Jesse Pascoe	Rancho Cucamonga, CA	11/16/2011
Randall Gonzalez	Claremont, CA	11/16/2011
Aaron Schwartz	Portland, OR	11/16/2011
Lisa Banks	San Clemente, CA	11/17/2011
Carolyn Pelkey	Capistrano Beach, CA	11/17/2011
Sandi Sheehy	Dana Point, CA	11/17/2011
Marcus Sheehy	Dana Point, CA	11/17/2011
Cody Quirarte	Dana Point, CA	11/17/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
John Stirling	San Clemente, CA	11/17/2011
Caren Thompson	Dana Point, CA	11/17/2011
Rosemary Brown	DANA POINT, CA	11/17/2011
Eric Groos	San Juan Cap, CA	11/17/2011
Chuck Patterson	Dana Point, CA	11/17/2011
Dennie Hahn	San Juan Capistrano, CA	11/17/2011
Erin Mundy	Laguna Niguel, CA	11/17/2011
Cindy Cunha	Lake Forest, CA	11/17/2011
Mike Nelson	San Clemente, CA	11/17/2011
Carmela Arstill	Carlsbad, CA	11/17/2011
A Raish	Lake Forest, CA	11/17/2011
Deb Johnston	Huntington Beach, CA	11/17/2011
Sylvia G Ramirez	Carlsbad, CA	11/17/2011
Brad Rambo	San Clemente, CA	11/17/2011
Tracee Stanley	Topanga, CA	11/17/2011
Bruce Brunson	Henderson, NV	11/17/2011
Patrick Guillermo	North Las Vegas, NV	11/17/2011
Pat Boyle	Mission Viejo, CA	11/17/2011
Mickey Munoz	Capistrano Beach, CA	11/17/2011
Rod Giacomini	San Clemente, CA	11/17/2011
Bob Gauthier	Dana Point, CA	11/17/2011
Clay Miller	Dana Point, CA	11/17/2011
Paula Laskelle	San Clemente, CA	11/17/2011
Anne Prestridge	San Clemente, CA	11/17/2011

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Name	Location	Date
Bill Prestridge	San Clemente, CA	11/17/2011
Barbara Wehan	Dana Point, CA	11/17/2011
Trinity Miller	Dana Point, CA	11/17/2011
Elizabeth Palmer	San Clemente, CA	11/17/2011
Brian Haag	Laguna Niguel, CA	11/17/2011
Cindy Muir	Dana Point, CA	11/17/2011
Diane Schmitt	San Clemente, CA	11/17/2011
Brian Smith	San Clemente, CA	11/17/2011
Jenny Dowdall	San Clemente, CA	11/17/2011
Brandi Baksic	San Clemente, CA	11/17/2011
Drew Mouacdie	Laguna Niguel, CA	11/17/2011
Cindy Mouacdie	Laguna Niguel, CA	11/17/2011
Mark Stavron	Capo Bch, CA	11/17/2011
Andrew Mencinsky	Carlsbad, CA	11/17/2011
Rhoda Johnston	Killcare Heights, AU	11/17/2011
David Kitchens	Henderson, NV	11/17/2011
Kim DeFries	Laguna Niguel, CA	11/17/2011
Richard Lee	Long Branch, NJ	11/18/2011
Alex Johnston	Henderson, NV	11/18/2011
Becki Kolander	San Juan Capistrano, CA	11/18/2011
Madeleine and Bob Spear	Mission Viejo, CA	11/18/2011
Nicholas Flores	Boulder, CO	11/18/2011
Evan Macphee	San Juan Capistrano, CA	11/18/2011
Mike Eisert	Dana Point, CA	11/18/2011

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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Stephen Hill	San Clemente, CA	11/18/2011
Molly Sun	Brunswick, ME	11/18/2011
Erica Vinson	Denver, CO	11/18/2011
Patsy Gibbs	Biloxi, MS	11/18/2011
Olivia Hassinger	San Juan Capistrano, CA	11/18/2011
Jacqueline Brassard	Tustin, CA	11/18/2011
Sandra Luhrsen	Pearland, TX	11/19/2011
William Balog	Saucier, MS	11/19/2011
Mary Jane Johnson	San Clemente, CA	11/19/2011
Carolann Mashouf	Laguna Niguel, CA	11/19/2011
Ray Sharp	Dana Point, CA	11/19/2011
Jackie Brown	San Clemente, CA	11/19/2011
Sheral Sly	Laguna Niguel, CA	11/19/2011
Darren Mallabon	Dana Point, CA	11/19/2011
Kate Mallabon	Dana Point, CA	11/19/2011
Dennis Curran	San Clemente, CA	11/19/2011
Tracy Van Wie	San Clemente, CA	11/19/2011
Melanie Hirth	Laguna Niguel, CA	11/19/2011
Luis Nevarez	Laguna Niguel, CA	11/19/2011
Denise Kacura	San Clemente, CA	11/19/2011
Susan Compton	Dana Point, CA	11/19/2011
Paul Galvez	Mission Viejo, CA	11/19/2011
William Kindel	San Clemente, CA	11/19/2011
Lori Davis	San Clemente, CA	11/19/2011

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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Clete Dadian	Henderson, NV	11/19/2011
Jennifer Holcomb	Dana Point, CA	11/19/2011
Maggie Gibson	San Juan Capistrano, CA	11/19/2011
Clare Whitcher	San Clemente, CA	11/19/2011
Steven Foster	Capistrano Beach, CA	11/19/2011
Robert Rumph	San Clemente, CA	11/19/2011
Rick Lake	Mission Viejo, CA	11/19/2011
Jennifer Peat	Mission Viejo, CA	11/19/2011
Deborah Galvez	San Gabriel, CA	11/19/2011
Scott Sanchez	Dana Point, CA	11/19/2011
Shannon Harshman	Dana Point, CA	11/19/2011
Amber Blanchette	Laguna Niguel, CA	11/19/2011
Patti Diener	Dana Point, CA	11/19/2011
Frances Gerry	Fullerton, CA	11/19/2011
Sandy Hatch	San Clemente, CA	11/19/2011
Denny Michael	Dana Point, CA	11/19/2011
David Fitzgibbons	Costa Mesa, CA	11/19/2011
Dana Galasso	San Clemente, CA	11/19/2011
Sylvia Hilliard	Rowland Heights, CA	11/19/2011
Reina Harry	Dana Point, CA	11/19/2011
Jennifer Humboldt	San Juan Capistrano, CA	11/19/2011
Martiza Beck	Dana Point, CA	11/19/2011
James Beck	Dana Point, CA	11/19/2011
Jason Muir	Dana Point, CA	11/19/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Tove Sieger	San Clemente, CA	11/19/2011
J. Spady	Dana Point, CA	11/19/2011
Zoltan Seewald	Santa Ana, CA	11/19/2011
Lynda Regan	San Juan Capistrano, CA	11/19/2011
Cheryl Regan	San Juan Capistrano, CA	11/19/2011
Mary Fowler	Cathedral, CA	11/19/2011
Sherry Bauer	San Clemente, CA	11/20/2011
Debbie Rodriguez	Huntington Beach, CA	11/20/2011
Bob Conors	Yucca Valley, CA	11/20/2011
Jill Stafford	San Juan Capistrano, CA	11/20/2011
Erich Krueck	Dana Point, CA	11/20/2011
Leeann Colloty	Grand Junction, CO	11/20/2011
Nancy Lynn	Dana Point, CA	11/20/2011
Georgia Candoli	San Clemente, CA	11/20/2011
Katherine George	Colorado Springs, CO	11/20/2011
Kathryn Arons	San Clemente, CA	11/20/2011
Tracy Driffill	Galesburg, IL	11/20/2011
Lis DuBois	San Jose, CA	11/20/2011
Jack Garland	Capistrano Beach, CA	11/20/2011
Sara Schroer	Laguna Niguel, CA	11/20/2011
Tyler Huff	San Diego, CA	11/20/2011
Jan Garland	Capistrano Beach, CA	11/20/2011
Bryn DuBois	Dana Point, CA	11/20/2011
Karl Ring	San Juan Capistrano, CA	11/20/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Louay Toma	Laguna Niguel, CA	11/20/2011
Karen Boudreaux	Freeport, FL	11/20/2011
Tom Stephenson	Escondido, CA	11/20/2011
Helen Eligio	Yorba Linda, CA	11/20/2011
Candy Apple	Woodland Hills, CA	11/20/2011
Geannette devre	Dana Point, CA	11/20/2011
Mike Roberts	Costa Mesa, CA	11/20/2011
Christina Kreg	Dana Point, CA	11/20/2011
Kate Bredthauer	Dana Point, CA	11/20/2011
Micah Kreg	Dana Point, CA	11/20/2011
Mandy McDonnell	Newport Beach, CA	11/20/2011
Suzie Graf	San Clemente, CA	11/20/2011
David Boehne	Dana Point, CA	11/20/2011
Tess Graf	San Clemente, CA	11/20/2011
Bruce Carlisle	San Clemente, CA	11/20/2011
Max Graf	San Clemente, CA	11/20/2011
Lisa Rosen	San Juan Capistrano, CA	11/20/2011
Erik Nordskog	Woodland Hills, CA	11/20/2011
Lisa Neff	San Clemente, CA	11/20/2011
Johnston Niemela	Mission Viejo, CA	11/20/2011
Carolyn Banh	Benicia, CA	11/20/2011
Dan Hackett	Aliso Viejo, CA	11/20/2011
Amanda McKay	Dana Point, CA	11/20/2011
Russell Thompson	Mission Viejo, CA	11/20/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Michael Rauber	Coronado, CA	11/20/2011
Julie Roach	Maitland, FL	11/20/2011
Haley Asturias	Ladera Ranch, CA	11/20/2011
Gerald Moysa	San Juan Capistrano, CA	11/20/2011
Rafal Dobrowolski	San Diego, CA	11/20/2011
Judy Mendoza	Phoenix, AZ	11/20/2011
Ricky Simon	Dana Point, CA	11/20/2011
Betsy Fiel	san jose, CA	11/20/2011
Michael Copping	Clearwater, FL	11/20/2011
John Meffert	Avalon, CA	11/20/2011
Joanne Koppel	Rancho Cordova, CA	11/20/2011
Jamie Louie	San Clemente, CA	11/20/2011
Jackson Roach	Maitland, FL	11/20/2011
David Lester	San Clemente, CA	11/20/2011
Dave Wetzel	Laguna Niguel, CA	11/20/2011
Steve Hops	San Clemente, CA	11/20/2011
Jennifer Miller	Orange, CA	11/20/2011
Stacie Tanner	Mammoth Lakes, CA	11/20/2011
Heidi Flynn	San Clemente, CA	11/20/2011
Julie Mackie	Mission Viejo, CA	11/20/2011
Sherry Popovich	San Clemente, CA	11/20/2011
Dale Melden	Modesto, CA	11/20/2011
Ray Call	Mission Viejo, CA	11/20/2011
Deborah Rooth	Lake Forest, CA	11/20/2011



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Name	Location	Date
Patty Cozza-Leigh	Fort Lauderdale, FL	11/20/2011
Dick DeBoer	Murrieta, CA	11/20/2011
Larry Vickery	Irvine, CA	11/20/2011
Heidi Slagle	Valencia, CA	11/20/2011
Juliette Clark	San Clemente, CA	11/20/2011
Martin Carbone	Mission Viejo, CA	11/20/2011
Natalie Hodapp	Mankato, MN	11/20/2011
Debra pflieger	Murrieta, CA	11/20/2011
Chris Brackett	South Lake Tahoe, CA	11/20/2011
Nolvia Sabanegh	Huntington Beach, CA	11/20/2011
Brianna Call	Seattle, WA	11/20/2011
Kimberly Whalen	La Selva Beach, CA	11/20/2011
Heath Hamilton	Azusa, CA	11/20/2011
Amy Graves	Haleiwa, HI	11/20/2011
Steven Skinner	Trabuco Canyon, CA	11/20/2011
Paulo Cruz	Aliso Viejo, CA	11/20/2011
Kathleen Malone	San Clemente, CA	11/20/2011
Genaro Mejia	Santa Ana, CA	11/20/2011
Jodi Pickering	Capistrano Beach, CA	11/20/2011
Shannon Bryant	San Diego, CA	11/21/2011
Kathleen Clark	Stratford, CT	11/21/2011
Darian Hildreth	Key West, FL	11/21/2011
Kim Hildreth	Key West, FL	11/21/2011
Andrew Whalen	Berkeley, CA	11/21/2011



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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date Signed
Sandra Cruz	San Diego, CA	11/21/2011
Dan Odonnell	Irvine, CA	11/21/2011
Meyer Schwartz	San Clemente, CA	11/21/2011
Joyce D'Epagnier	San Juan Capistrano, CA	11/21/2011
Danielle Schwartz	San Clemente, CA	11/21/2011
Scott Mourhess	Indio, CA	11/21/2011
Dave Stombaugh	Laguna Beach, CA	11/21/2011
Scott Williams	San Clemente, CA	11/21/2011
Cynthia Rigoni	Houston, TX	11/21/2011
Joshua Stearns	Los Angeles, CA	11/21/2011
Donna Danielson	Dana Point, CA	11/21/2011
Glenn Norwood	Santa Ana, CA	11/21/2011
Heather Carlisle	Dana Point, CA	11/21/2011
Stacy Colombo	San Clemente, CA	11/21/2011
Tom Swanecamp	Dana Point, CA	11/21/2011
Saundra Cerutti	Rancho Santa Margarita, CA	11/21/2011
Jacob Barret	San Diego, CA	11/21/2011
John DeMarco	Honolulu, HI	11/21/2011
Frank Perna Jr	Malibu, CA	11/21/2011
Tom Garlock	Irvine, CA	11/21/2011
Shauna Murray	San Juan Capistrano, CA	11/21/2011
Amy Wehner	San Clemente, CA	11/21/2011
Dave Heath	San Clemente, CA	11/21/2011
Skip Leonard	Dana Point, CA	11/21/2011

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A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Date
Mark Carey	Dana Point, CA	11/21/2011
David Howard	Laguna Beach, CA	11/21/2011
John Yamasaki	Laguna Niguel, CA	11/21/2011
Brent Flaharty	Rancho Santa Margarita, CA	11/21/2011
Stephanie Olson	Aliso Viejo, CA	11/21/2011
Cheryl Hopper	San Clemente, CA	11/21/2011
Stephen Shumaker	Escondido, CA	11/21/2011
Christina Kretschmer	Santa Monica, CA	11/21/2011
Christine Collett	Aliso Viejo, CA	11/21/2011
Steve Harmon	San Clemente, CA	11/21/2011
Raquel Cortez	Aliso Viejo, CA	11/21/2011
Jenny Rose	Mission Viejo, CA	11/21/2011
Allison Garcia	Laguna Niguel, CA	11/21/2011
Bree Young	Sierra Vista, CA	11/21/2011
Paula Wilhelm	Laguna Beach, CA	11/21/2011
Joseph Koslik	Corona, CA	11/21/2011
Tim Telles	Laguna Niguel, CA	11/21/2011
Dag Wilkinson	Dana Point, CA	11/21/2011
David Lumian	Venice, CA	11/21/2011
Ken Gerdau	Newport Beach, CA	11/21/2011
Briana Sepeda	Fullerton, CA	11/21/2011
Danielle Jake	Phoenix, AZ	11/21/2011
Brian Olsen	Orange, CA	11/21/2011
		11/21/2011

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(This report is not current due to time needed to create report)


SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

ATTACHMENT B

**Petition
Additional Comments**

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Name	Location	Comment
R J	Moses Lake, WA	This is such a unique and beautiful spot. My sister and our friends live right up the street and use this beach to SUP, and walk daily! I have been there many times. It is a rare spot in this developed coastline.
Russel Greene	San Clemente, CA	The county needs to get out of the harbor business and get into the people business.
Cyndie Kontoes	Capo Beach, CA	Baby Beach in Dana Point is a unique gathering place of paddlers, mothers and families who enjoy the Educational Facilities along with the beach that has easy access for the many watermen and women that are Handicapped and now have the ability to enter the ocean at Baby Beach and enjoy exercise for physical and mental development with-out this Beach they would have no place to enter the ocean as safe, as BabyBeach.
Billy Kho	Huntington Beach, CA	I am for the preservation of Baby Beach because I want to keep the safe access that me and my kids have enjoyed for future generations. Dana Point does not need more docks!
Valerie Rhodes	Laguna Niguel, CA	I support maintaining the public access which currently exists at Baby Beach for the 100's of youth who use the educational and youth facilities which currently exist. I am also concerned about the dangerous conditions which will result by adding more traffic to the already crowded beach with the proposed docks.
Eric Harrington	San Clemente, CA	Concerned about the ecological impact of the increased number of boats in the harbor.
Anne Galvan	Dana Point, CA	Many years involved in children's sailing, outrigger canoe paddling, SUP, kayaking, swimming at Baby Beach. Very concerned about safety for kids.
Jill Vickery	Irvine, CA	A beautiful family spot to enjoy Dana Point. This area is what brings us to Dana Point at least two times a week. With that, we are now visiting the shops in the area much more frequently and spending our money in Dana Point instead of Newport.
James Sponagle	Capistrano Beach, CA	I use this area to paddle my canoes. The proposed docks will block access for hundreds of paddle craft as well as the sailing classes. The safety factor is huge as well.
Diane McCarthy	Mission Viejo, CA	This area needs to remain as is, reserved for non-motorized water craft for use by the public.
Heather Heinz	Laguna Beach, CA	This is a great place for kids and launching of paddle boats.
Bobbie Caraway	Dana Point, CA	We love this little beach. Our whole family paddles out from this spot. The kids have gone to camps here the last 10 years. It would be ashamed to let docks be built in this serene part of the harbor.
Scott Gold	Irvine, CA	I learned to standup paddle at baby beach. It's an excellent area for all water sports...not just motorized watercraft. The majority of that harbor is already dedicated to motorized watercraft...adding more docks will choke access to non-motorized watercraft and clutter the already overcrowded harbor. Dana Point harbor should maintain access for all.
Petar Freeman	Laguna Beach, CA	I believe we need to maintain the existing public access area for the Dana Point Harbor and that the area should not be converted to private, semi-private or fee-based uses. In connection with my use of the area, I have frequently volunteered to maintain the public access area, which I do not see from the typical fee-based user such as boat slip renters.
Tim Till	Huntington Beach, CA	very few areas left available for non-motorized launches
Barbara Holcomb	Huntington Beach, CA	This is one of my favorite places to bring my daughter to play. We walk to the Ocean Institute, play on the beach, and I have started paddling from here after meeting so many other parents on the beach. I'd hate to lose these experiences and such a special place.
L. Eleanor Finney	Laguna Niguel, AL	This is one of the highly used and highly prized family and educational and educational areas for our surrounding community and others from afar. My grandchildren, from Northern Calif., took paddle sailing lessons there last Summer and I observe all the other activities this area provides. It is really very important to preserve it.
Helena Cannady	Aliso Viejo, CA	I want to ensure we have a local, sheltered & controlled area in which children can learn water sports; one such as the Dana Point Basin adjacent to Baby Beach & Westwind Sailing.
John Simonich	San Clemente, CA	My son in-law and daughter SUP and my wife and I go watch them at times. It seems like a great place for little kids and big kids to enjoy.
clarence yoshikane	newport beach, CA	Safe place for children to play at the beach & stand up paddle
Michael Clarke	Vancouver,	As an avid stand up paddler, who paddles I believe we need to open up the access for all, instead of closing it for the few. Watersports are a great way for families, kids and everyone to stay fit, embrace the oceans and connect with mother earth.

SAVE BABY BEACH
A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Comment
Vivian Willis	Aliso Viejo, CA	Saving the beach for my kids.
Charita McVieff	Mission Viejo, CA	Think of the citizenry and not the almighty dollar.
James Fletcher	Laguna Beach, CA	My daughter is a Sea Scout and teaches at Westwind. We see the hundreds of people who use Baby Beach and the surrounding facilities daily. Expansion of docks into the burning basin will restrict the publics' use and enjoyment of the area.
Journ Galvan	Dana Point, CA	I am currently on the Dana Outrigger Canoe Paddling team and used to work at Westwind sailing right next to baby beach. I have lived in Dana Point my whole life and I use baby beach alot and would hate to see it get destroyed.
Sandy Gilman	San Clemente, CA	So much education exists in this area it would be a shame to limit access.
Karen Cornella	Laguna Niguel, CA	My children have grow up at the harbor, learned to sail in this basin, attended their favorite (Westwind Sailing) camps for the past 12 years, and now participate as Mariner Sea Scouts. It would be a shame to deprive the community of this outstanding facility when there are already so few safe and wholesome places for kids and teens to gather!
Kathleen Wetzel	laguna Niguel, CA	I want to keep this peaceful area available for all who use it now. Changing it will drive out so many who use it now. That is not an improvement. They need to listen to those who use this area.
Jacqueline Price	San Juan Capistrano, CA	We take friends who are visiting from out of state (but sometimes staying in nearby towns) down to Baby Beach because it is a comfortable place for them to try kayaking and stand up paddling. As a result they end up spending money in Dana Point which they would not do otherwise. If Baby Beach is no longer safe for our novice friends we will have to take them and their dollars elsewhere.
Ingrid Nilsen	Laguna Niguel, CA	We use the public beach very often for kayaking. It will be a sad day if they should take this wonderful beach away from the people.
Leah Fetah	Laguna Niguel, CA	We need to preserve the use of this area of the marina for the safe and easily accessible use of Sea Scouts, kayakers, paddle boarders and our area's youth! My family and I have been using this area for 30 years!
Michael Fereday	Dana Point, CA	I am signing this petition to keep the existing Baby Beach public access beaches and waterways as they are currently, free from encroaching development by the proposed new docks.
Mike Muir	Dana Point, CA	I'm for preserving the little bit of beach we have left. The proposed docks will take away more of our safe water zone. This is the only safe and calm water area to learn and launch personal water craft between Oceanside and Newport Beach.
John Clark	San Clemente, CA	I am concerned about the environmental impact of parking boats in the basin area so close to a major swimming and recreational area. In addition, this plan limits access to the only flat water launch area for non-motorized water craft between Newport and Oceanside, CA.
Lisa Klasky	Rancho Santa Margarita, CA	We are concerned about the safety concerns that the new plan will present to young children at Baby Beach.
Paul Newman	Rancho Santa Margarita, CA	It's already a great little beach that is used by the public for those of us who don't have/can't afford a boat. No "improvements" are needed nor desired.
Lincoln Phipps	Los Angeles, CA	Supported by MacGillivray Freeman Films and One World One Ocean
Lisa Raneri	Dana Point, CA	It's a perfect little beach for young children to play safe from strong waves. My toddler splashes and runs joyfully in the shallow water. It's also such a great place for parents of young children to meet and gather. Baby Beach is a unique asset to the community of Dana Point.
Jeff Vasquez	San Juan Capistrano, CA	The number of people who use Baby Beach easily out number motorized boaters. This development will have a detrimental impact on all non-motorized uses of the harbor. Untapped revenue opportunities exist supporting these news uses. Forward thinking managers would serve the public interest better by not developing additional motorized boating uses and encouraging non motorized uses.
Jacqueline Wetzel	Laguna Niguel, CA	This proposed plan would eliminate most of the dock facilities available to Mariners and Westwind, programs that are very important to the community. It also would decrease the amount of space in the harbor available for small boat sailing, paddle boarding, and kayaking. Crowded waters is already a problem, and creating this dock would just amplify these issues.
Renee Cox	San Clemente, CA	We stand up paddle and sail from Baby Beach all the time. My son is in Sea Scouts - we can't lose any of Baby Beach!

Name	Location	Comment
Chip Lavigne	Laguna Niguel, CA	We need to maintain public access to this highly used paddle launch spot. Allowing a fee based use to control this area will ruin the sense of community and tradition that has been created. People come from all over Orange County to use this launch bringing revenue to businesses in the area. There needs to be a balance of use and this proposal represents the tipping point. I believe in the youth docks, money should be going to them not slip retail
Andrew Hart	San Clemente, CA	I am a kayaker and Stand Up Paddleboarder and I launch from Baby Beach regularly as there's few other places nearby that we are allowed to launch from.
Edward Gillett	Laguna Niguel, CA, CA	Please preserve Baby Beach. More power boats at a paddling beach does not make sense. This is the only beach with calm water for family paddling.
Wally Emory	San Clemente, CA	I'm signing because I believe that we need to keep baby beach open for the continuing, future, recreational enjoyment of the people who live and visit here. As well as preventing any further development that is going to put more debris and pollution into our harbor, and our environment.
Amy Fitzgerald	Dana Point, CA	to have a safe place for kids to play on the beach, Do not put boat near the beach.
Donnie Dumain	Costa Mesa, CA	Are you kidding me? This proposal is ridiculous. The ENTIRE rest of the harbor is developed. ...this place provides hundreds, possibly thousands (have you seen the 4th of July gatherings there?) of people a great location to simply enjoy. I would hate to see my primary childhood hangout spot ruined. Can we at least keep one little beach for the public? Don't we have enough docks? Are people not getting enough money in South Orange County? I am solidly against the development of Baby Beach.
Michael Agricola	Las Vegas, NV	To save a premier spot for children and watermen and women to enjoy the baby beach environs.
James Rosen	San Clemente, CA	I am a frequent (near daily) user of Baby Beach for launching my Kayak and SUP. In addition, my family is a regular user of Baby Beach, and we enjoy the relative tranquility it provides.
Wade Williford	La Jolla, CA	Safe public access to the ocean for non-motorized craft is needed for all
Kirsten Kane	Irvine, CA	I'm from Dana Point and would hate to see one of the awesome beaches I grew up on go away
Chad Dumain	Costa Mesa, CA	This is the only Harbor that the kids can play from larger waves. Also if there is more boats in the harbor it would be dangerous for the children because of more pollution and unsafe boat driving.
Alison Battit	pefaluma, CA	This area has a huge positive impact on my life. It is a beautiful, safe place for children to grow, learn and come of age. It would be a ridiculous decision to erase that from the future of Dana Point Harbor. It needs to be available to the public as well as the Scouts and programs.
Carler McCoy	Santa Cruz, CA	I lived in the Dana Point area for several years and know we need this resource preserved. Please do not allow our public resources to be privatized.
Brandon Rambo	San Clemente, CA	This is a perfect place for recreational beach users. Not everyone has access to a boat or dock in the harbor and this allows people without that access to enjoy it as well. This would put a huge impact on the community
Cynthia McKe	Laguna Beach, CA	I'm a supporter of the Ocean Institute and other marine education programs.
Domenic Sarzotti	San Dimas, CA	I spend every weekend during the summer paddle boarding with my family at baby beach. The thought of this area being changed makes me sick. It would be worst thing the city of dana point could do for the community.
Chuck Patterson	Dana Point, CA	I live in Dana Point and use Baby beach and the Dana Point harbor to paddle outrigger, SUP and train almost every day. We need it and use it more then 95% of all the boat owners in the harbor.
Cindy Cunha	Lake Forest, CA	My children use this area for learning to sail and SUP. I hope that they will be able to continue to do so. Please keep this area safe for our children.
Mike Nelson	San Clemente, CA	Please don't commercialize a nice, people friendly area at the DP harbor.
A Raish	Lake Forest, CA	public access should not be reduced or comprised for private docks
Bruce Brunson	Henderson, NV	Baby beach is one of the main reasons we vacation in Cali. If this spot goes away so do we. Would find another place to spend my tourism money.
Patrick Guillermo	North Las Vegas, NV	Love the ocean, protect the 'Ainal
Brian Smith	San Clemente, CA	environment, recreation access, community !!!

SAVE BABY BEACH
 A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Comment
Jenny Dowdall	San Clemente, CA	Community, community, community.. Let us enjoy the environment. Don't take it away from the people!
Kim Defries	Laguna Niguel, CA	Baby Beach is rad and deserves to be preserved!
Becki Kolarider	San Juan Capistrano, CA	This is an important landmark and free area for everyone to enjoy. We need this beach to share with our families and friends.
Stephen Hill	San Clemente, CA	As an adult advisor for the Mariners Sea Scout group for many years this area is invaluable to the nurturing and guidance of your young adults. Please leave the youth center / docks and Baby Beach just the way it is.
Jacqueline Brassard	Tustin, CA	To preserve the former youth and group facility and public access and use of west basin docks, maintain the facilities for two nationally-recognized highly successful and impactful nonprofit youth-oriented organizations (Dana Point Sea Scouts and West Wind sailing) that introduce and educate more youth to the safe use California waterways than anywhere else in California. To preserve the original intent and safe use of the facility design.
Dennis Curran	San Clemente, CA	Baby Beach is already being used a lot and paddle sports are going off. The beach is the best paddle launch & access in So Cal.
Denise Kacura	San Clemente, CA	My whole family enjoys time together on the water paddling and relaxing after with friends on the beautiful park area that is conducive to socializing and interacting with other people with similar interests. It is the only place available in our area that brings the entire community together socially while providing a non-motorized launch spot at the same time.
William Kindel	San Clemente, CA	As a 10 year plus DP slip holder and a paddler who frequently launches from Baby Beach I am horrified by the proposed changes. Baby Beach is a treasure and needs to be preserved and improved, not diminished.
Lori Davis	San Clemente, CA	This plan impacts too drastically the general public's ability to use Baby Beach.
Maggie Gibson	San Juan Capistrano, CA	The kids in the Dana Point area need more facilities for healthy outdoor recreation, not less.
Steven Foster	capistrano beach, CA	Don't pave paradise and put in a parking lot... More boats... more pollution...higher risk of environmental and human damage... This area is called "Baby Beach " for a reason, it's a family oriented area, additional boats and the pollution that comes with them will make it unsafe for anyone and everyone enjoying the water.
Scott Sanchez	Dana Point, CA	The changes to the harbor will create serious congestion and safety issues in both the water at Baby Beach along with creating parking issues for those of us who use Baby Beach weekly. This will additionally affect the merchants at Baby Beach as access becomes limited, less visitors equals less revenue.
Mary Fowler	Cathedral, CA	I grew up going to Baby Beach and so did most of my friends. I would love to take my grandchildren there someday!
Jill Stafford	San Juan Capistrano, CA	This is one place where community is really a community, launching the DOCC canoes or going out on the SUP we wain into friends and make it a wonderful day, this is a place that we can always go to, and have a sense of community, please no ore new development, no more cocks, there are more than plenty!
Erich Krueck	Dana Point, CA	My family and I use the beach on a daily basis. It is the only place in Southern O.C. for my grand kids to play in a safe environment without boat traffic. We also paddle board from this beach and desperately want to keep this space.
Leeann Collopy	Grand Jct, CO	It's spend MANY great vacations hanging at Baby Beach. SUP, canoeing, walking, running and playing w/ the kids
Georgia Candoli	San Clemente, CA	What are you thinking ? Is it all about docking fees for boat owners? We need baby beach as a safe place for children and families.
Katherine George	Colo Springs, CO	This is important to a dear friend of mine who enjoys this quiet place.
Jack Garland	Capistrano Beach, CA	Baby Beach is a very valuable recreational resource in the south county area. It is unique and like no other. The proposed boat docks will limit the amount of beach access to and from the water for human powered craft. The total of individual people uses during the year is in the thousands of uses where the people benefitting with the boat docks will be a few dozen of people. The proposed plan eliminates 25% of the paddle out area from the beach. During the summer this area is overcrowded as it is and safety would be greatly compromised if these docks are built. Jack Garland- Architect
Bruce Carlisle	San Clemente, CA	I grew up in Dana Point and would hate to lose a great space where kids can learn to love the beach.
Carolyn Banfi	Benicia, CA	I have very fond memories of this beach as a child.
Amanda McKay	Dana Point, CA	Baby beach is part of my every day routine with my kids and we love to paddle board out of there. No way can this happen!
Joanne Koppel	Rancho Cordova, CA	I grew up in Dana Point and this beach is iconic for little children

SAVE BABY BEACH

A Citizen's Coalition for Public Access and Environmental Protection

Name	Location	Comment
Dave Wetzel	Laguna Niguel, CA	Giving people a safe, peaceful area to do non-motorized sports is good for our Community.
Sherry Popovich	San Clemente, CA	Love this beach, please don't change anything!
Dale melden	Modesto, CA	Baby beach is a mecca for people of all ages to enjoy the ocean and paddle sports in a safe and fun family environment. ANY of the proposed construction would DESTROY this amazing place of positivity and peace for everyone in the future.
Patty Cozza-Leigh	Fort Lauderdale, FL	I have seen what "docks" can do to an environment.there must be another location for these docks that will not impact the environment and eco system.
Larry Vickery	Irvine, CA	This small, family-friendly beach area is the only one in the harbor area that can be used for young children to swim and for launching small, non-motorized crafts. It should be preserved for many to enjoy and should not be blocked or reduced in size to accommodate a additional docks and private boats for a select few.
Debra pflesger	Murrieta, CA	I have been coming here since the harbor was built. This beach needs to stay as is! There is already mass amounts of development and docks etc all around this spot already...
Heath Hamilton	Azusa, CA	This is the kind of spot that is perfect for the less adventurous among us. I have taken my kids and my brother out and taught them to SUP from Baby Beach. It's also great fun to watch all of the kids there learning to sail and enjoy the water.
Kathleen Clark	Stratford, CT	My son, his wife, and 3 daughters use Baby Beach for SUP surfing, outrigger boating, and sailing. When I visit from Connecticut, I enjoy watching my children engage in their water sports. I see no need for more docks to add to the pollution and traffic already present in the Baby Beach resort area of Southern California.
Meyer Schwartz	San Clemente, CA	My family comes together at Baby Beach. It's a place that kids and grandparents can enjoy themselves. It's a place to teach kids about ocean safety. My twin daughters are 4 and the learning and playing has just begun. This is a place that should be around forever no question asked. It's sad to think it could a be gone.
Cynthia Rigoni	Houston, TX	My friend walks her dog in the area there daily, don't change it!
Glenn Norwood	Santa Ana, CA	I love this beach. Been coming down here for 35 years. Bringing my kids down as baby's and even now to kayak and stand up paddle. No other harbor like it. I had a boat in the harbor (Dana West F dock for 12 years) . They don't need more slips. Only about 25 % of the boat now are actually used. Walk down a dock and ask someone how many slip renters they actually see. Save the beach!!
Tom Swanecamp	Dana Point, CA	The Doc's will greatly effect the success of the Miracles For Kids - Choc Hospital Stand Up Paddle Clinics in 2012 and years to come.
Tom Garlock	Irvine, CA	We don't more development/commerical location on the coast stopping people access to the beach.
Skip Leonard	Dana Point, CA	Parking is already a problem for this area. The additional slips will further exacerbate the problem.
Stephen Shumaker	Escondido, CA	I grew up sailing dinghies and swimming at Dana Point Harbor. There is much less area available for these activities now. Don't reduce this access further. We need to keep areas available for kids and families to swim, launch small boats, kayaks, etc. off the beach.
Bree Young	Sierra Vista, AZ	This beach has been apart of my family for decades. No matter where we all travel, we all come together at baby beach.
Joseph Koslik	Corona, CA	I support saving baby beach because I love this place and it would be sad to see it gone
Dag Wilkinson	Dana Point, CA	I paddle here and so do the CHOC kids of Miracles for Kids.

SAVE BABY BEACH
A Citizen's Coalition for Public Access and Environmental Protection

I am a boater who leases a slip in the Dana Point Harbor and I would like to submit my comments on the SEIR. While I do not officially represent anyone else in the Marina, numerous discussions with other boaters and friends in the Marina convince me that what I write here is representative of what many others believe.

P-69-1

I'll address 3 topics in my comments:

- Parking for boaters, especially during Holidays or High Use Periods;
- Slip costs (eliminating the 3 foot overhang)
- Business vs. Boaters

1. Parking for Boaters, especially during Holidays or High Use Periods

Finding a parking spot near my boat is already difficult on Holidays and when there are special events in the Harbor area. July 4 is the worst, with parking being unavailable in my area DAYS in advance of the 4th, but other times are also problems. In some years this has resulted in extreme frustration in trying to get gear, family, friends, and myself to the boat. Other years, I have simply just stayed away, despite preferring being at my boat. It seems very unfair to me that the boaters who pay rent every month cannot find parking on the days people most want to be at the harbor. Reducing the number of parking spots by 40% will surely make a serious problem much worse.

P-69-2

2. Slip costs (eliminating the 3 foot overhang)

Slip costs at Dana Point are already high. Eliminating the 3 foot overhang will force many boaters into larger and more expensive slips. I believe eliminating the 3 foot overhang will also affect small boat owners more compared to larger boat owners. Walking the slips where the smaller boats are kept, one sees almost every boat under 30 feet at a slip where it is using the 3 foot overhang to qualify being in that slip. The number of larger boats extending past the slip and using the 3 foot overhang is a much smaller percentage.

P-69-3

3. Business vs. Boaters

It really should not be Business against Boaters. I enjoy the businesses at the Marina – I go to the restaurants quite a bit and shop at the stores, too. There should be a balance between the interests of the Business and the interests of the Boaters. But the SEIR definitely tips – no landslides – the interest of the Businesses over those of the Boaters.

P-69-4

Lori J. Van Hove

Slip = Island Side D-22

562.889.1501

Alleanna Clark
502 Avenida Ossa
San Clemente, CA 92672

P-70

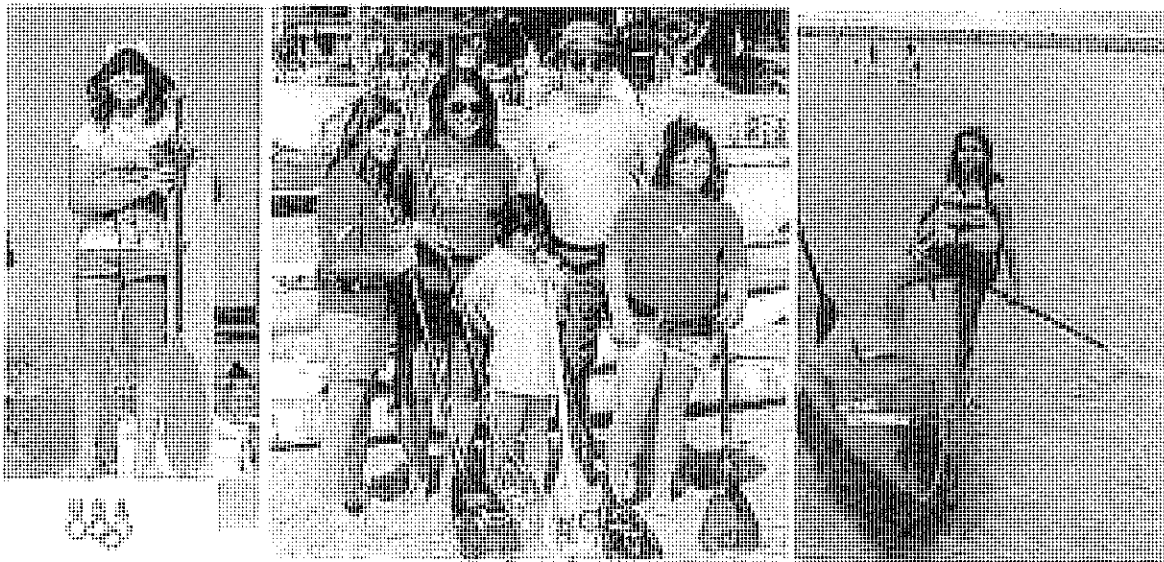
Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Hello. My name is Alleanna Clark and I am 12 years old. I am concerned about the docks being put in baby beach. Ever since I was six years old I have been going to baby beach with my family because there were no waves and I could play in the water with my sisters. As we got older we started stand up paddling and our favorite place is baby beach. I remember getting ready to go and my sisters getting excited but we were told that we couldn't even go in the water because of the quality. The water quality is much better now but we don't know what will happen if the docks are put in. I am also a member of the Dana Outrigger Canoe Club and we launch where docks are going to be put. If the docks are there than we will have to launch into boat traffic with young kids as young as 7 years old. I hope you take my letter into consideration.

P-70-1

Sincerely,
Alleanna Clark



John Clark
502 Avenida Ossa
San Clemente, CA 92672

P-71

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I have reviewed the Draft Subsequent Environmental Report for the Dana Point Marina Improvement Project dated September 20th. The plan to add boat docks in the vicinity of Baby Beach concerns me for several reasons that I would like to address in this letter including:

- Reducing the safe access to the harbor for recreational activities
- Increased pollution of the safe swimming area for families and young children
- Limiting the amount of parking for public access to the hand launch area
- The increased number of boats located in the basin area may impact the biological life in the harbor

When our family relocated from the east coast to Southern California in June of 2000, we chose to live in the Dana Point Harbor area due to the resources provided by the Dana Point harbor and Baby Beach.

P-71-1

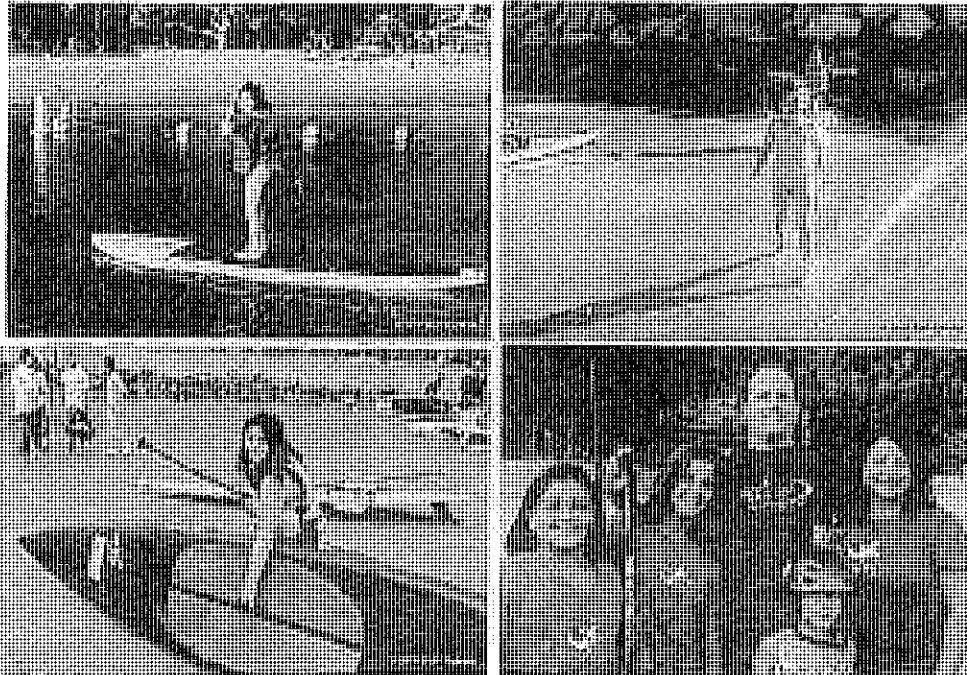
P-71-2

P-71-3

P-71-4

P-71-5

P-71-6



Over the past eleven years, Baby Beach has provided our family the opportunity to participate in non-motorized water activities with safe access. The activities include swimming, standup paddling, sailing, and outrigger paddling. Currently, hundreds of people each day year round park and launch their hand launch boards and vessels at the Baby Beach Launch. In the summer, the beach area is shared with hundreds of parents and children that come to Baby Beach for the safe swimming and proximity to launch their watercraft. Have any studies been done to determine the number of users of Baby Beach and where these people will be displaced to when the docks are moved in front of the launch area?

P-71-6

The proposed dock plan will put motorized boats in close proximity to swimmers and paddlers that have made the Baby Beach area an ideal destination for local residents and thousands of annual tourists. What alternative recreational access locations are going to be available to meet the demand?

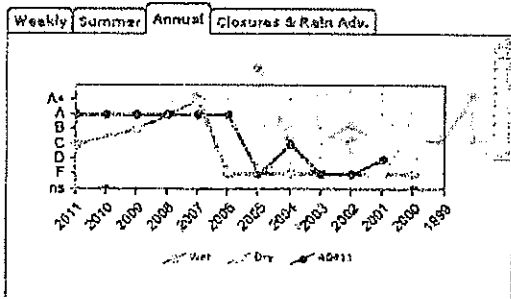
The development plan for adding boat docks does not address the need for parking for the additional boats and the demand for access to the harbor by non-motorized vessels. Have there been any studies on the number of spaces needed?

P-71-7

The proposed boat docks will have an impact on the biological life in the harbor including the eelgrass beds. Just a few weeks ago our family of five went out for an evening Stand Up Paddle to explore the bioluminescent algae that was present in the Baby Beach area. There is a great deal of healthy vegetation and biological growth in the harbor by Baby Beach. The overall condition of the water has just improved in the past five years to an acceptable level after many years of being polluted. Let's not go back in time and pollute this beach. How will the proposed changes impact the water condition at Baby Beach? Will it be safe for young children and the elderly visitors to the beach?

P-71-8

Dana Point Harbor, Baby Beach- East End



Thank you for taking the time to review our concerns about the Draft Subsequent Environmental Report. We look forward to the conversation about alternative plans to meet the needs of the harbor and community interests.

P-71-9

Sincerely,

John Clark

To Whom It May Concern;

Regarding the SIER relating to the Dana Point Harbor Marina Improvement Project, I'd like to make the following comments and suggestions-

The entire process appears to have been a sham operation orchestrated at the outset to force upon the Southern California boating public a plan to reduce the number of smaller, more affordable slips (contrary to the CCC's mandate), to allow a grandiose revisioning of the landside operations that creates a sprawling shopping center at the considerable cost of boater's resources. Pushing through this 'new vision' resulted in a presentation of only a handful of waterside reconfigurations to the boaters that ranged from completely outrageous to the completely unsatisfactory, for them to "choose" from- again, none of the designs came close to the goal poised by the CCC, that being a reduction of a minimum of slips.

P-72-1

That being said, I propose the following:

- Re-lay out the proposed slips exactly the way they are now with the relatively minor exception of providing ADA compliance.
- Do not encroach on the channel.
- Do not build out in front of Baby Beach.
- Do not reorient the West basin slips.
- Do not eliminate any 50' slips.
- Do not eliminate the traditional 3' overhang allowance.
- Do not strip the Shipyard of any waterside slips or land.
- No loss of boater parking, and boaters should have preferred parking for dockside lots.

P-72-2

Replacement of the slips should begin immediately, as they fail - do not force boaters to wait until the expanded stores and restaurants have consumed all of the money and time.

All project work should be performed between the hours of 7am-7pm, to mitigate as much as possible the disturbance to the residents/slip occupants/neighbor homes.

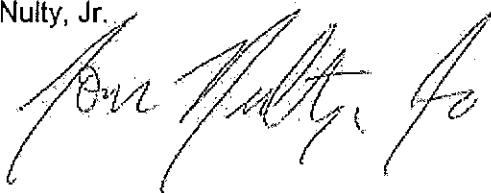
I would also like to bring up again that there are areas of inconsistency with the base line numbers, the FEIR, the LUP, IP City and County ordinances, Tidelands Trust, and Tidelands Trust Doctrine.... and what appears to be a complete lack of transparency with regards to fiscal accountability of dedicated harbor funds.

P-72-3

And I would also point out the insertion of new language in LUP/IP without any local meetings.

Thank you for your concern in this matter,

Tom Nulty, Jr.



11-21-11P04:54 RCVD

Shirley Zanton
30352 Golf Club Drive
San Juan Capistrano, CA 92675
949-489-1290

November 21, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over the proposed plan to construct docks in the West Basin in front of Baby Beach.

I am a resident of San Juan Capistrano and have been coming to Baby Beach for almost 20 years. My four children and I enjoyed the beach when they were young – we spent many afternoons building sand castles in the quiet water. As they got older, they learned to sail in the calm and safety of the Baby Beach harbor. The children participated extensively in the programs provided at the OC Sailing & Events Center by Westwind Sailing and Sea Scouts. (In fact, my very first sailing experience was when my second son took me out for a Mothers Day sailing event hosted by Westwind. I was extremely proud of the skills he had learned and the confidence he had in those skills.) Now that we are empty nesters, my husband and I bought kayaks, specifically to launch and use from Baby Beach. Being a novice kayaker, I find the quiet of the Baby Beach area to be a perfect setting to paddle around in without worrying about extensive boat traffic. I believe that the open access and family friendly atmosphere at Baby Beach, and the protected shoal area, make it a place where the local community comes and enjoys a day at the beach. (And, of course, what would be a day at the beach without a stop afterward to get ice cream or fried fish (my children’s favorite), or even pizza, from one the local businesses in the Harbor area.)

P-73-1

In addition to many other concerns, the current proposal will increase the number of motorized vessels in the Educational Basin near Baby Beach, and as a result, increase safety concerns for sailors and kayakers alike. The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose, and the proposed configuration also affects the launching and docking for students in the boating programs at OCSEC. In addition, the plan impedes upon the public access hand craft launch at Baby Beach, which reduces public access to the water.

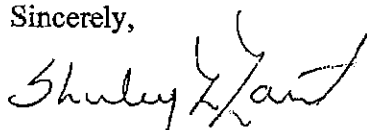
P-73-2

P-73-3

I hope that Dana Point Harbor takes into considerations these issues and recognizes the importance of Baby Beach to the local community. In addition, I hope that it explores other options that will not have such a negative impact on the Harbor’s resources. Thank you.

P-73-4

Sincerely,



Shirley L. Zanton

11-22-11 10:44 RCVD

William J. Kindel
1614 Via Sage
San Clemente, CA, 92673
phone 949-492-8843 fax 949-492-6839 cell 949-370-9161
email: billkindel@gmail.com

Nov. 21, 2001

Mr. Brad Gross, Director
Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA, 92629

Re: Dana Point SEIR

Dear Mr. Gross,

With regard to the proposed changes to Dana Point Harbor and the current SEIR I would like to direct your attention to the November 2007 "Boat Traffic Study". In the four years since the study there has been an explosion in human powered watercraft, especially Stand Up Paddleboards or "SUP's". Also, kayaks, outrigger canoes, rowboats and traditional paddleboards are enjoying increased use. Most of these watercraft are launched from "Baby Beach". There is every indication that these sports will continue to boom.

P-74-1

Therefore the 2007 "Boat Traffic Study" is irrelevant and needs revision.

To be specific you should be concerned about the following:

P-74-2

1. Narrowing of the main channel. The proposed "revitalization" will combine larger boats with a narrower channel: bad idea!

2. The encroachment into the existing "Baby Beach" area is the opposite of what the plan should be doing. Instead the "Baby Beach" area should be enhanced to better accommodate the various types of human powered watercraft.

P-74-3

3. Water quality at "Baby Beach" has long been a concern. Adding an adjacent pump-out station is wrong headed and a potential liability for the County.

P-74-4

4. There is scarcely a word in the 2007 "Boat Traffic Study" concerning human powered watercraft. With regard to safety and the future use of the harbor for the greater number of people a new study is needed which puts the safety of those who are actually in the water first.

P-74-5

So please consider me as opposed to the current SEIR.

My memory of Dana Point goes back many years. I am probably one of the few still around who surfed at "Killer Dana" and for many years I have had a boat in the harbor. I wish to thank you for your consideration of my letter.

P-74-6

Sincere regards,

Bill
William Kindel

11/21/2011

To whom it may concern,

I am a lifelong surfer, boater and slip renter in Dana Point harbor since 1976. When the harbor was first conceived one of the justifications for walling off the beautiful natural point and coves from the waves was that it would allow more people access to the sea. The harbor was partially funded with federal money and was dedicated as a "small boat" harbor.

P-75-1

Fast forward to the present: The County's revitalization project is now proposing to eliminating a large number of "small boat slips" in the harbor, is also includes converting to portion of the existing Orange County Sailing and Events Center to "private-for-fee" boat slips, and on the "baby beach" side build out docks that will physically take up 20% of the "baby beach" cove.

P-75-2

Baby Beach is probably the most consistently used area by the most number of people in the harbor. Its an area that people can park close to and access the water. Baby Beach is safe for beginners and an ideal launch area for experts in all paddle sports, especially SUP paddling which is the fastest growing water sport in the world. Yes, the proposed docks may only take up a portion of the cove, but the way the wind blows, a boater leaving or returning to the docks will take up more than 50% of the cove maneuvering space. I also believe this will make parking available to the public even more limited because of the space needed for the boat slip renters.

P-75-3

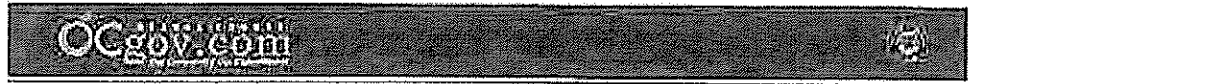
P-75-4

As I said, one of the original justifications for building harbor in the first place was to give more people access to the water. Seems like a very bad idea to violate and shrink the most popular access to the water for the most number of people!

P-75-5

Sincerely


Mickey & Peggy Munoz



Tasks EFM Customers Setup FAQ Help Welcome, Paul Lawrence LOGOUT

- EFM
- EFM Cases
- New Request
- Quick Tally

Case — Send An Email
[Case Listing Home](#) | [Case Details](#)

Case #27598

Customer Name: JONES, TOM Status: New
 Customer Type: external customer Email: wordjockey62@yahoo.com
 Phone: 949-276-7695
 Topic: Department Feedback>OC Dana Point Harbor

Request: I STRONGLY OPPOSE THE PROPOSED PLAN TO BUILD DOCKS FOR LARGE WATER CRAFT RIGHT NEXT TO BABY BEACH IN DANA POINT HARBOR. THIS BEACH IS A JEWEL IN THE HARBOR WHICH IS OFTEN AND THOROUGHLY ENJOYED BY MY DAUGHTER, HER HUSBAND AND MY TODDLER GRANDSONS - AS WELL AS COUNTLESS FAMILIES ON A YEAR-AROUND BASIS. THANK YOU FOR YOUR CONSIDERATION, TOM JONES

P-76-1

Compose Email

To	CC	BCC	Do Not Email	Name	Role	Additional Info/CC's
<input type="checkbox"/>				JONES, TOM	external customer	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lawrence, Paul	Secondary Owner	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Smith, Lisa	Primary Owner	

[Add Collaborators](#)

Subject:

Message: [Check Spelling & Preview](#)

Mr. Jones,

Thank you for your comments; they will be included with other SEIR comments and will be responded to appropriately as part of the SEIR process.

Paul Lawrence
 OC Dana Point Harbor Operations
 (949) 923 2286

include signature
 include original request Spanish

Attachment Name	Filename
Attachment #1:	
Title:	<input type="text"/>
Description:	<input type="text"/>
File to attach:	<input type="text"/> <input type="button" value="Browse..."/>
<input type="button" value="Add Another Attachment"/>	

Update Case Status

New Status: New

Brad-

P-77

When I heard that we could write to you to express our concerns re: Baby Beach, this card seemed to say it all. Although I haven't paddled in quite some time, you can see I hang onto memorabilia from it.

I still continue to SUP from Baby Beach and can't fathom having the 'put in' and 'take out' at BB changed. I love it just the way it is.

Please don't change Baby Beach. May many a ARTIST be able to paint PCS just like this one for years to come!

Stacie Tanner 949-742-

Mele Kalikimaka

3030

Mele Kalikimaka

P.S. I am surrendering this card in the name of Baby Beach!

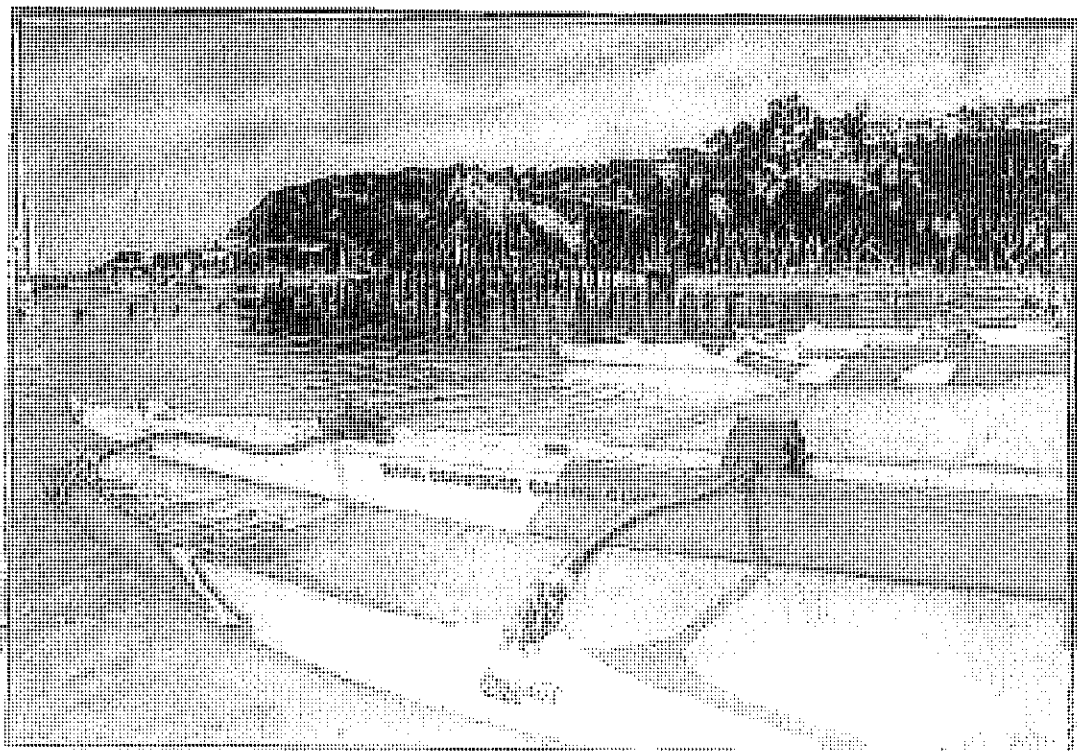
BEST WISHES FOR HAPPY HOLIDAYS
AND A FABULOUS NEW YEAR!

DAN AND CAROLYN PELKEY

"Canoes at Baby Beach" - Original Watercolor by Carolyn Pelkey
Best of Show - San Clemente Art Association Winter Judged Show
www.carolynpelkeyart.com giclee prints available

P-77-1

11-28-14 09:15 AM



P-77-1



P-78

SUPLOVE

7501 Slater Ave, Unit A
Huntington Beach, CA 92646

T 1 855 SUPLOVE
info@suplove.com

www.suplove.com

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

I am writing this letter to express my opposition to the Harbor's proposed development in front-of and adjacent to Baby Beach as shown in the Environmental Impact Report (EIR) provided for public comment. I understand and support the revitalization of the harbor, but not at the expense of one of the only safe, family-friendly recreation spots in the county.

As the owner of Suplove Stand Up Paddle Boards I can speak of the importance of Baby Beach to the Stand Up Paddle Community. Baby Beach is the meeting place for many of our sports participants, both professional and recreational. The safe waters of the harbor prove to be many people's first exposure to the sport, due to the clam waters, access to boards and wealth of experienced paddlers found everyday at Baby Beach.

P-78-1

The location is a go to point for visitors to Claifornia who wish to be invovled in the SoCal Stand Up Paddle Community. I can name at least ten families who have vactioned specifically in Dana Point over the Summer 2011 in order to be close to Baby Beach for Paddle based activites and safe waterways for their children to play in. As you would be aware, Dana Point hosts a large number of Stand Up Paddle specific stores, the access provided by Baby Beach has contributed substantially to the growth and suces of these local businesses. Our business is located in Huntington Beach and we often take our paddlers to Baby Beach becuase of the safe environment it provides.

OC Dana Point Harbor's proposed expansion will negatively impact the safe environment within the Educational Basin by severely limiting access to human-powered crafts that have launched from the Baby Beach for decades and forcing them to compete for space with the children's swimming area. The plan also will bring powerboats even closer to the only designated area for bathers and other recreational activities. Moreover, the potential risks of placing of a waste pump-out station yards from a children's play area. All of these will impact public access, the fragile biodiversity of the basin, and the recreational nature of area.

P-78-2

P-78-3

In addition, I am mother to a 6 year old and a 2 year old who both love trips to the safe waters of Baby Beach. It is the perfect location to learn watersafety and participate in a variety of watersports.

As part of the local community and visitors from far and wide that see the benefit of keeping Baby Beach and the Educational Facilities free of any development that blocks public access, I encourage you to do the right thing: reverse your decision to privatize the docks used by the community for education, maintain a safer distance of the pump-out stations from bathers, and eliminate the plans to expand docks in and around Baby Beach. The claims in the EIR concerning this development appear to be inconsistent and inadequate as written given the impact this development clearly would have to the public and environment.

P-78-4

Sincerely yours,

Deb Johnston

11-22-11P01:45 RCVD

P-78 page 1 of 1

OC Dana Point Harbor Office

We are boaters in the West Dana Point Harbor and have been very pleased with all the facilities there. We do not understand why there needs to be such large expensive changes to our Harbor. Seems like there is enough to do to just maintain what we have now. We have a 27" sailboat and have heard that you are planning to build out many more larger slips and possibly make us rent a larger slip. We feel that is unfair and unnecessary to make such changes.

P-79-1

It's one of the nicest harbors on the West Coast, let's leave it that way. We pay more than others for our slips now.

Thank you for your consideration of our opinion and thoughts,

Ed and Elaine Rauterkus

B36 West Marina

21 November, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Dear Mr. Gross,

Thank you for your review of this letter and of the Draft Subsequent Environmental Impact Report for the Dana Point Harbor Marina Improvement Project dated September 20th, 2011. I am writing to express my concerns over and oppose the proposed plan to construct docks in the West Basin in front of Baby Beach.

I grew up in the city of Dana Point in Monarch Beach. I have fond recollections of my younger years growing up in the area, most specifically in the Dana Point harbor. My friends, that I have known for over twenty five years and still keep in contact with, have a bond that stems from growing up in the harbor and the use of Baby Beach. When we were young, our families made use of the harbor basin and Baby Beach with the old public fishing pier because we liked the safety that the beach provided with no waves and the proximity of the parking to the beach. It is family oriented, which is the charm of the current harbor. As we grew older, we all took sailing lessons at the county docks from which we gained invaluable life lessons and made memories that we share with our families to this day. I only visit from time to time as I'm an active duty Marine Corps Officer stationed out of the state, but when I make it back to visit family and friends we often take visits and walks around the county docks. I'm always ecstatic to see young sailors and families at the beach, which bring back my own memories of the use of the docks. I hope to settle down back in the Dana Point area and bring my children to Baby Beach and teach them how to sail. I can only write this letter...and hope, pray, and wish that it reaches those involved in this destructive plan. The proposed changes and destruction of what has served our community so well in the past would be a travesty to say the least. Below are some of my and my friends concerns:

P-80-1

- The proposed dock configuration will increase the number of motorized vessels in the Educational Basin near Baby Beach.
- The proposed dock configuration encroaches into the Educational Basin reducing the shoal area by at least 20%.
- The plan impedes upon the public access hand craft launch at Baby Beach which reduces public access to the water.
- The proposed dock configuration privatizes docks at OCSEC which are specifically earmarked for public access educational purpose.
- The proposed dock configuration impedes the flow of boat traffic entering and exiting the inside west channel between OCSEC and DP Yacht Club.
- The project proposes new docks to be built in shallow water that will cause the boats to bottom out at low tide.
- The plan proposes docks to be built in a sensitive marine environment. The docks will disrupt the Eel Grass and fragile marine ecosystem in the basin.
- The proposed dock configuration affects the launching and docking for students in the boating programs at OCSEC.
- The proposed project will increase motor vehicle traffic and limit parking near Baby Beach.
- The project proposes that motor boats will be docked in front of Baby Beach which will increase pollution near the bathers.
- The project proposes that a boat pump out station will be located close to Baby Beach which potentially increases pollution in the area.
- A large dock with big boats in front of Baby Beach will change the character of the area and will be aesthetically undesirable.
- The new dock in front of Baby Beach will be used for motor boats which create safety concerns for non-motorboat users launching at Baby Beach.

P-80-2

P-80-3

P-80-4

P-80-5

P-80-6

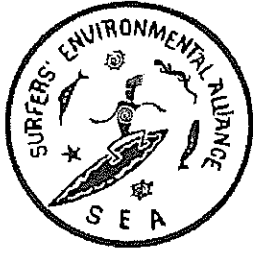
P-80-7

I hope that Dana Point Harbor takes into considerations these issues, recognizes the importance of the traditional family values that stem from the Dana Point Harbor county docks and Baby Beach areas, and analyzes other options that will not have such a negative impact on the Harbor's resources. Development of the harbor will only deteriorate the value that Dana Point Harbor currently possesses. I will follow this process closely and continue to work with the community to expand awareness of this project. Finally, I will be one of many who will work to preserve Baby Beach, the Educational facilities and ensure the project improves public access while minimizing any further impact to the fragile environment at Dana Point Harbor.

P-80-8

Sincerely,

Ryan and Lauren Harrington
3724 Surry Road
Virginia Beach, VA 23455
858-663-9804



THE LEADING EDGE OF COASTAL ACTIVISM

December 11, 2011

Brad Gross, Director
OC Dana Point Harbor
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Re: Extension Request for Harbor Marina Improvement Project.

Dear Mr. Gross,

We appreciate your follow up to allow SEA the opportunity to comment on the Harbor Improvement Project. SEA has analyzed the proposal, surveyed the site in question and spoken to numerous users of the proposed development area.

We oppose any new development or building of docks adjacent or near the area known as Baby Beach. There is no doubt that public access and use of the site will be diminished on every level. Building boat slips in the area in question will cause potential dangerous interactions between motorized watercraft and other non-motorized craft such as kayaks and paddle boarders.

Baby Beach is a great resource for thousands of local and visiting beach goers and is one of the only safe protected beaches that is not open to large open swells. To allow a small number of boaters to use the area over thousands of others does not make practical sense. SEA would encourage a development plan that does not include any slips near the Baby Beach section of the Harbor.

Very truly yours;

Andrew Mencinsky
Surfers' Environmental Alliance (SEA)
{HYPERLINK "http://www.seasurfer.org/"}

Surfer' Environmental Alliance #943213682
3320 Piragua Street Carlsbad, CA 92009 • 732.804.4096

P-81-1

ATTACHMENT B
LATE COMMENT LETTERS

MEMORANDUM

DATE: January 25, 2012

TO: Brad Gross

FROM: Ashley Davis, LSA Associates, Inc.

SUBJECT: Late Comment Letters – Dana Point Harbor Marina Improvement Project Draft SEIR

The following comment letters responding to the Dana Point Harbor Marina Improvement Project Draft SEIR were received after the close of the public review period. However, in order to ensure that all correspondence is included in the administrative record, they are listed here. The comments contained in the following nine letters repeat the same concerns stated in the comment letters contained in this Response to Comments document. A brief statement of response or a reference to the location of applicable responses is included in the table below.

No new issue areas were raised in the late comment letters, and all comments are considered to have been adequately addressed in the body of the Response to Comments document.

Commenter	Summary of Comments	Reference for Response
Nicholas Atkins	<ul style="list-style-type: none"> • Enjoys beach with no waves, does not want the beach made smaller • Beach is good for businesses 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • Comment addresses financial, economic and policy issues that are outside of the scope of CEQA
Shane Avera	<ul style="list-style-type: none"> • Supports closure or clean up of beach • States that beach is dirty, full of diseases and stingrays 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • See Responses L-1-4 and P-21-3. Biological Resources, including marine species, were thoroughly addressed in Section 4.7 of the Draft SEIR.
Karen Gibbs	<ul style="list-style-type: none"> • Does not want or see need for more docks in Harbor • Proposed docks would decrease beach/water space • States that people are attached to the Beach 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. In addition, the proposed project results a net loss of 116 slips harbor-wide • See Common Responses 1, 2 and 3 • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR.
Daniel Munoz	<ul style="list-style-type: none"> • Enjoys Baby Beach and does not want it reduced; also states that the Harbor cannot be expanded and still retain the relaxing atmosphere • States that Baby Beach attracts tourists because there are no waves, and it is a good place for tanning and hosting parties • States that project will result in a loss of 20 percent of Baby Beach 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • See Common Response 3
Harrison Rightmire	<ul style="list-style-type: none"> • Does not want Baby Beach closed to add more slips in the Harbor • States that project is intended to create additional slip income with additional slips • Asks where money for project would come from 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • The proposed project results a net loss of 116 slips harbor-wide, not an increase in slips • Comment addresses financial, economic and policy issues that are outside of the scope of CEQA

	<ul style="list-style-type: none"> • Suggests there would be protests • Suggests alternatives for money sources, including rentals and a snack bar 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • Comment addresses financial, economic and policy issues that are outside of the scope of CEQA
Sheyan Sheikholeslami	<ul style="list-style-type: none"> • Does not want Baby Beach moved and more docks/boats added in Harbor • Concerned about congestion • Concerned about the pumpout station • States that Baby Beach is special and should not be reduced or moved • States that the project would move the beach 50' to the west and reduce it by one-fifth 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. The proposed project results a net loss of 116 slips harbor-wide, not an increase in slips • See Common Response 1 • See Common Response 2 • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. • See Common Response 3
Thomas Tonini	<ul style="list-style-type: none"> • Describes personal experiences at Baby Beach • Comment lists waterborne viruses found in Southern California waters • Concerned that sewage spills cause beach closures and states that Baby Beach is polluted 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. • See Responses L-1-4 and P-21-3.
Tommy Tandle	<ul style="list-style-type: none"> • Does not want Baby Beach dug up and replaced with slips • Concerns regarding the cost for the proposed project • States there is no need for more slips and digging up the beach will impact users causing them to sell their boards and kayaks • Concerned that adding boats will increase pollution, impact or kill wildlife 	<ul style="list-style-type: none"> • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. • Comment addresses financial, economic and policy issues that are outside of the scope of CEQA • Personal opinion; does not raise any specific environmental issues under CEQA or their treatment in the Draft SEIR. The proposed project results a net loss of 116 slips harbor-wide, not an increase in slips • See Common Response 2, and Response P-21-3. Biological Resources, including marine species, were thoroughly addressed in Section 4.7 of the Draft SEIR.
Tyler Wise	<ul style="list-style-type: none"> • Concerned that dock expansion near Baby Beach will result in overcrowding, collisions, and health risks • Additional motor boats would take up more of the 	<ul style="list-style-type: none"> • See Common Responses 1 and 2 • See Common Response 3

	<p>reduced Harbor area</p> <ul style="list-style-type: none">• States increased risk of fuel and bilge spills is a threat to public health	<ul style="list-style-type: none">• See Common Response 2 and Response P-21-3. Water Quality impacts thoroughly addressed in Section 4.3 of the Draft SEIR
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Dear, Mayor Schoeffel

cc: Brad Gross

RECEIVED

I have lived in Dana Point for my entire life and I believe that change is necessary at times and also unnecessary at others. However, I consider the changes that are being debated, made to baby beach are irrelevant and ~~unneeded~~. I'd like to show you some of the backing behind this statement that may further help your knowledge of what the issue is all about.

One main point about the beach is that it has been around since the late 1960's and people from all around love to visit it. As one of the many people who find enjoyment in kayaking, Baby beach is the ideal spot for launching them as well as paddle boards. As you can see it is a quite high priority to have this beach stay the way it is instead of shrinking it as the plan being debated entails.

Some of the other uses of Baby beach include family outings, and picnics. With the changes being made the size of the beach will be brought down to very small percentage of what it is. People also bring their small children to this beach for a very specific reason, the lack of larger waves. Unlike most beaches Baby Beach is one of the very few that are toddler and "Baby", appropriate. If the beach undergoes the changes planned, the future generations of children will never experience playing in the water at this wonderful beach for those of a young age.

All in all, Baby beach is and extremely useful place for not just me but for all the citizens of Dana point and the surrounding cities. It is both good for families and for business such as the aquarium, the many restaurants and stores around the harbor and at the heart of it all is Baby beach. So, as you can see the beach must stay the same for the good of our citizens and the future generations.

With All Respects,

Nicholas Atkins

DISTRIBUTION: *1/19/12*

L. ANDERSON
 L. BARTLETT
 B. BROUGH
 S. SCHOEFFEL
 S. WEINBERG
 D. CHOTKEVYS
 M. KILLEBREW

33172 Trinidad Dr. Dana Point, Ca
December 12, 2011

Brad Gross
24650 Dana Point Harbor Dr.
Dana Point, Ca 92629

Dear Brad Gross:

Hello, my name is Shane Avera, and I am here to talk about the Baby Beach problem. I agree that Baby Beach should be taken away for multiple reasons. Those reasons are that the beach is dirty and full with diseases and can cause injury from the stingrays.

Baby beach has been there ever since I was born. It was fun when I was four or five. Now that I look back on it, that was disgusting. That could have brought disease to me, and my parents would have had to pay a lot of money to cure me. Also, no parents want to have to pay extra money that they don't have because a beach gave a diseases to their child.

I have never talked to anyone that enjoys being stung by a stingray. Baby Beach is filled with stingrays. It's not only a threat to kids, it's also a threat to adults. The adults don't want to have to take their kid to the ER for trying to have a good time. When you go to baby beach, you will see dozens of them everywhere, but the most deadly ones are the ones you cannot see. It is not only a threat, it's is a life concerning problem.

After all of the dangers I listed, that's only a tiny percent of them. That is why they need to shut down or clean up Baby Beach. The cause of injuries from stingrays, and the diseases you can catch is why Baby Beach needs to be shut down or cleaned. Lastly, parents can take their kids to multiple beaches in the wonderful city of Dana Point and not get these life-threatening conditions.

Sincerely,

Shane Avera

24681 Priscilla Drive
Dana Point, California 92629

December 12, 2011 .

Brad Gross
24650 Dana Point Harbor Drive
Dana Point, California 92629

Dear Mr. Gross,

Speaking for lots of people in the community, we feel that it would be best for everyone if the docks in the harbor were not expanded. There are many others who would agree with this statement. For example, there is an effort called "Save Baby Beach" started by a group of people who live by this beach and visit it. The official person who started this group is a man named Paul Sampedro. He started the group shortly after the report about the marina plan came out. There are many reasons why the "Dana Point Marina Plan" is not a good idea: (1) There will be less open water for swimming, paddling, and boating; (2) there is no need for more dock space; and (3) people are very attached to the beach.

First, the space issue. If the dock is expanded, there will be less space at the beach and in the water. Many people who visit Baby Beach every day go swimming, kayaking, boating, and paddling in the area. If docks are built into the Baby Beach area, there will be less room for the people at the beach. This will cause more collisions, capsizings, and even injuries. This problem is actually putting people and children at risk.

Next the question is do they really need the extra docks? Some officials might answer this question yes, but they are not thinking it through. The marina runs quite smoothly the way it is, and does not need this extra dock space. The county is establishing this addition to become the new aquatic programming center. The marina is perfectly functional without it. Therefore, this operation is both a waste of time and money.

Finally, the issue at hand. People are very emotionally attached to this beach. Many of the people that live in the area when swimming in the ocean for their first time at Baby Beach. There is a special area for young children to go swimming surrounded by the buoys that bats and kayaks cannot pass. If the dock is extended, this area will be removed. This is a very important place

to many people and this is one of the main reasons people are infuriated with this plan.

In conclusion, this plan should not be carried through. For the sake of the present and future users of Baby Beach, this part of the harbor should not be changed so it can only be used by the wealthy. Because of people's attachment to the beach, the lack of a need for the new docks, and less space in the open water, no docks should be built in this area. Thank you for your time and consideration of this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen Gibbs". The letters are fluid and connected, with a prominent loop at the end of the last name.

Karen Gibbs

cc: Brad Gross

Baby Beach
CEIVED

31522 Los Rios St.
San Juan Capistrano
California 92675
United States

2012 JAN 13 A 11:34

CITY OF DANA POINT

33282 Golden Lantern,
Dana Point, CA 92629

Dear Mr. Mayor Schoeffl,

Hello, I am a local citizen of California who is concerned about a certain issue. I live here in San Juan Capistrano, but I visit Dana Point very commonly. I come often to Dana Point to just relax and have some fun with friends. I am very fond of an area in the Dana Point Harbor which is called Baby Beach. It's very peaceful there. Although I am aware that Baby Beach is at risk of being drastically reduced because of Dana Point Harbor's plans. And I, am very much against this.

As I mentioned, I am very fond of Baby Beach. It is a very peaceful and relaxing area where anybody can go. But lately, I have heard news that it is in danger of being reduced due to Dana Point Harbor's Plans. I do know that they are expanding the harbor for many reasons. Such as: expanding it so boaters have more room, and to expand center docks into an area where docks do not currently exist. And they still want to maintain it as a popular area for boaters, residents, and tourists alike. However, these two pieces of info contradict each other in a few ways, as it will soon become evident.

All the info mentioned above, are statements from the Projects Draft Subsequent Environmental Impact Report. But think about it, is it really possible that they can expand the harbor while still maintaining the "Chilling" atmosphere? I don't think so. I think it is quite obvious what I want, I want the expansion of the Dana Point Harbor to stop! It is perfectly fine the way it is right now. I forgot to mention, that Baby Beach is quite a popular tourist attraction itself. There is no waves which makes it peaceful and perfect for children. It's also a great place to get a tan and to host a party. If they go on with the expansion of the harbor, Dana Point will lose a handful of tourists. These are basically some of the main reasons why Baby Beach is a great place to go to and why it shouldn't be closed down.

According to articles I have read, if they go on with the Harbor's expansion plans, about 20 percent of Baby Beach will be gone. Now tell me, is that keeping the family atmosphere? I think not. I want the people in charge of the Harbor's expansion and think to themselves, "Is it really worth it? What is the downside of this?" I'm asking those people and personally you Mr. Schoeffl, to please reconsider, it would benefit us all if you did.

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S. WEINBERG
D. CHOTKEVYS
M. KILLEBREW

In general, there are thousands of reasons why Baby Beach is a great tourist attraction and why it shouldn't be reduced. Like I said, I am very concerned about this, "plan" and I am completely against it. I hope I gave you some new insight on this current situation.

Sincerely,

Daniel Murray

Mayor Scott Shufle
33282 Golden Lantern St.
Dana Point, CA

cc: Brad Gross

Harrison Rightmire
33222, Marina Vista Dr.
Dana Point, CA 92675

RECEIVED

2012 JAN 13 A 11:46

To the Director of Dana Point Harbor or whoever it may concern.

CITY OF DANA POINT

Hello, today I write to you a letter, against certain plans for the future of the harbor. It has come to my attention that you have plans in the near future to close down "Baby Beach" in favor of the construction of additional boat slips in the harbor. Such an act however, would be more foolish than productive. Although this would have some benefits, there would also be disadvantages while there are still other methods of additional income.

First, to give credit where it's due, there would be advantages to the addition of more dock slips.

The most visible and significant benefit would be the additional income from slip rental fees. This would give money for more projects. Another benefit would be the additional participants for the tie-ups that are held each year. It is to my knowledge that people pay to participate in these events. These are the benefits of constructing new dock slips, to name a few.

With the advantages, there also come the disadvantages that would arise from this project. To begin, this project could potentially cost thousands to even hundreds of thousands of dollars. In the current economic state, there would be problems in acquiring enough money for the project. Another disadvantage to happen would more than likely be protestors against the closure of Baby Beach. These protestors could possibly even occupy the local area like protestors have been doing recently. These would be only a few disadvantages that would appear.

The oddest part of this is that there are other methods available for additional income from the harbor. One possible method could be to offer additional services at the kayak and paddleboard rentals. Some of the fore mentioned services could perhaps be sailboat rentals or something of that nature. Some other service could be opening up a snack bar in the Baby Beach area. A snack bar could increase income by selling snacks at reasonable prices. These are some alternative methods for money that do not involve closing down Baby Beach.

In conclusion, while opening more dock slips would have advantages, there would also be many more disadvantages to go with it. This would make it incredibly inefficient. Therefore, it would be better to not close Baby Beach in favor of additional dock slips.

Sincerely,

Harrison Rightmire

Per. 18th grade

Marco Forster Middle School



DISTRIBUTION:
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L. BARTLETT
B. BROUGH
S. SCHOEFFEL
S. WEINBERG
D. CHOTKEVYS
M. KILLEBREW

1/19/12

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27321 Calle De La Rosa, CA 92675

12-12-11

Mr. Brad ~~_____~~^{Gross} (Dana Point Mayor)

Dana Point Harbor Dr. Dana Point, CA 92629

Dear Dana Point Mayor:

For everyone, they do not like it when something beautiful is moved to a different place. That is exactly what is going to happen to Baby Beach if we do not do something about it. This is because Dana Point wants to make more room for docks so they can put more boats. I am concerned that Baby Beach will be moved into a place that is dangerous for families, the values of this beach, and how small it is going to become.

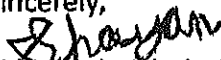
The first thing I am concerned about Baby Beach is that it will be moved into a place that is dangerous for families to enjoy in. One thing that will affect the families who came to this beach to enjoy is that when they are swimming. Since people will swim in this beach, a kayak or other things will probably bump into them. The most important thing that would affect the people is the environment of the beach, due to the septic water pump-out station. You can fix this if you can move it in a place that does not have any safety precautions. Even though there will be safety hazards for people, the value of Baby Beach is valuable to different people.

The second thing I am concerned about is that they are going to put more ports on valuable place. This beach is a special beach because of its 40-year-old marina. This beach goes back all the way to the 60's; it was a famous construction site that is going to be destroyed. This is one of Southern California's most frequent surf breaks. What you can do is preserve the beach and do another nearby beach that is not used that often. I am concerned about what is going to happen to the value of the place after it is moved, however I am also concerned about what will be the size of the beach.

The last thing I am concerned about how small Baby Beach is going to be after they put new docks. They are going to make the beach move fifty feet away to west. After they put all of the new docks, this would get rid of one-fifth of the beachfront. At the end, they would have a limited amount of space to enjoy the beach. You can fix this by not constructing on Baby Beach; instead, you can put it on the other side of the harbor.

I am concerned because of all of these things because of the safety of the families, the value of the beach, and how small it is going to become small for it to use. The new place of the beach would be a bad place for family members who live nearby this beach spend quality time with each other. It is also because of the Beach's age. The size will be smaller when there are more docks. I just want to make sure that you do not put any more docks on Baby Beach.

Sincerely,


Shayan Sheikholeslami

31961 Paseo de Tania

San Juan Capistrano

12/12/11

Brad Gross

24650 Dana Point Harbor Dr.

Dana Point, CA 92629

Dear Mr. Gross,

It has come to my attention that Baby Beach in the Dana Point Harbor has come to a level of concern for health and safety. I myself own two kayaks and use them often. I, as most kayakers do, use Baby Beach as a launch ramp. It is of great use for this purpose as well as paddle boarding, but dangerous for swimming.

Not only is Baby Beach used as a launch area for kayakers and paddle boarders, many people use this beach to teach their children to swim in the ocean. There are few waves and zero current, which makes this a safe place to learn, however this poses a certain risk for those who do. Some viruses that have been found in the waters of southern California are vibrio illness, Cholera, *E. coli* Infection, *M. marinum* infection, Dysentery, Legionellosis, Leptospirosis, Otitis Externa, Salmonellosis, Botulism, and Campylobacteriosis.

In the last 23 years 508 sewage spills in Orange County have resulted in beach closer. That is 11% of all of the sewage spills. Baby Beach is usually one of the first to be closed. Last year was the largest 1-year increase in 10 years.

Dana Point Harbor is a polluted strip of water due to the number of boats and people. Precautions must be taken to ensure the safety of our next generation.

Sincerely,

Thomas Tonini

11-12-11 11:08 AM

32481 Via Los Santos,
San Juan Capistrano, California, 92674

Brad Gross

December 15, 2011

2460, Dana Point Harbor
Dana Point, California 92629

Dear Brad Gross,

Hello, I am a 13 year old boy student at Marco Forester Middle School in San Juan Capistrano, California. I am righting this letter in concern of the baby beach in the Dana Point Harbor. There has been much controversy over this subject and, being as I grew up going to the harbor and fishing with my father very much as a young child, I understand many things about the harbor and I wanted to give you some reasons why you shouldn't dig out the baby beach.

My first reason is that well, it will cost a lot of money. It will cost about as much money as it did to remove the sand bar right next to it. Sure, you could say that there needs to be more room for boat slot space in the harbor, but the space is not needed at all. With the economy in ruin, many people are selling and abandoning their boats, leaving plenty of left over space. With the cost of the slips, gas prices, and owning boats themselves, people are stuck with the idea of getting rid of them.

My second argument is that many children go to play in the baby beach and many adults go there to ride their kayaks, paddle-boards, and dinghies. Digging out the baby beach will cause many people to stop doing what they love to do. Without a place to ride and launch these said devices will cause many people to give up their hobbies and sell their boards, kayaks, etc. Also even though the water is filthy dirty, it gives small children a little beach to play at and be safe while doing so.

Finally, my last and most important argument is that the adding of boats to that area will furthermore pollute the water and have devastating impacts on the wildlife and the naturalness of the baby beach. Adding more boat slips

also, will be more of a crowd in the area. The added gasoline to the area will kill much of the wildlife in the area. That is my final point.

The previous paragraphs have stated my arguments with getting rid of baby beach for space. As stated before, digging out the baby beach will have many negative impacts on both the environment and the people who go there. I hope you have read this through and thought about it a lot. Please be careful when making your decision, and good luck.

From,

Tommy Tandle

31261 Paseo Montevideo
San Juan Capistrano, CA 92675

December 15, 2011

Brad Gross
24650 Dana Point Harbor Dr.
Dana Point, CA 92629

Dear Mr. Gross,

On September 21st the plans to expand and reconstruct Dana Point Harbor were released. The part of the plan, to extend the western side of the harbor, would take up much of Baby Beach. Others, as well as myself, fear that this extension will affect Baby Beach in too many negative ways, such as overcrowding, dangerous collisions and health risks.

The extension of the harbor to the west of OC Sailing and Events Center takes up 110 feet of swimming and launching zone. The remaining area outside the new harbor would be full of swimmers, paddle boards, and kayaks. With young children swimming and playing on the beach, and people trying to launch their boats, there would be a dangerous problem because of over crowding on the beach.

Out further in the harbor, there are risks of sailing accidents. Because the harbor is a popular spot for novice sailors, who already must learn how to avoid paddle boards and kayaks, adding the extension of the harbor increases the difficulty of navigating. The motor boats, which will be housed in the extension, will take up more of the already reduced harbor space. The small amount of sailing area makes it very dangerous to be in the shallow waters of the harbor.

The extra boats pose a risk to children and to the people's health. The expansion would increase the risk of fuel and bilge leakage. Also, if the new dock is used as a pump-out dock, as suggested in the plan, any spillage of "black" water would further pollute the harbor, and it would become a threat to public health.

In conclusion, the expansion of the harbor, west of OC Sailing and Events Center, would have many negative effects to Baby Beach. The over crowding and pollution pose many dangers to the public. Therefore, the plan to expand the harbor should be reconsidered, before Baby Beach becomes a dangerous area we all have to avoid.

Sincerely,



Tyler Wise